

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2131

By: Hickman

COMMITTEE SUBSTITUTE

An Act relating to schools; creating the Education Improvement Act of 2013; establishing the School District Empowerment Program; stating purpose; exempting certain districts from certain statutory requirements and rules; granting school districts certain options; specifying certain requirements participating school districts shall comply with; identifying districts for participation and implementation of program; specifying method of selection of remaining districts and timeline for implementation; specifying certain categories of school districts; authorizing consolidating or annexing school districts to enter into a contract prohibiting the closing of school sites unless certain agreed-to conditions are met; 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; amending 70 O.S. 2011, Section 1210.509, which relates to the administration of certain tests; providing that school counselors shall not be required to coordinate certain tests; providing for codification; providing

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

3  
4  
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.       NEW LAW       A new section of law to be codified  
11          in the Oklahoma Statutes as Section 3-128.1 of Title 70, unless  
12          there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

23 5. School districts shall require any person employed by the  
24 school district to file with the district board a current Oklahoma

1 criminal history record check from the Oklahoma State Bureau of  
2 Investigation as well as a national criminal history record check as  
3 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each  
4 district shall adopt a policy regarding criminal history record  
5 checks as set forth in Section 5-142 of Title 70 of the Oklahoma  
6 Statutes;

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

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

19 8. School districts shall employ as teachers, counselors,  
20 librarians, school nurses, superintendents, principals, supervisors,  
21 or any other instructional, supervisory or administrative employee,  
22 only those persons who are certified or licensed by the State Board  
23 of Education in accordance with the Oklahoma Teacher Preparation  
24

1 Act, except for persons exempt from the certification or licensure  
2 requirements as otherwise provided by law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Section 8-103. A. In order that any student may be  
8 transferred, an application form specified by the State Board of  
9 Education must be completed by the parents of the student. For  
10 purposes of the Education Open Transfer Act, the term "parent" means  
11 the parent of the student or person having custody of the student as  
12 provided for in paragraph 1 of subsection A of Section 1-113 of this  
13 title. The application shall be obtained from and filed with the  
14 superintendent of the receiving school district for transfers to  
15 school districts in the State of Oklahoma and with the State Board  
16 of Education for transfers to school districts in another state.  
17 ~~Except as otherwise provided for in this section, applications shall~~  
18 ~~be filed no later than April 1 of the school year preceding the~~  
19 ~~school year for which the transfer is desired. By April 1 of the~~  
20 ~~same school year~~ Applications may be filed at any time during the  
21 school year with the receiving school district. Within ten (10)  
22 days of receipt of the application, the receiving school district  
23 shall notify the resident school district that an application for  
24 transfer has been filed by a student enrolled in the resident school

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

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

21 C. The receiving school district of a student transferred  
22 pursuant to the provisions of this act shall notify the resident  
23 school district and parents of the student of a cancellation of the  
24 transfer. ~~Such~~ The notice shall be made ~~by June 1 prior to the~~



1 ~~school year for which the cancellation is applicable~~ within ten (10)  
2 days of the cancellation.

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

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

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

1 applications for transfer may be filed and accepted by the school  
2 district.

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

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

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

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

23 B. The ~~Oklahoma~~ State Board of Education shall cause these  
24 statistics of school dropouts to be tabulated by grade and school

1 district. Information of school dropouts shall be made available to  
2 the Oklahoma Department of Career and Technology Education, ~~the~~  
3 ~~Oklahoma Indian Affairs Commission,~~ the Bureau of Indian Affairs and  
4 the State Department of Health, ~~Education and Welfare.~~

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

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

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

20 Section 1210.509 A. The Department shall provide in-service  
21 training for local school personnel who administer tests required by  
22 the Oklahoma School Testing Program Act, Section 1210.505 et seq. of  
23 this title.  
24

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

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

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

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

20  
21       54-1-7395       AM       02/27/13  
22  
23  
24