

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1706

By: Derby

4
5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 1-109, as last amended by Section 1, Chapter
9 250, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1-109),
10 which relates to length of the school year; changing
11 calculation of the school year from days to hours;
12 deleting duplicative language relating to days for
13 professional meetings; deleting certain references;
14 deleting authorization for establishing an extended-
15 day schedule; deleting approval requirement by the
16 State Board of Education; deleting requirements for a
17 high school extended-day schedule; amending 70 O.S.
18 2001, Section 1-110, which relates to the school
19 month; changing number of school days in a school
20 month; deleting references to certain number of
21 school days; clarifying language; deleting
22 duplicative language; amending 70 O.S. 2001, Section
23 1-111, as last amended by Section 81, Chapter 5,
24 O.S.L. 2004 (70 O.S. Supp. 2008, Section 1-111),
which relates to the school day; changing activities
included in a school day; making a school week four
days; allowing school districts to add an additional
day to a school week for certain purposes; requiring
a minimum number of hours per year; deleting
references to an extended-school-day program;
amending 70 O.S. 2001, Section 1-112, which relates
to school taught on Saturday; changing reference to
certain number of school days to hours; modifying
statutory language; providing an effective date for
certain provisions of the act; stating legislative
intent that teachers be protected from liability;
providing for educator professional liability
insurance for certain personnel; extending coverage
to part-time personnel at cost; requiring the State
Department of Education to administer the educator
professional liability coverage program; requiring a

1 competitive process for insurance carriers; providing
2 for reversion of unused funds; providing for
3 codification; providing for noncodification; and
4 providing an effective date.

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

6 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-109, as
7 last amended by Section 1, Chapter 250, O.S.L. 2006 (70 O.S. Supp.
8 2008, Section 1-109), is amended to read as follows:

9 Section 1-109. A. A school year for all public schools in
10 Oklahoma shall consist of ~~at least ten (10) months of four (4) weeks~~
11 not less than one thousand eighty (1,080) hours each year, during
12 which time school shall actually be in session and instruction
13 offered ~~for not less than one hundred eighty (180) days~~. Five

14 B. The equivalent of five (5) days may be used for attendance
15 of professional meetings and teachers may be paid for a length of
16 term in excess thereof, under conditions hereinafter outlined.
17 Subject to district board of education policy or collective
18 bargaining agreement, additional professional leave days may be
19 granted for individual teachers to attend or participate in
20 professional meetings, staff development training, or National Board
21 certification portfolio development as provided for in Section 6-
22 204.2 of this title. ~~During two (2) days of the additional~~
23 ~~professional days granted to teachers for National Board~~

1 ~~certification portfolio development, a substitute teacher shall be~~
2 ~~provided by the school district at no cost to the teacher.~~

3 C. A school district may authorize parent-teacher conferences
4 to be held during a regular school day. Following such
5 authorization by the school district, these conferences shall be
6 counted ~~towards a school day, as defined in Section 1-111 of this~~
7 ~~title, and included as part of the one hundred seventy-five (175)~~
8 ~~days of~~ as classroom instruction time.

9 D. A school district may maintain school for less than a full
10 term only when conditions beyond the control of school authorities
11 make the maintenance of the term impossible and the State Board of
12 Education has been apprised and has expressed concurrence in
13 writing.

14 ~~B. The State Board of Education shall establish criteria for an~~
15 ~~extended day schedule. The criteria shall:~~

16 ~~1. Prescribe a lengthened school day within limits determined~~
17 ~~not to be detrimental to quality instruction; and~~

18 ~~2. Ensure that the schedule is equivalent in annual hours of~~
19 ~~instruction to the one hundred eighty-day school year specified in~~
20 ~~subsection A of this section; and~~

21 ~~3. Be consistent with the provisions of this section and~~
22 ~~Sections 1-110 through 1-112 of this title, but may result in fewer~~
23 ~~annual days of instruction.~~

24

1 ~~C. The State Board of Education may authorize school districts~~
2 ~~to implement an extended day schedule for instruction pursuant to~~
3 ~~the criteria developed. The State Board of Education shall require~~
4 ~~the participating school districts to prepare a report of the impact~~
5 ~~of the extended day schedule.~~

6 ~~D. Notwithstanding the provisions of subsections B and C of~~
7 ~~this section, a school district board of education may adopt and~~
8 ~~implement an extended day schedule for grades nine through twelve~~
9 ~~subject to the following requirements:~~

10 ~~1. The annual number of hours of instruction shall equal or~~
11 ~~exceed one thousand eighty (1,080) hours, which is the equivalent of~~
12 ~~one hundred eighty (180) days of instruction as specified in~~
13 ~~subsection A of this section for six (6) hours each day as specified~~
14 ~~in Section 1-111 of this title;~~

15 ~~2. The annual number of days of instruction shall equal or~~
16 ~~exceed one hundred eighty (180) days as specified in subsection A of~~
17 ~~this section;~~

18 ~~3. The schedule adopted shall be consistent with the provisions~~
19 ~~of Sections 1-110 through 1-112 of this title, except that for not~~
20 ~~more than one (1) day per week, a school day shall consist of not~~
21 ~~less than five (5) hours devoted to academic instruction in a~~
22 ~~regular classroom setting;~~

1 ~~4. The district shall hold a public hearing prior to the~~
2 ~~adoption of an extended day schedule authorized pursuant to this~~
3 ~~subsection; and~~

4 ~~5. The district shall document the impact on student~~
5 ~~achievement as determined by the academic performance index score~~
6 ~~and any other relevant factors that are a result of implementation~~
7 ~~of an extended day schedule authorized pursuant to this subsection~~
8 ~~and provide an annual report to the State Board of Education of the~~
9 ~~results. If improvement in student achievement cannot be documented~~
10 ~~in the report, the district board of education shall revoke~~
11 ~~authorization as provided by this subsection. If the district does~~
12 ~~not revoke authorization after student achievement is not documented~~
13 ~~in the report, the State Board of Education may deny accreditation~~
14 ~~of any school in violation of this subsection.~~

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1-110, is
16 amended to read as follows:

17 Section 1-110. A school month shall consist of ~~twenty (20)~~ not
18 less than sixteen (16) school days during which ~~school is actually~~
19 taught classroom instruction or school activities are performed.
20 ~~Provided, that holidays~~ Holidays, elections, the equivalent of five
21 (5) days devoted to professional meetings as authorized in Section
22 1-109 of this title, and other days when school is closed may be
23 included in the number of days required for a regular school month,
24 but no holiday or other occasion when school is not in session shall

1 be included in the ~~one hundred eighty (180) days required to be~~
2 ~~taught, except not to exceed five (5) days may be used for~~
3 ~~attendance of professional meetings~~ school year as defined in
4 Section 1-109 of this title. ~~Any district may pay teachers and~~
5 ~~other employees on the basis of calendar months for twelve (12)~~
6 ~~months, as elsewhere provided by the Oklahoma School Code.~~

7 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1-111, as
8 last amended by Section 81, Chapter 5, O.S.L. 2004 (70 O.S. Supp.
9 2008, Section 1-111), is amended to read as follows:

10 Section 1-111. A. ~~A~~ Except as otherwise provided for by law, a
11 school day shall consist of not less than six (6) eight (8) hours
12 devoted to school activities, except that a school day for classroom
13 instructional time.

14 B. Except as otherwise provided for by law, a school week shall
15 consist of not less than four (4) school days devoted to classroom
16 instructional time. A school may elect to be in session one (1)
17 additional school day for a total of five (5) school days in a
18 school week. The additional day shall be devoted to
19 noninstructional activities. Provided, the total amount of
20 classroom instruction time shall not be less than one thousand
21 eighty (1,080) hours per year as required pursuant to Section 1-109
22 of this title.

23 C. A school day for a nursery, early childhood education,
24 kindergarten, extended day program, and alternative education

1 programs shall be as otherwise defined by law or as defined by the
2 State Board of Education. ~~Except for schools operating under an~~
3 ~~extended day schedule as provided for in Section 1-109 of this~~
4 ~~title, not~~ Not more than one (1) school day shall be counted for
5 attendance purposes in any twenty-four-hour period.

6 ~~B.~~ D. Students absent from school in which they are regularly
7 enrolled may be considered as being in attendance if the reason for
8 such absence is to participate in scheduled school activities under
9 the direction and supervision of a regular member of the faculty or
10 to participate in a remote internet-based course approved by the
11 district board of education. The State Board of Education shall
12 adopt rules to provide for the implementation of remote Internet-
13 based courses.

14 ~~C.~~ E. Each district board of education shall adopt policies and
15 procedures that conform to rules for Internet-based courses as
16 adopted by the State Board. Such policies shall include criteria
17 for approval of the course, the appropriateness of the course for a
18 particular student, authorization for full-time students to enroll
19 in Internet-based courses, and establishing fees or charges. No
20 district shall be liable for payment of any fees or charges for any
21 Internet-based course for a student who has not complied with the
22 district's policies and procedures. Districts shall require
23 students enrolled in Internet-based courses to participate in the
24 Oklahoma School Testing Program Act. Students participating in

1 Internet-based courses from a remote site will be responsible for
2 providing their own equipment and Internet access, unless the
3 district chooses to provide the equipment. Credit may not be
4 granted for such courses except upon approval of the State Board of
5 Education and the district board of education.

6 ~~D.~~ F. The school day for kindergarten may consist of six (6)
7 hours devoted to school activities.

8 SECTION 4. AMENDATORY 70 O.S. 2001, Section 1-112, is
9 amended to read as follows:

10 Section 1-112. School taught on Saturday shall not be counted
11 for attendance purposes in meeting the school-year requirements ~~of~~
12 ~~the law for one hundred eighty (180) days in any school term, except~~
13 ~~for substituting~~ as set forth in Section 1-109 of this title.
14 School taught on Saturday may be substituted for regular school days
15 during which school has been or will be closed, ~~and except by~~
16 ~~permission of~~ upon approval of the State Board of Education.

17 SECTION 5. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 The provisions of Sections 1 through 4 of this act shall become
20 effective beginning with the 2010-2011 school year.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 27-101 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. The Legislature intends that all the teachers in this state
2 be protected from liability for monetary damages and the cost of
3 defense of actions resulting from claims made against them arising
4 out of occurrences in the course of activities in their professional
5 capacity.

6 B. Beginning July 1, 2010, educator professional liability
7 coverage for all certified personnel, as defined in Section 26-103
8 of Title 70 of the Oklahoma Statutes, who are full-time personnel,
9 as defined by the State Board of Education, shall be provided by
10 specific appropriations made by the Legislature.

11 C. Beginning July 1, 2010, educator professional liability
12 coverage shall be extended at cost to all certified personnel, as
13 defined by Section 26-103 of Title 70 of the Oklahoma Statutes, who
14 are part-time personnel, as defined by the Board, and choose to
15 participate in the state-provided program.

16 D. The State Department of Education shall administer the
17 educator professional liability coverage program. The insurance
18 carrier providing any portion of educator professional liability
19 coverage under the program which is procured with state funds shall
20 be selected by a competitive process. Any amount of the
21 appropriation for purchase of liability insurance remaining after
22 liability insurance is provided shall revert back to the General
23 Revenue Fund unallocated.

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SECTION 7. This act shall become effective November 1, 2009.

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