

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2131 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jeff Hickman

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2131

By: Hickman

8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to schools; creating the Education
10 Improvement Act of 2013; establishing the School
11 District Empowerment Program; stating purpose;
12 exempting certain districts from certain statutory
13 requirements and rules; granting school districts
14 certain options; specifying certain requirements
15 participating school districts shall comply with;
16 identifying districts for participation and
17 implementation of program; specifying method of
18 selection of remaining districts and timeline for
19 implementation; specifying certain categories of
20 school districts; authorizing consolidating or
21 annexing school districts to enter into a contract
22 prohibiting the closing of school sites unless
23 certain agreed-to conditions are met; specifying
24 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; amending 70
O.S. 2011, Section 1210.509, which relates to the
administration of certain tests; providing that

1 school counselors shall not be required to coordinate
2 certain tests; providing for codification; providing
3 for noncodification; providing an effective date; and
4 declaring an emergency.
5

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

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

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

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-128.1 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 A. There is hereby established the School District Empowerment
15 Program which shall be administered by the State Board of Education.
16 The purpose of the program is to empower locally elected school
17 board members to govern school districts and make decisions based on
18 the needs of their students and circumstances.

19 B. Except as otherwise provided for in this subsection, a
20 school district identified by the State Board of Education for
21 participation in the School District Empowerment Program shall be
22 exempt from all statutory requirements and State Board of Education
23 rules from which charter schools are exempt as provided for in the
24 Oklahoma Charter Schools Act. Nothing in this section shall prevent

1 a school district board of education from choosing to follow any or
2 all state laws, rules, or regulations from which a charter school is
3 exempt. A participating school district shall have the option to
4 adopt policies to implement any requirement for the school district
5 that is consistent with any statutory requirement or mandate or
6 Board rule, but a participating school district shall comply with
7 the following requirements:

8 1. Students who reside in the school district shall be entitled
9 to attend school in the district as set forth in Section 1-114 of
10 Title 70 of the Oklahoma Statutes;

11 2. School districts shall comply with the requirements of the
12 minimum salary schedule for teachers as set forth in Section 18-
13 114.12 of Title 70 of the Oklahoma Statutes;

14 3. Employees of school districts shall continue to participate
15 as members of the Teachers' Retirement System of Oklahoma as set
16 forth in Section 17-101 et seq. of Title 70 of the Oklahoma
17 Statutes;

18 4. School districts shall comply with the requirement to
19 provide a health insurance plan for school district employees as set
20 forth in Section 5-117.5 of Title 70 of the Oklahoma Statutes and to
21 establish or make available to school district employees a cafeteria
22 plan as set forth in Section 26-104 of Title 70 of the Oklahoma
23 Statutes;

1 5. School districts shall require any person employed by the
2 school district to file with the district board a current Oklahoma
3 criminal history record check from the Oklahoma State Bureau of
4 Investigation as well as a national criminal history record check as
5 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each
6 district shall adopt a policy regarding criminal history record
7 checks as set forth in Section 5-142 of Title 70 of the Oklahoma
8 Statutes;

9 6. School districts shall comply with the requirement to
10 evaluate teachers and to train personnel designated to conduct
11 personnel evaluations as set forth in Sections 6-101.10 and 6-101.11
12 of Title 70 of the Oklahoma Statutes, the dismissal and due process
13 procedures for administrators as set forth in Sections 6-101.13
14 through 6-101.15 of Title 70 of the Oklahoma Statutes, and the due
15 process procedures for teachers as set forth in Sections 6-101.21
16 through 6-101.26 of Title 70 of the Oklahoma Statutes;

17 7. School districts shall comply with the requirement to make
18 payroll deductions for either or both professional organization dues
19 and political contributions upon the request of an employee as set
20 forth in Section 5-139 of Title 70 of the Oklahoma Statutes;

21 8. School districts shall employ as teachers, counselors,
22 librarians, school nurses, superintendents, principals, supervisors,
23 or any other instructional, supervisory or administrative employee,
24 only those persons who are certified or licensed by the State Board

1 of Education in accordance with the Oklahoma Teacher Preparation
2 Act, except for persons exempt from the certification or licensure
3 requirements as otherwise provided by law;

4 9. School districts shall be required to offer and students
5 enrolled in the school district shall be required to complete the
6 curriculum requirements as set forth in Section 11-103.6 of Title 70
7 of the Oklahoma Statutes;

8 10. Students enrolled in the school district shall be required
9 to demonstrate mastery of the state academic content standards as
10 set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes;
11 and

12 11. Members of the school district board of education shall be
13 required to satisfy the instruction and continuing education
14 requirements as set forth in Sections 5-110, 5-110.1 and 5-110.2 of
15 Title 70 of the Oklahoma Statutes.

16 C. School districts which include a school that has been
17 identified as in need of improvement for the 2013-2014 school year
18 by the State Board of Education shall be identified for
19 participation in the School District Empowerment Program and shall
20 implement the program beginning in the 2014-2015 school year.

21 D. By September 30, 2014, the State Board of Education shall
22 adopt during an open meeting a five-year implementation schedule for
23 participating school districts that provides for all school
24 districts to be participating by the fifth year. For the

1 implementation schedule, the Board shall randomly select twenty
2 percent (20%) of the school districts, excluding school districts
3 identified pursuant to subsection C of this section, from each of
4 the following categories for implementation each school year
5 beginning with the 2015-2016 school year through the 2019-2020
6 school year:

7 1. Districts with an Average Daily Membership (ADM) of less
8 than two hundred fifty (250);

9 2. Districts with an ADM of less than five hundred (500) and
10 greater than or equal to two hundred fifty (250);

11 3. Districts with an ADM of less than two thousand (2,000) and
12 greater than or equal to five hundred (500); and

13 4. Districts with an ADM of two thousand (2,000) or more.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 7-109 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A school district which desires to consolidate with or annex
18 territory comprising the entire school district to one or more
19 existing school districts in accordance with the provisions of
20 Sections 7-101 through 7-108 of Title 70 of the Oklahoma Statutes
21 shall be authorized to enter into a contract with the school
22 district or districts whom they consolidate with or annex to, which
23 provides that a school site located within the consolidated or
24 annexed school district will not be closed unless certain conditions

1 are met as agreed to by the school districts in the contract.

2 Conditions that may be provided for in a contract include, but are
3 not limited to, a minimum student enrollment threshold, distribution
4 of student population within the school district, community impact,
5 and transportation costs.

6 SECTION 4. AMENDATORY 70 O.S. 2011, Section 8-103, is
7 amended to read as follows:

8 Section 8-103. A. In order that any student may be
9 transferred, an application form specified by the State Board of
10 Education must be completed by the parents of the student. For
11 purposes of the Education Open Transfer Act, the term "parent" means
12 the parent of the student or person having custody of the student as
13 provided for in paragraph 1 of subsection A of Section 1-113 of this
14 title. The application shall be obtained from and filed with the
15 superintendent of the receiving school district for transfers to
16 school districts in the State of Oklahoma and with the State Board
17 of Education for transfers to school districts in another state.

18 ~~Except as otherwise provided for in this section, applications shall~~
19 ~~be filed no later than April 1 of the school year preceding the~~
20 ~~school year for which the transfer is desired. By April 1 of the~~
21 ~~same school year~~ Applications may be filed at any time during the
22 school year with the receiving school district. Within ten (10)
23 days of receipt of the application, the receiving school district
24 shall notify the resident school district that an application for

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

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

22 C. The receiving school district of a student transferred
23 pursuant to the provisions of this act shall notify the resident
24 school district and parents of the student of a cancellation of the

1 transfer. ~~Such~~ The notice shall be made ~~by June 1 prior to the~~
2 ~~school year for which the cancellation is applicable~~ within ten (10)
3 days of the cancellation.

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

10 SECTION 5. AMENDATORY 70 O.S. 2011, Section 8-103.1, is
11 amended to read as follows:

12 Section 8-103.1 A local school district board of education
13 which receives a request for a transfer for a student who does not
14 reside in the school district may refuse the transfer in accordance
15 with the provisions of the open transfer policy adopted by the local
16 school district board of education. Each local board of education
17 shall adopt an open transfer policy for the school district which
18 specifies its criteria and standards for approval of transfers of
19 students who do not reside in the district. The policy shall
20 include, but shall not be limited to, provisions relating to the
21 availability of programs, staff, or space as criteria for approval
22 or denial of transfers. A school district may include in the policy
23 as the basis for denial of a transfer, the reasons outlined in
24 Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title. A

1 school district may include in the policy deadlines for when
2 applications for transfer may be filed and accepted by the school
3 district.

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

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

14 SECTION 6. AMENDATORY 70 O.S. 2011, Section 35e, is
15 amended to read as follows:

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

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

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

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

20 SECTION 7. AMENDATORY 70 O.S. 2011, Section 1210.509, is
21 amended to read as follows:

22 Section 1210.509 A. The Department shall provide in-service
23 training for local school personnel who administer tests required by
24

1 the Oklahoma School Testing Program Act, Section 1210.505 et seq. of
2 this title.

3 B. The Board shall require the company or companies providing
4 tests required by the Oklahoma School Testing Program Act, Section
5 1210.505 et seq. of this title, to submit summary reports of the
6 results by school district to the Department and the respective
7 local school district. Individualized results of the test shall be
8 made available by the local school district to the classroom
9 teachers who instruct the students in the academic areas tested. In
10 every year, prior to the convening of the Legislature, the Board
11 shall give a summary report on the testing results to the Governor,
12 the Speaker of the House of Representatives and the President Pro
13 Tempore of the Senate.

14 C. School counselors certified by the Department shall not be
15 required by local school districts to coordinate tests required by
16 the Oklahoma School Testing Program Act.

17 SECTION 8. This act shall become effective July 1, 2013.

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

22
23 54-1-6743 KB 02/25/13
24