

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 3029

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3029 - By: BENGE of the House and HALLIGAN of the Senate.

(schools - amending 70 O.S. 2001, Sections 3-104.3 and 3-104.4 - accreditation standards - State Board of Education - assessing financial accreditation penalties - advisory council - amending 70 O.S. 2001, Section 6-195 - teacher residency program - amending 70 O.S. 2001, Section 11-103.7 - early childhood education requirements - amending 70 O.S. 2001, Section 16-111 and Section 16-114a - textbook adoption and allocation - amending 70 O.S. 2001, Section 18-113.4 - class size limitation – codification - effective date – emergency)

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

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

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

1 B. ~~State~~ Except as otherwise provided for in this section, state accreditation shall
2 be withdrawn from or denied to schools or school districts that do not meet the
3 requirements of Sections ~~2~~ 3-104.4, ~~3~~ 11-103, ~~6~~ 11-103.6, ~~28~~ 18-113.1, ~~29~~ 18-113.2, ~~30~~ 18-
4 113.3, ~~44~~ 18-114, ~~45, 46, 47, 48,~~ 18-114.7 and ~~49~~ 5-141 of this ~~act~~ title, and the State
5 Board of Education shall take action as required by this act to ensure that students
6 affected are enrolled in schools that are able to maintain state accreditation. Nothing
7 herein shall be construed as prohibiting the withdrawing or denial of accreditation for
8 failure to meet requirements as elsewhere provided by law.

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10 not be withdrawn from or denied nor shall a penalty be assessed against a school or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

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

15 Section 3-104.4 A. On or before February 1, 1991, the State Board of Education
16 shall adopt standards for the accreditation of the public schools in this state according to
17 the requirements of this act, to be effective as set forth in this act. The accreditation
18 standards shall incorporate the curricular standards established pursuant to Section 11-
19 103.6 of this title ~~for implementation with the 1993-94 school year. No school shall be~~
20 ~~denied accreditation or have accreditation withdrawn prior to the 1997-98 school year~~
21 ~~solely for failure to fully implement the curricular standards.~~ The accreditation
22 standards shall equal or exceed the accreditation standards for schools promulgated by

1 the North Central Association of Colleges and Schools to the extent that the standards
2 are consistent with an academic results oriented approach to accreditation, excluding
3 those standards which deal with affective behavior to the extent the adoption of the
4 standards does not conflict with state statute. The accreditation adopted by the State
5 Board shall encompass accreditation for elementary schools, middle schools, junior high
6 schools, and high schools. The 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 Education shall
9 include standards relating to the provision of school counselors to the public school
10 children of this state. The State Board of Education shall require each local school
11 district to provide information regarding the number of counselors serving each school
12 site, the duties of all such counselors including all administrative duties, the number of
13 students served by each counselor, and information regarding the number of counselors
14 employed per elementary school, middle school, junior high school and high school.

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

17 1. High schools shall meet the accreditation standards not later than June 30,
18 1995; and

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

21 Schools shall thereafter continue to meet the accreditation standards as a condition
22 of continued accreditation. Nothing herein shall be construed as preventing changes to

1 the adopted standards by the State Board of Education pursuant to the Oklahoma
2 Administrative Procedures Act.

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

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

11 F. The State Board shall provide assistance to districts in considering the
12 possibility of meeting accreditation requirements through the use of nontraditional
13 means of instruction. The State Board shall also assist districts in forming cooperatives
14 and making arrangements for the use of satellite instruction or other instructional
15 technologies to the extent that use of such instructional means meets accreditation
16 standards.

17 G. For the fiscal years ending June 30, 2011, and June 30, 2012, accreditation shall
18 not be withdrawn from or denied nor shall a penalty be assessed against a school or
19 school district for failing to meet the certification requirements for Library Media
20 Specialist, media materials and equipment standards, staffing standards for the media
21 program and media program expenditure standards as set forth in the accreditation
22 standards adopted by the Board.

1 H. The State Board shall not assess a financial penalty against any school district
2 which is given a deficiency in accreditation status during the fiscal years ending June 30,
3 2011, and June 30, 2012.

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

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

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

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

- 21 1. Guidelines and assignments for resident teacher positions in the school districts;

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

4 3. Guidelines for the appointment and functions of a residency committee; and
5 4. An appropriate professional development program for the resident teacher.

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

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

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

14 3. Has successfully completed the curriculum examination as prescribed by the
15 Board prior to July 1, 1997, and the competency examination as prescribed by the
16 Commission beginning July 1, 1997.

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

1 D. Upon placement of a licensed teacher in a resident teacher position at a public
2 school, the district board of education shall appoint the residency committee members, as
3 prescribed in the Oklahoma Teacher Preparation Act, who shall have the following
4 duties:

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

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

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

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

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

1 In the event a resident teacher is required to serve an additional year in the
2 residency program, the resident teacher shall not be required to be under the supervision
3 of the same residency committee, or any member of the committee, which supervised the
4 resident teacher during the initial year in the program; and

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

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

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

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

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

1 G. For the ~~2003-04 school year, if the district board of education is unable to find a~~
2 ~~teacher willing to serve as a mentor teacher, fiscal years ending June 30, 2011, and June~~
3 ~~30, 2012,~~ the district board of education may leave the position of mentor teacher on the
4 residency committee unfilled. If the district leaves the position unfilled, the remaining
5 members of the residency committee may carry out the duties of the committee.

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

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

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

- 17 1. Be directed toward developmentally appropriate objectives for such children,
18 rather than toward academic objectives suitable for older children;
- 19 2. Accommodate the needs of all children and families regardless of socioeconomic
20 circumstances; and
- 21 3. Require that any teacher employed by a public school to teach in such early
22 childhood education program shall be certified in early childhood education.

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

5 D. A school district may offer such early childhood education program within the
6 district, in cooperation with other districts, through the use of transfers as specified by
7 law, or by contracting with a private or public provider of early childhood education
8 programs, or by contracting for classroom space with a licensed public or private child
9 care provider based upon selection criteria established by the district. If the program is
10 provided through contract with a private or public provider other than a school district,
11 the contract may only be continued if each teacher serving the school on and after
12 January 1, 1993, is certified in early childhood education, except that all teachers,
13 without such certification, hired by such provider prior to January 1, 1993, and serving
14 in the school as an early childhood education teacher shall be required to obtain
15 certification on or before the beginning of the 1996-97 school year. Any person who has
16 been employed as an early childhood educator with the Head Start Program, has a child
17 development associate degree (CDA) and has at least five (5) years of experience in such
18 employment shall be certified in early childhood education for purposes of employment in
19 the public schools of this state to teach in early childhood education for children four (4)
20 years of age and younger; if such person is recertified in child development by the
21 Council for Early Childhood Professional Recognition within five (5) years prior to the
22 expiration of the person's early childhood certificate that was issued by the State Board

1 of Education, such person shall be granted a renewal certificate in early childhood
2 education by the State Board of Education upon expiration of the early childhood
3 certificate. Provided, private or public providers shall meet such other standards
4 required by law and by the State Board of Education.

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

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

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

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

1 I. The term “prekindergarten” shall mean early childhood education for purposes of
2 this title.

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

5 Section 16-111. A. ~~The~~ Except as otherwise provided for in subsection E of this
6 section, the superintendent of schools of each school district in the state shall appoint a
7 local textbook committee consisting of not fewer than three nor more than nine members.
8 Each committee shall have one lay member, with the remainder of the members being
9 teachers employed in the public schools of the district, a majority of whom shall be
10 classroom teachers. The superintendent of schools or a designee who shall be a principal
11 or a curriculum specialist shall serve as chairperson of ~~such~~ the local textbook
12 committee.

13 B. Upon the written request of any duly appointed local textbook coordinator, the
14 publisher of a textbook selected by the State Textbook Committee shall furnish at least
15 one examination copy of the textbook and the teacher edition of the textbook, if one is
16 published, and a copy of software for purposes of complete demonstration and review, if
17 available, to the school district so that the local textbook committee may examine any or
18 all new adoptions in the subjects taught or to be taught in schools in the district.

19 C. ~~On~~ Except as otherwise provided for in subsection E of this section, on or before
20 a date to be fixed by the State Board of Education, each local textbook committee shall
21 adopt textbooks from the multiple list selected by the State Textbook Committee in ~~such~~
22 a manner as shall be prescribed by the State Board of Education. Each local textbook

1 committee shall serve without compensation and shall cease to exist when local
2 adoptions have been completed and shall be replaced by another local textbook
3 committee appointed in the same manner as ~~herein~~ provided for in this section.

4 D. ~~On~~ Except as otherwise provided for in subsection E of this section, on or before
5 a date to be fixed by the State Board of Education, the superintendent of each school
6 district shall submit to the State Board of Education a textbook plan outlining the
7 estimated number of textbooks needed by the school district and the total amount of
8 money to be expended by the district for textbooks including the allocated funds and any
9 additional supplemental funds to be expended. The superintendent or textbook
10 coordinator appointed by the superintendent, shall place orders from the proper
11 depository or depositories for all of the textbooks needed as outlined in the textbook plan
12 by the district for the ensuing year. The superintendent of a school district or textbook
13 coordinator may order any textbooks placed on the official multiple textbook list. If the
14 order exceeds the allocation for each school district as provided in Section ~~16-114~~ 16-114a
15 of this title any additional funds expended shall be reported on the statement of
16 expenditures for the district.

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

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

3 Section 16-114a. A. Based upon legislative appropriations, the State Board of
4 Education shall determine the textbook allocation to be distributed to each school district
5 in the state. Each year the textbook allocation for each school district shall be calculated
6 and distributed in July and adjusted in December. The initial allocation shall be
7 calculated based on the audited end-of-year average daily attendance of the preceding
8 school year multiplied by Fifty-five Dollars (\$55.00). The initial allocation shall be
9 calculated and distributed to each school district in July. The December adjustment
10 shall be calculated by multiplying the audited first nine (9) weeks' average daily
11 attendance for that current school year by Fifty-five Dollars (\$55.00) and subtracting
12 from that amount the amount of the initial allocation. The adjustment shall be
13 calculated in December and distributed to each eligible school district no later than
14 January 15. A school district shall receive an adjustment only if the adjustment figure
15 as calculated in this section is greater than zero. The State Department of Education
16 shall retain from the total amount appropriated for textbooks not less than one percent
17 (1%) of the total amount to be used for the purpose of making the adjustments. If the
18 amount appropriated, including the retained amount, is not sufficient to fully fund the
19 adjusted allocation, each school district eligible for an adjustment shall receive a
20 proportionate reduction in funding. Any unused portion of the value of textbooks allowed
21 to a school district shall be cumulative and may be ~~retained~~ carried over by the school

1 district ~~the following~~ to subsequent fiscal year years, in addition to the allocation it is
2 entitled to receive during ~~such that~~ fiscal year.

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

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

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

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

1 B. For the purposes of calculating class_size penalties established in Sections 18-
2 113.1, 18-113.2 and 18-113.3 of this title, school districts shall use only the full-time-
3 equivalency of the instructional staff who are under contract to work the full school year
4 in question.

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
18 dated 02-25-10 - DO PASS, As Amended and Coauthored.