

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1443

By: Ford

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5
6 AS INTRODUCED

7 An Act relating to school mandates; amending 70 O.S.
8 2011, Section 3-104.4, which relates to accreditation
9 standards; prohibiting the withdrawal or denial of
10 accreditation for failure to meet certain media
11 program standards during certain years; prohibiting
12 State Board of Education from assessing financial
13 accreditation penalties during certain years;
14 amending 70 O.S. 2011, Section 3-167, which relates
15 to advisory councils; directing the State Board of
16 Education to exempt or waive certain advisory council
17 requirements during certain years; amending 70 O.S.
18 2011, Section 6-194, which relates to school district
19 professional development programs; allowing school
20 district to elect not to adopt or offer a
21 professional development program for certain years;
22 allowing licensed teachers to not complete certain
23 professional development requirements in certain
24 years; amending 70 O.S. 2011, Sections 16-111 and 16-
114a, which relate to textbook adoption and
allocation; permitting school district to not appoint
a local textbook committee during certain years;
allowing school district to expend monies allocated
for textbooks for certain other purposes for certain
years; providing an effective date; and declaring an
emergency.

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

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

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

18 B. Standards for accreditation adopted by the State Board of
19 Education shall include standards relating to the provision of
20 school counselors to the public school children of this state. The
21 State Board of Education shall require each local school district to
22 provide information regarding the number of counselors serving each
23 school site, the duties of all such counselors including all
24 administrative duties, the number of students served by each

1 counselor, and information regarding the number of counselors
2 employed per elementary school, middle school, junior high school
3 and high school.

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

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

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

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

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

23 E. State Board accreditation regulations shall provide for
24 warnings and for assistance to schools and school districts whenever

1 there is reason to believe a school is in danger of losing its state
2 accreditation.

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

10 G. For the fiscal years ending ~~June 30, 2011,~~ and June 30,
11 2012, June 30, 2013, and June 30, 2014, accreditation shall not be
12 withdrawn from or denied nor shall a penalty be assessed against a
13 school or school district for failing to meet the media materials
14 and equipment standards and media program expenditure standards as
15 set forth in the accreditation standards adopted by the Board.

16 H. The State Board shall not assess a financial penalty against
17 any school district which is given a deficiency in accreditation
18 status during the fiscal years ending ~~June 30, 2011,~~ and June 30,
19 2012, June 30, 2013, and June 30, 2014. Accreditation shall not be
20 withdrawn from or denied, nor shall a penalty be assessed against, a
21 school district for complying with this section.

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

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

12 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-194, is
13 amended to read as follows:

14 Section 6-194. A. The district boards of education of this
15 state shall establish professional development programs for the
16 certified and licensed teachers and administrators of the district.
17 Programs shall be adopted by each board based upon recommendations
18 of a professional development committee appointed by the board of
19 education for the district. For the fiscal years ending ~~June 30,~~
20 ~~2011, and~~ June 30, 2012, June 30, 2013, and June 30, 2014, a school
21 district board of education may elect not to adopt and offer a
22 professional development program for certified and licensed teachers
23 and administrators of the district. If a school district elects not
24 to adopt and offer a professional development program, the district

1 may expend any monies allocated for professional development for any
2 purpose related to the support and maintenance of the school
3 district as determined by the board of education of the school
4 district.

5 B. Each professional development committee shall include
6 classroom teachers, administrators and parents, guardians or
7 custodians of children in the school district and shall consult with
8 a higher education faculty. A majority of the members of the
9 professional development committee shall be composed of classroom
10 teachers. The teacher members shall be selected by a designated
11 administrator of the school district from a list of names submitted
12 by the teachers in the school district. The members selected shall
13 be subject to the approval of a majority vote of the teachers in the
14 district. At a minimum, once every four (4) years the committee
15 shall include at least one school counselor in its membership.

16 C. In developing program recommendations, each professional
17 development committee shall annually utilize a data-driven approach
18 to analyze student data and determine district and school
19 professional development needs. The professional development
20 programs adopted shall be directed toward development of
21 competencies and instructional strategies in the core curriculum
22 areas for the following goals:

23 1. Increasing the academic performance index scores for the
24 district and each school site;

- 1 2. Closing achievement gaps among student subgroups;
- 2 3. Increasing student achievement as demonstrated on state-
- 3 mandated tests and the ACT;
- 4 4. Increasing high school graduation rates; and
- 5 5. Decreasing college remediation rates.

6 Each program may also include components on classroom management
7 and student discipline strategies, outreach to parents, guardians or
8 custodians of students, special education, and racial and ethnic
9 education, which all personnel defined as teachers in Section 1-116
10 of this title shall be required to complete on a periodic basis.
11 The State Board of Education shall provide guidelines to assist
12 school districts in developing and implementing racial and ethnic
13 education components into professional development programs. At
14 least once a year a program shall be offered which includes a
15 component of teacher training on recognition and reporting of child
16 abuse and neglect which all teachers shall be required to complete.
17 Additionally at least one time per year, beginning in the 2009-2010
18 school year, training in the area of autism shall be offered and all
19 resident teachers of students in early childhood programs through
20 grade three shall be required to complete the autism training during
21 the resident year and at least one time every three (3) years
22 thereafter. All other teachers and education support professionals
23 of students in early childhood programs through grade three shall be
24 required to complete the autism training at least one time every

1 three (3) years. The autism training shall include a minimum
2 awareness of the characteristics of autistic children, resources
3 available and an introduction to positive behavior supports to
4 challenging behavior. Each adopted program shall allow school
5 counselors to receive at least one-third (1/3) of the hours or
6 credit required each year through programs or courses specifically
7 designed for school counselors.

8 Districts are authorized to utilize any means for professional
9 development that is not prohibited by law including, but not limited
10 to, professional development provided by the district, any state
11 agency, institution of higher education, or any private entity.

12 D. Except as otherwise provided for in this subsection, each
13 licensed or certified teacher in this state shall be required by the
14 district board of education to meet the professional development
15 requirements established by the board, or established through the
16 negotiation process. Except as otherwise provided for in this
17 subsection, the professional development requirements established by
18 each board of education shall require every teacher to annually
19 complete a minimum number of the total number of points required to
20 maintain employment. Failure of any teacher to meet district board
21 of education professional development requirements may be grounds
22 for nonrenewal of such teacher's contract by the board. Such
23 failure may also be grounds for nonconsideration of salary
24 increments affecting the teacher. For the fiscal years ending June

1 ~~30, 2011, and~~ June 30, 2012, June 30, 2013, and June 30, 2014, a
2 licensed or certified teacher shall not be required to complete any
3 points of the total number of professional development points
4 required. Provided, a teacher may elect to complete some or all of
5 the minimum number of points required for the two (2) fiscal years
6 and any points completed shall be counted toward the total number of
7 points required to maintain employment. If a teacher does not
8 complete some or all of the minimum number of points required for
9 one (1) or both fiscal years, the total number of points required to
10 maintain employment shall be adjusted and reduced by the number of
11 points not completed.

12 E. Each district shall annually submit a report to the State
13 Department of Education on the district level professional
14 development needs, activities completed, expenditures, and results
15 achieved for each school year by each goal as provided in subsection
16 C of this section. If a school district elects not to adopt and
17 offer a professional development program as provided for in
18 subsection A of this section, the district shall not be required to
19 submit an annual report as required pursuant to this subsection but
20 shall report to the State Department of Education its election not
21 to offer a program and all professional development activities
22 completed by teachers and administrators of the school district.

23 F. Subject to the availability of funds, the Department shall
24 develop an online system for reporting as required in subsection E

1 of this section. The Department shall also make such information
2 available on its website.

3 SECTION 4. AMENDATORY 70 O.S. 2011, Section 16-111, is
4 amended to read as follows:

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

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

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

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

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,
4 2012, June 30, 2013, and June 30, 2014, a school district shall not
5 be 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 subsection B of Section 16-114a of this title.

9 SECTION 5. AMENDATORY 70 O.S. 2011, Section 16-114a, is
10 amended to read as follows:

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

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

14 B. For the fiscal years ending ~~June 30, 2011,~~ and June 30,
15 2012, June 30, 2013, and June 30, 2014, a school district may elect
16 to expend any monies allocated pursuant to this section for
17 textbooks, including any monies carried over as authorized pursuant
18 to subsection A of this section, for any purpose related to the
19 support and maintenance of the school district as determined by the
20 board of education of the school district.

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

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

7 SECTION 7. 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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