

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2131

By: Hickman

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6 AS INTRODUCED

7 An Act relating to schools; creating the Education
8 Improvement Act of 2013; amending 70 O.S. 2011,
9 Sections 3-125, 3-126 and 3-127, which relate to the
10 Educational Deregulation Act; changing the name of
11 the educational improvement plan; updating statutory
12 citations; modifying approval process of educational
13 deregulation plans; requiring plans to be approved by
14 a vote of the school district electors; deleting
15 specific contents of the plans; deleting specific
16 statutory provisions; describing laws and regulations
17 from which a school cannot deregulate; deleting
18 requirement for approval by the State Board of
19 Education; providing election process; providing
20 process to discontinue a plan; requiring a school
21 district to file an approved plan with the State
22 Board of Education; authorizing consolidating or
23 annexing school districts to enter into a contract
24 prohibiting the closing of school sites unless
certain agreed-to conditions are meet; specifying
optional conditions; amending 70 O.S. 2011, Sections
8-103 and 8-103.1, which relate to the Education Open
Transfer Act; deleting certain application deadline;
allowing applications to be filed at any time during
a school year; changing certain notification, review,
reporting and cancellation deadlines; allowing a
student to transfer at any time upon approval;
updating language; deleting transfer procedure for
deaf or hearing impaired students; authorizing school
districts to include certain deadlines in the
transfer policy; updating statutory citations;
amending 70 O.S. 2011, Section 35e, which relates to
dropout reports; deleting obsolete language;
modifying definition of school dropout; providing for
codification; providing for noncodification;

1 providing an effective date; and declaring an
2 emergency.

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

6 SECTION 1. NEW LAW A new section of law not to be
7 codified in the Oklahoma Statutes reads as follows:

8 This act shall be known and may be cited as the "Education
9 Improvement Act of 2013".

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-125, is
11 amended to read as follows:

12 Section 3-125. The purpose of this act is to ensure that local
13 schools have the necessary freedom to innovate and improve education
14 systems in order to maximize student learning and performance.
15 Pursuant to this purpose, school districts shall be allowed to
16 develop, ~~make application for~~ and implement educational ~~improvement~~
17 deregulation plans which would exempt the school district, a school
18 site or any program, grade level, consortium of schools or school
19 districts or other group within the district from ~~the~~ educational-
20 related statutory regulations ~~set forth~~ as described in subsection D
21 ~~of Section 3~~ 3-126 of this act title and ~~the~~ any applicable State
22 Board of Education rules. The plans ~~submitted~~ developed by school
23 districts and approved by ~~the State Board of Education~~ a vote of the
24 electors of the school district should emphasize innovation,

1 flexibility, and collaboration at the local school level,
2 accountability at the state and local level, dissemination of
3 results, and strict emphasis on improved student achievement.

4 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-126, is
5 amended to read as follows:

6 Section 3-126. A. A school district may develop an educational
7 ~~improvement~~ deregulation plan which includes exemption from ~~the~~
8 educational-related statutory requirements ~~set forth~~ as described in
9 subsection ~~C~~ B of this section and applicable State Board of
10 Education rules for the school district, a school site or any
11 program, grade level, consortium of schools or school districts or
12 other group within the school district. The board of education of
13 the school district shall, through adoption of a resolution, approve
14 the plan prior to ~~application being made to the State Board of~~
15 ~~Education~~ submitting the plan to a vote of the electors of the
16 school district.

17 B. ~~Each educational improvement plan approved by the State~~
18 ~~Board of Education shall include the following components:~~

- 19 1. ~~A description of the educational benefits to be derived;~~
- 20 2. ~~A definition of the standards of the plan;~~
- 21 3. ~~Development of definitive work products, such as site~~
22 ~~improvement plans and progress reports;~~

1 4. ~~Demonstration of collaboration by teachers, administrators,~~
2 ~~higher education representatives, students, parents/families, and~~
3 ~~the community;~~

4 5. ~~Development and the use of an assessment mechanism to~~
5 ~~determine progress in meeting the goals and objectives of the plan;~~

6 6. ~~Development of an in-service training plan to be provided to~~
7 ~~personnel at the site who will participate in the project;~~

8 7. ~~Report on the results of the plan to the State Board of~~
9 ~~Education and provision of appropriate technical assistance to other~~
10 ~~school districts and the State Department of Education as required;~~

11 and

12 8. ~~Explanation of how the plan will affect other schools,~~
13 ~~programs or sites in the district.~~

14 C. Each educational ~~improvement~~ deregulation plan shall include
15 a list of the specific educational-related statutory requirements
16 and State Board of Education rules the school district is requesting
17 an exemption from and why each exemption is necessary to success of
18 the plan. The school district shall not ~~be granted~~ request an
19 exemption from federal ~~educational-related requirements~~ laws and
20 regulations and any state and local rules and laws relating to
21 health, safety, civil rights, and insurance. The State Department
22 of Education shall annually prepare a list of rules, regulations and
23 laws which schools cannot be deregulated from. A school district
24 may request an exemption from any statutory requirement or State

1 Board of Education rule ~~not related to bilingual and special~~
2 ~~education programs, health and safety provisions, school finance,~~
3 ~~State Aid, pupil formula weights, teacher salary and teacher~~
4 ~~retirement, the Oklahoma School Testing Program, the Oklahoma~~
5 ~~Educational Indicators Program and the teacher preparation,~~
6 ~~examination, licensure, certification, residency and professional~~
7 ~~development system. The State Board of Education may grant~~
8 ~~district-wide exemptions from certification requirements for Library~~
9 ~~Media Specialists to districts experiencing a shortage in this area.~~
10 ~~The State Board of Education may grant an exemption from~~
11 ~~certification requirements for superintendents to any district with~~
12 ~~an unweighted average daily membership over twenty-five thousand~~
13 ~~(25,000) that is not specifically described in subsection C of this~~
14 section.

15 C. A school district shall not request an exemption from any
16 laws and regulations described as follows:

17 1. Testing as required by the Oklahoma School Testing Program
18 Act, including the Reading Sufficiency Act, and reporting test
19 results;

20 2. Providing necessary data to the Office of Accountability;

21 3. Using the Oklahoma Cost Accounting System and auditing
22 requirements;

23 4. Federal and state laws relating to the education of children
24 with disabilities;

1 5. Prohibiting the charging of tuition or fees;

2 6. Providing instruction for the minimum time required in
3 Section 1-109 of this title;

4 7. Suspension of students as required in Section 24-101.3 of
5 this title;

6 8. Participating in the Teachers' Retirement System of Oklahoma
7 and providing health insurance benefits to employees;

8 9. Complying with the Oklahoma Open Meeting Act and the
9 Oklahoma Open Records Act;

10 10. Provisions relating to conflict of interest for board of
11 education members;

12 11. Complying with the minimum teacher salary schedule as
13 required in Section 18-114.12 of this title;

14 12. The State Aid formula as set forth in Section 18-200.1 of
15 this title; and

16 13. Teacher licensure and certification, residency, and
17 professional development requirements as set forth in the Oklahoma
18 Teacher Preparation Act.

19 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-127, is
20 amended to read as follows:

21 Section 3-127. A. Prior to the adoption of a resolution by the
22 ~~local~~ board of education as required in subsection A of Section 3-
23 126 of this title, the ~~local~~ board of education shall provide for a
24 period of public review and comment on the proposed educational

1 ~~improvement~~ deregulation plan and shall notify and allow comment
2 from the district bargaining agent of the plan. If no bargaining
3 agent exists for that district, the teachers directly effected shall
4 be notified and allowed to make comments. All comments,
5 recommendations and objections made by the bargaining agent and
6 others to the ~~local~~ board of education shall be ~~forwarded to the~~
7 ~~State Board of Education for consideration prior to review of the~~
8 plan made available for public review.

9 B. Each educational ~~improvement~~ deregulation plan shall be
10 ~~approved by the State Board of Education before implementation.~~

11 C. ~~Approval of a plan shall be for no longer than three (3)~~
12 ~~years. If a plan is approved, the school district shall be required~~
13 ~~to submit an annual report and the Board shall provide for an annual~~
14 ~~assessment of the plan.~~

15 D. ~~The Board shall notify the Speaker of the House of~~
16 ~~Representatives and the President Pro Tempore of the Senate of the~~
17 ~~approval of plans on a quarterly basis and shall provide the Speaker~~
18 ~~and the President Pro Tempore with copies of the annual reports and~~
19 ~~assessments.~~

20 E. ~~If the Board determines through the annual assessment~~
21 ~~process that the school district is not complying with the~~
22 ~~requirements of the Educational Deregulation Act or is not meeting~~
23 ~~the goals of the plan, it shall first provide notice to the district~~
24 ~~of its findings. If the school district does not come into~~

1 ~~compliance or take action to meet the goals of the plan, the Board~~
2 ~~shall withdraw approval and terminate the plan submitted for~~
3 ~~approval to a vote of the electors of the school district at the~~
4 ~~next regular election for the school district. If a majority of~~
5 ~~electors approve the plan, the plan shall be implemented at the~~
6 ~~beginning of the next school year. The deregulation plan shall not~~
7 ~~be discontinued unless the law is changed to an extent to make the~~
8 ~~plan unnecessary or unless a majority of the electors of the school~~
9 ~~district vote to discontinue the plan at a special election called~~
10 ~~for that purpose. The question to discontinue a plan may be~~
11 ~~presented to a vote only upon a resolution adopted by a majority of~~
12 ~~the board of education or upon petition for an election on the~~
13 ~~question that complies with the requirements for petition and~~
14 ~~election set forth in Section 7-101 of this title.~~

15 C. A school district shall file a copy of an approved
16 educational deregulation plan with the State Board of Education.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7-109 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A school district which desires to consolidate with or annex
21 territory comprising the entire school district to one or more
22 existing school districts in accordance with the provisions of
23 Sections 7-101 through 7-108 of Title 70 of the Oklahoma Statutes
24 shall be authorized to enter into a contract with the school

1 district or districts whom they consolidate with or annex to, which
2 provides that a school site located within the consolidated or
3 annexed school district will not be closed unless certain conditions
4 are met as agreed to by the school districts in the contract.
5 Conditions that may be provided for in a contract include, but are
6 not limited to, a minimum student enrollment threshold, distribution
7 of student population within the school district, community impact,
8 and transportation costs.

9 SECTION 6. AMENDATORY 70 O.S. 2011, Section 8-103, is
10 amended to read as follows:

11 Section 8-103. A. In order that any student may be
12 transferred, an application form specified by the State Board of
13 Education must be completed by the parents of the student. For
14 purposes of the Education Open Transfer Act, the term "parent" means
15 the parent of the student or person having custody of the student as
16 provided for in paragraph 1 of subsection A of Section 1-113 of this
17 title. The application shall be obtained from and filed with the
18 superintendent of the receiving school district for transfers to
19 school districts in the State of Oklahoma and with the State Board
20 of Education for transfers to school districts in another state.
21 ~~Except as otherwise provided for in this section, applications shall~~
22 ~~be filed no later than April 1 of the school year preceding the~~
23 ~~school year for which the transfer is desired. By April 1 of the~~
24 ~~same school year, Applications may be filed at any time during the~~

1 school year with the receiving school district. Within ten (10)
2 days of receipt of the application, the receiving school district
3 shall notify the resident school district that an application for
4 transfer has been filed by a student enrolled in the resident school
5 district. The board of education of the receiving school district
6 shall approve or deny the application for transfer ~~not later than~~
7 ~~June 1 of the same year~~ within thirty (30) days of receipt of the
8 application and shall notify the parents of the student of the
9 decision. ~~By July 1 of the same year~~ Within ten (10) days of
10 receiving notice from the receiving school district, the parents of
11 the student shall notify the receiving school district that the
12 student will be enrolling in that school district. Failure of
13 parents to notify the district as required may result in loss of the
14 student's right to enroll in the district for that year. Upon
15 approval of the receiving school district, the student may transfer
16 to the receiving school district at any time during the school year.

17 B. ~~On or before September 1~~ Within twenty (20) days of
18 approving an application for transfer, it shall be the duty of the
19 superintendent of the receiving school district to file with the
20 State Board of Education and each resident district a statement
21 showing the ~~names~~ name of the ~~students~~ student granted ~~transfers~~ a
22 transfer to the school district, the resident school district of the
23 transferred ~~students~~ student and ~~their respective~~ the grade level of
24 the student.

1 C. The receiving school district of a student transferred
2 pursuant to the provisions of this act shall notify the resident
3 school district and parents of the student of a cancellation of the
4 transfer. ~~Such~~ The notice shall be made ~~by June 1 prior to the~~
5 ~~school year for which the cancellation is applicable~~ within ten (10)
6 days of the cancellation.

7 ~~D. For students who are deaf or hearing impaired who wish to~~
8 ~~transfer to a school district with a specialized deaf education~~
9 ~~program, applications may be filed at any time during the school~~
10 ~~year. Upon approval of the receiving school district, the student~~
11 ~~may transfer to the receiving school district at any time during the~~
12 ~~school year.~~

13 SECTION 7. AMENDATORY 70 O.S. 2011, Section 8-103.1, is
14 amended to read as follows:

15 Section 8-103.1 A local school district board of education
16 which receives a request for a transfer for a student who does not
17 reside in the school district may refuse the transfer in accordance
18 with the provisions of the open transfer policy adopted by the local
19 school district board of education. Each local board of education
20 shall adopt an open transfer policy for the school district which
21 specifies its criteria and standards for approval of transfers of
22 students who do not reside in the district. The policy shall
23 include, but shall not be limited to, provisions relating to the
24 availability of programs, staff, or space as criteria for approval

1 or denial of transfers. A school district may include in the policy
2 as the basis for denial of a transfer, the reasons outlined in
3 Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title. A
4 school district may include in the policy deadlines for when
5 applications for transfer may be filed and accepted by the school
6 district.

7 In considering requests for students to transfer into a school
8 district, the board of education shall consider the requests on a
9 first-come, first-serve basis. A school district shall not accept
10 or deny a transfer based on ethnicity, national origin, gender,
11 income level, disabling condition, proficiency in the English
12 language, measure of achievement, aptitude, or athletic ability.

13 Notwithstanding the provisions of the Education Open Transfer
14 Act, transfers of children with disabilities shall be granted as
15 authorized in Section 13-103 of ~~Title 70 of the Oklahoma Statutes~~
16 this title.

17 SECTION 8. AMENDATORY 70 O.S. 2011, Section 35e, is
18 amended to read as follows:

19 Section 35e. A. It shall be the duty of the superintendent,
20 principal or head teacher of each public or private middle, junior
21 high and high school accredited by the State Department of Education
22 in the State of Oklahoma to notify the State Department of Education
23 quarterly as scheduled by the Department of the name, address, race
24 and age of any pupil dropping out from ~~such~~ the school during the

1 preceding quarter. ~~Such~~ The report shall be made on forms
2 prescribed and furnished by the State Department of Education.

3 B. The ~~Oklahoma~~ State Board of Education shall cause these
4 statistics of school dropouts to be tabulated by grade and school
5 district. Information of school dropouts shall be made available to
6 the Oklahoma Department of Career and Technology Education, ~~the~~
7 ~~Oklahoma Indian Affairs Commission,~~ the Bureau of Indian Affairs and
8 the State Department of Health, ~~Education and Welfare.~~

9 C. The State Department of Education shall make an annual
10 report to the Legislature prior to the convening of each regular
11 session thereof of information received and tabulated pursuant to
12 this section.

13 D. For the purposes of this section, for calculation of the
14 Academic Performance Index, for reporting in the Oklahoma
15 Educational Indicators Program, and any other purposes required by
16 law, school dropout means any student who is under the age of
17 ~~nineteen (19)~~ eighteen (18) and has not graduated from high school
18 and is not attending any public or private school or is otherwise
19 receiving an education pursuant to law for the full term the schools
20 of the school district in which ~~he~~ the student resides are in
21 session.

22 SECTION 9. This act shall become effective July 1, 2013.

23 SECTION 10. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

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

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