STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1443 By: Ford of the Senate

and

Casey of the House

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 3-104.4, which relates to accreditation standards; changing years during which withdrawal or denial of accreditation for failure to meet certain media program standards is prohibited; changing years during which the State Board of Education is prohibited from assessing financial accreditation penalties; prohibiting the withdrawal or denial of accreditation or assessment of a penalty for complying with certain provisions; amending 70 O.S. 2011, Section 3-167, which relates to advisory councils; changing years during which school districts are exempt from certain advisory council requirements; amending 70 O.S. 2011, Sections 16-111 and 16-114a, which relate to textbook adoption and allocation; changing years during which school districts are exempted from certain textbook adoption requirements; modifying criteria for exemption; changing years during which school districts are allowed to expend the textbook allocation for other purposes; requiring the board of education to develop a proposal for textbook fund expenditures; requiring submission of the proposal to the State Board of Education; specifying inclusion of certain information; directing the Board to make a determination within certain time period; requiring written explanation; allowing resubmission of proposal; prohibiting implementation until approval

is received; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104.4, is amended to read as follows:

Section 3-104.4 A. On or before February 1, 1991, the State Board of Education shall adopt standards for the accreditation of the public schools in this state according to the requirements of this act, to be effective as set forth in this act. The accreditation standards shall incorporate the curricular standards established pursuant to Section 11-103.6 of this title. The accreditation standards shall equal or exceed the accreditation standards for schools promulgated by the North Central Association of Colleges and Schools to the extent that the standards are consistent with an academic results oriented approach to accreditation, excluding those standards which deal with affective behavior to the extent the adoption of the standards does not conflict with state statute. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. The accreditation standards shall be made available for public inspection at the offices of the State Department of Education.

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

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

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

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

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

D. If one or more school sites fails to receive accreditation as required pursuant to this section by the dates set forth in

subsection C of this section or subsequently loses accreditation, the State Board of Education shall close the school and reassign the students to accredited schools within the district or shall annex the district to one or more other districts in which the students can be educated in accredited schools.

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

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

G. For the fiscal years ending ~~June 30, 2011, and June 30, 2012~~ June 30, 2013, and June 30, 2014, accreditation shall not be withdrawn from or denied nor shall a penalty be assessed against a school or school district for failing to meet the media materials and equipment standards and media program expenditure standards as set forth in the accreditation standards adopted by the Board.

H. The State Board shall not assess a financial penalty against any school district which is given a deficiency in accreditation

status during the fiscal years ending ~~June 30, 2011, and June 30, 2012~~ June 30, 2013, and June 30, 2014. Accreditation shall not be withdrawn from or denied, nor shall a penalty be assessed against, a school district for complying with this section.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-167, is amended to read as follows:

Section 3-167. For the fiscal years ending ~~June 30, 2011, and June 30, 2012~~ June 30, 2013, and June 30, 2014, the State Board of Education shall exempt all school districts from or waive any policy, rule or law which requires school districts to form, convene, or participate in any advisory council or committee, including but not limited to the requirement to convene an advisory council when preparing the school improvement plan as set forth in Section 5-117.4 of ~~Title 70 of the Oklahoma Statutes~~ this title. School districts shall not be exempted from forming, convening or participating in an advisory council or committee if required by federal law or regulation.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 16-111, is amended to read as follows:

Section 16-111. A. Except as otherwise provided for in subsection E of this section, the superintendent of schools of each school district in the state shall appoint a local textbook committee consisting of not fewer than three nor more than nine members. Each committee shall have one lay member, with the

remainder of the members being teachers employed in the public schools of the district, a majority of whom shall be classroom teachers. The superintendent of schools or a designee who shall be a principal or a curriculum specialist shall serve as chairperson of the local textbook committee.

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

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

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

E. For the fiscal years ending ~~June 30, 2011, and June 30, 2012~~ June 30, 2013, and June 30, 2014, a school district shall not be required to appoint a local textbook committee, adopt textbooks, submit a textbook plan, or expend money on the purchase of textbooks during the fiscal year if the school district ~~makes the election as provided for in~~ develops a proposal and the proposal is approved by

the State Board of Education in accordance with subsection B of Section 16-114a of this title.

SECTION 4. AMENDATORY 70 O.S. 2011, Section 16-114a, is amended to read as follows:

Section 16-114a. A. Based upon legislative appropriations, the State Board of Education shall determine the textbook allocation to be distributed to each school district in the state. Each year the textbook allocation for each school district shall be calculated and distributed in July and adjusted in December. The initial allocation shall be calculated based on the audited end-of-year average daily attendance of the preceding school year multiplied by Fifty-five Dollars ($55.00). The initial allocation shall be calculated and distributed to each school district in July. The December adjustment shall be calculated by multiplying the audited first nine (9) weeks' average daily attendance for that current school year by Fifty-five Dollars ($55.00) and subtracting from that amount the amount of the initial allocation. The adjustment shall be calculated in December and distributed to each eligible school district no later than January 15. A school district shall receive an adjustment only if the adjustment figure as calculated in this section is greater than zero. The State Department of Education shall retain from the total amount appropriated for textbooks not less than one percent (1%) of the total amount to be used for the purpose of making the adjustments. If the amount appropriated,

including the retained amount, is not sufficient to fully fund the adjusted allocation, each school district eligible for an adjustment shall receive a proportionate reduction in funding. Any unused portion of the value of textbooks allowed to a school district shall be cumulative and may be carried over by the school district to subsequent fiscal years, in addition to the allocation it is entitled to receive during that fiscal year.

B. For the fiscal years ending ~~June 30, 2011, and June 30, 2012~~ June 30, 2013, and June 30, 2014, a school district may ~~elect~~ develop a proposal to expend any monies allocated pursuant to this section for textbooks, including any monies carried over as authorized pursuant to subsection A of this section, for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district. The board of education shall, through adoption of a resolution at a regular meeting of the board, approve the proposal prior to submitting the proposal to the State Board of Education. The proposal shall be submitted to the State Board after March 1. The proposal shall include:

1. Information verifying that the monies allocated for textbooks are urgently needed by the school district to maintain specified academic classroom instruction;

2. A list of goals sought to be achieved, including the educational and fiscal benefits of the proposal; and

3. The anticipated impact or outcome for each grade and subject for which the textbook adoption or purchase would be deferred.

The State Board shall approve or disapprove the proposal within sixty (60) days of receipt. If the State Board disapproves the proposal, it shall provide a written explanation of the basis for its decision. The school district may resubmit an amended proposal at any time after the disapproval. A school district shall not implement the proposal until receiving approval by the State Board.

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

SECTION 5. This act shall become effective July 1, 2012.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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