

3 and

4 Ford of the Senate
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7 An Act relating to schools; creating the Education
8 Improvement Act of 2013; establishing the School
9 District Empowerment Program; stating purpose;
10 exempting certain districts from certain statutory
11 requirements and rules; granting school districts
12 certain options; specifying certain requirements
13 participating school districts shall comply with;
14 identifying districts for participation and
15 implementation of program; specifying method of
16 selection of remaining districts and timeline for
17 implementation; specifying certain categories of
18 school districts; authorizing consolidating or
19 annexing school districts to enter into a contract
20 prohibiting the closing of school sites unless
21 certain agreed-to conditions are met; specifying
22 optional conditions; amending 70 O.S. 2011, Sections
23 8-103 and 8-103.1, which relate to the Education Open
24 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,
subject to the policy of the receiving school
district; updating language; deleting transfer
procedure for deaf or hearing impaired students;
requiring school districts to accept applications for
transfer; authorizing school district to provide
certain deadlines; 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.

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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. 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 provide for negotiations between
20 school employees and school districts as set forth in Sections 509.1
21 through 509.11 of Title 70 of the Oklahoma Statutes;

22 9. School districts shall comply with the dismissal and due
23 process procedures for education support employees as set forth in
24

1 Sections 6-101.40 through 6-101.47 of Title 70 of the Oklahoma
2 Statutes;

3 10. School districts shall employ as teachers, counselors,
4 librarians, school nurses, superintendents, principals, supervisors,
5 or any other instructional, supervisory or administrative employee,
6 only those persons who are certified or licensed by the State Board
7 of Education in accordance with the Oklahoma Teacher Preparation
8 Act, except for persons exempt from the certification or licensure
9 requirements as otherwise provided by law;

10 11. School districts shall be required to offer and students
11 enrolled in the school district shall be required to complete the
12 curriculum requirements as set forth in Section 11-103.6 of Title 70
13 of the Oklahoma Statutes;

14 12. Students enrolled in the school district shall be required
15 to demonstrate mastery of the state academic content standards as
16 set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes;
17 and

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

22 C. School districts which include a school that has been
23 identified as in need of improvement for the 2013-2014 school year
24 by the State Board of Education shall be identified for

1 participation in the School District Empowerment Program and shall
2 implement the program beginning in the 2014-2015 school year.

3 D. By September 30, 2014, the State Board of Education shall
4 adopt during an open meeting a five-year implementation schedule for
5 participating school districts that provides for all school
6 districts to be participating by the fifth year. For the
7 implementation schedule, the Board shall randomly select twenty
8 percent (20%) of the school districts, excluding school districts
9 identified pursuant to subsection C of this section, from each of
10 the following categories for implementation each school year
11 beginning with the 2015-2016 school year through the 2019-2020
12 school year:

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

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

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

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

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

23 A school district which desires to consolidate with or annex
24 territory comprising the entire school district to one or more

1 existing school districts in accordance with the provisions of
2 Sections 7-101 through 7-108 of Title 70 of the Oklahoma Statutes
3 shall be authorized to enter into a contract with the school
4 district or districts whom they consolidate with or annex to, which
5 provides that a school site located within the consolidated or
6 annexed school district will not be closed unless certain conditions
7 are met as agreed to by the school districts in the contract.
8 Conditions that may be provided for in a contract include, but are
9 not limited to, a minimum student enrollment threshold, distribution
10 of student population within the school district, community impact,
11 and transportation costs.

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

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

1 ~~be filed no later than April 1 of the school year preceding the~~
2 ~~school year for which the transfer is desired. By April 1 of the~~
3 ~~same school year~~ Applications may be filed at any time during the
4 school year with the receiving school district. Within ten (10)
5 days of receipt of the application, the receiving school district
6 shall notify the resident school district that an application for
7 transfer has been filed by a student enrolled in the resident school
8 district. The board of education of the receiving school district
9 shall approve or deny the application for transfer ~~not later than~~
10 ~~June 1 of the same year~~ within thirty (30) days of receipt of the
11 application and shall notify the parents of the student of the
12 decision. ~~By July 1 of the same year~~ Within ten (10) days of
13 receiving notice from the receiving school district, the parents of
14 the student shall notify the receiving school district that the
15 student will be enrolling in that school district. Failure of
16 parents to notify the district as required may result in loss of the
17 student's right to enroll in the district for that year. Upon
18 approval of the receiving school district, the student may transfer
19 to the receiving school district at any time during the school year,
20 subject to the policy of the receiving school district.

21 B. ~~On or before September 1~~ Within twenty (20) days of
22 approving an application for transfer, it shall be the duty of the
23 superintendent of the receiving school district to file with the
24 State Board of Education and each resident district a statement

1 showing the ~~names~~ name of the ~~students~~ student granted ~~transfers~~ a
2 transfer to the school district, the resident school district of the
3 transferred ~~students~~ student and ~~their respective~~ the grade level of
4 the student.

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

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

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

19 Section 8-103.1 A local school district board of education
20 which receives a request for a transfer for a student who does not
21 reside in the school district may refuse the transfer in accordance
22 with the provisions of the open transfer policy adopted by the local
23 school district board of education. Each local board of education
24 shall adopt an open transfer policy for the school district which

1 specifies its criteria and standards for approval of transfers of
2 students who do not reside in the district. The policy shall
3 include, but shall not be limited to, provisions relating to the
4 availability of programs, staff, or space as criteria for approval
5 or denial of transfers. A school district may include in the policy
6 as the basis for denial of a transfer, the reasons outlined in
7 Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title. A
8 school district shall accept student applications for transfer at
9 any time during the school year, but may include in the policy
10 deadlines for when applications for transfers must be received by
11 the school district prior to the beginning of a semester in order
12 for the student to transfer and begin classes in that particular
13 semester.

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

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

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

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

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

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

D. For the purposes of this section, for calculation of the Academic Performance Index, for reporting in the Oklahoma Educational Indicators Program, and any other purposes required by law, school dropout means any student who is under the age of

1 ~~nineteen (19)~~ eighteen (18) and has not graduated from high school
2 and is not attending any public or private school or is otherwise
3 receiving an education pursuant to law for the full term the schools
4 of the school district in which ~~he~~ the student resides are in
5 session.

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

8 Section 1210.509 A. The Department shall provide in-service
9 training for local school personnel who administer tests required by
10 the Oklahoma School Testing Program Act, Section 1210.505 et seq. of
11 this title.

12 B. The Board shall require the company or companies providing
13 tests required by the Oklahoma School Testing Program Act, Section
14 1210.505 et seq. of this title, to submit summary reports of the
15 results by school district to the Department and the respective
16 local school district. Individualized results of the test shall be
17 made available by the local school district to the classroom
18 teachers who instruct the students in the academic areas tested. In
19 every year, prior to the convening of the Legislature, the Board
20 shall give a summary report on the testing results to the Governor,
21 the Speaker of the House of Representatives and the President Pro
22 Tempore of the Senate.

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

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

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

Passed the House of Representatives the 14th day of March, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2013.

Presiding Officer of the Senate