

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1443

By: Ford of the Senate

and

Casey of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,
12 Section 3-104.4, which relates to accreditation
13 standards; changing years during which withdrawal or
14 denial of accreditation for failure to meet certain
15 media program standards is prohibited; changing years
16 during which the State Board of Education is
17 prohibited from assessing financial accreditation
18 penalties; prohibiting the withdrawal or denial of
19 accreditation or assessment of a penalty for
20 complying with certain provisions; amending 70 O.S.
21 2011, Section 3-167, which relates to advisory
22 councils; changing years during which school
23 districts are exempt from certain advisory council
24 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

1 written explanation; allowing resubmission of
2 proposal; prohibiting implementation until approval
3 is received; providing an effective date; and
4 declaring an emergency.

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

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

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

1 standards shall be made available for public inspection at the
2 offices of the State Department of Education.

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

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

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

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

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

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

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

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

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

4 H. The State Board shall not assess a financial penalty against
5 any school district which is given a deficiency in accreditation
6 status during the fiscal years ending ~~June 30, 2011, and June 30,~~
7 2012 June 30, 2013, and June 30, 2014. Accreditation shall not be
8 withdrawn from or denied, nor shall a penalty be assessed against, a
9 school district for complying with this section.

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

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

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

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

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

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

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

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1 expended shall be reported on the statement of expenditures for the
2 district.

3 E. For the fiscal years ending ~~June 30, 2011, and June 30, 2012~~
4 June 30, 2013, and June 30, 2014, a school district shall not be
5 required to appoint a local textbook committee, adopt textbooks,
6 submit a textbook plan, or expend money on the purchase of textbooks
7 during the fiscal year if the school district ~~makes the election as~~
8 ~~provided for in~~ develops a proposal and the proposal is approved by
9 the State Board of Education in accordance with subsection B of
10 Section 16-114a of this title.

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

13 Section 16-114a. A. Based upon legislative appropriations, the
14 State Board of Education shall determine the textbook allocation to
15 be distributed to each school district in the state. Each year the
16 textbook allocation for each school district shall be calculated and
17 distributed in July and adjusted in December. The initial
18 allocation shall be calculated based on the audited end-of-year
19 average daily attendance of the preceding school year multiplied by
20 Fifty-five Dollars (\$55.00). The initial allocation shall be
21 calculated and distributed to each school district in July. The
22 December adjustment shall be calculated by multiplying the audited
23 first nine (9) weeks' average daily attendance for that current

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1 school year by Fifty-five Dollars (\$55.00) and subtracting from that
2 amount the amount of the initial allocation. The adjustment shall
3 be calculated in December and distributed to each eligible school
4 district no later than January 15. A school district shall receive
5 an adjustment only if the adjustment figure as calculated in this
6 section is greater than zero. The State Department of Education
7 shall retain from the total amount appropriated for textbooks not
8 less than one percent (1%) of the total amount to be used for the
9 purpose of making the adjustments. If the amount appropriated,
10 including the retained amount, is not sufficient to fully fund the
11 adjusted allocation, each school district eligible for an adjustment
12 shall receive a proportionate reduction in funding. Any unused
13 portion of the value of textbooks allowed to a school district shall
14 be cumulative and may be carried over by the school district to
15 subsequent fiscal years, in addition to the allocation it is
16 entitled to receive during that fiscal year.

17 B. For the fiscal years ending ~~June 30, 2011, and June 30, 2012~~
18 June 30, 2013, and June 30, 2014, a school district may ~~elect~~
19 develop a proposal to expend any monies allocated pursuant to this
20 section for textbooks, including any monies carried over as
21 authorized pursuant to subsection A of this section, for any purpose
22 related to the support and maintenance of the school district as
23 determined by the board of education of the school district. The

1 board of education shall, through adoption of a resolution at a
2 regular meeting of the board, approve the proposal prior to
3 submitting the proposal to the State Board of Education. The
4 proposal shall be submitted to the State Board after March 1. The
5 proposal shall include:

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

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

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

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

20 C. All textbooks distributed to a school district that have
21 been destroyed by fire or other hazard shall be replaced by the
22 State Board of Education. The total cost of all additional
23 textbooks delivered to school districts to replace those destroyed

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1 by fire or other hazard shall not exceed, for the entire state in
2 any fiscal year, the aggregate sum of One Hundred Thousand Dollars
3 (\$100,000.00), which sum shall be reserved for that purpose from any
4 appropriation made to carry out the provision of this section for
5 any fiscal year.

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

7 SECTION 6. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/03/2012
13 - DO PASS, As Amended.

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