

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1610

By: McPeak

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5
6 AS INTRODUCED

7 An Act relating to schools; creating the Oklahoma
8 Extracurricular Improvement and Accountability Act;
9 stating purposes of the act; providing definitions;
10 stating legislative findings; requiring rules,
11 regulations and policies of certain associations to
12 be subject to the Administrative Procedures Act;
13 requiring appeals of decisions of certain
14 associations to be subject to the Administrative
15 Procedures Act; providing for the determination of
16 residency of a student; specifying basis for
17 penalties; requiring certain publication of rules and
18 policies; providing criteria for appeals; making
19 certain actions to regulate coaches and school staff
20 subject to certain laws; providing for codification;
21 and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 24-156.1 of Title 70, unless
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Extracurricular Improvement and Accountability Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-156.2 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 The purposes of the Oklahoma Extracurricular Improvement and
5 Accountability Act shall be to:

- 6 1. Provide for better coordination between curricular,
7 cocurricular and extracurricular activities in Oklahoma schools;
- 8 2. Provide accountability and transparency in the coordination
9 and governance of cocurricular and extracurricular activities
10 between schools and extracurricular organizations;
- 11 3. Ensure fair treatment and due process in the governance,
12 regulation and enforcement of cocurricular and extracurricular
13 activities; and
- 14 4. Provide an open process in the development of rules,
15 regulations and policies that impact cocurricular and
16 extracurricular activities.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 24-156.3 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 As used in the Oklahoma Extracurricular Improvement and
21 Accountability Act:

- 22 1. "School athletic association" means an organization which
23 governs the secondary school cocurricular and extracurricular
24 activities of its members in Oklahoma; and

1 2. "Rural elementary school organization" means an organization
2 which governs rural elementary school cocurricular and
3 extracurricular activities of its members in Oklahoma.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 24-156.4 of Title 70, unless
6 there is created a duplication in numbering, reads as follows:

7 The Oklahoma Legislature hereby finds that:

8 1. Cocurricular and extracurricular activities are an important
9 part of curriculum and education in Oklahoma schools;

10 2. School athletic associations assert monopoly control over
11 all of the extracurricular activities, which includes among others,
12 sports, cheerleading, speech and drama activities, of its member
13 schools and over six hundred thousand (600,000) students enrolled in
14 Oklahoma schools;

15 3. Often the member schools and students do not have a
16 meaningful review or appeal of the decisions, policies and rules of
17 the school athletic associations and rural elementary school
18 organizations that affect and govern their extracurricular programs;

19 4. School athletic associations have asserted authority over
20 credentialing coaches and athletic directors in Oklahoma schools;
21 and

22 5. School athletic associations have been determined to be
23 "state actors" and therefore subject to the 14th Amendment according
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1 to the Tenth Circuit Court of Appeals in Christian Heritage School v
2 Oklahoma Secondary School Activities Association, 483, F. 3d1025.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 24-156.5 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. All rules, regulations and policies of school athletic
7 associations and rural elementary school organizations shall be
8 subject to the Administrative Procedures Act.

9 B. Appeals of decisions of school athletic associations and
10 rural elementary school organizations regarding eligibility of
11 students and schools shall be subject to the Administrative
12 Procedures Act.

13 C. When determining student eligibility, the residency of a
14 student shall be designated by primary location of the residence of
15 the parents, guardian, or any family member with whom the student
16 resides if the student is unable to reside with the parents of the
17 student as determined by the State Department of Education. The
18 school athletic associations shall determine the residency of a
19 student for private school purposes only and upon request or by
20 agreement of the parties. The Oklahoma Department of Rehabilitation
21 Services shall determine the residency of the parents or guardian of
22 a students attending the Oklahoma School for the Deaf and the
23 Oklahoma School for the Blind and the Bureau of Indian Education

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1 shall determine the residency of the parents or guardian of a
2 student attending a federal and tribal school.

3 D. Penalties for violations of the rules and policies of school
4 athletic associations shall be based on willful violations. Rules
5 and policies shall not be effective until after publication to the
6 general public for an equivalent period of time as is required by
7 the Administrative Procedures Act.

8 E. Appeals from the board of directors of a school athletic
9 association shall be expedited and heard by an administrative law
10 judge whose decision may be appealed to the district court.

11 F. Actions to regulate coaches and school staff shall be
12 subject to provisions of law acknowledging that coaches and school
13 staff have a vested property or liberty interests in their
14 credentials and employment and are entitled to due process.

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

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