

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2131, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Ford

Ford-EB-FS-Req#1764
4/16/2013 2:47 PM

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 2131

By: Hickman and Cox of the
House

and

Ford of the Senate

FLOOR SUBSTITUTE

An Act relating to schools; establishing the School District Empowerment Program; stating purpose; providing procedures by which school districts may seek exemption from certain statutory requirements and rules; providing method for approval and appeals; granting districts certain options; specifying certain requirements with which participating districts must comply; amending 70 O.S. 2011, Section 8-103, which relates to transfer procedures; modifying deadlines for notification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.11 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the School District Empowerment Program which shall be administered by the State Board of Education. The purpose of the program is to empower locally elected school

1 board members to govern school districts and make decisions based on
2 the needs of their students and circumstances.

3 B. 1. Subject to the provisions of this section, a school
4 district shall be allowed to submit a request to the State Board of
5 Education for an exemption from all statutory requirements and State
6 Board of Education rules from which charter schools are exempt, as
7 provided for in the Oklahoma Charter Schools Act. Any request for
8 exemption shall include a plan which outlines the goals sought to be
9 achieved at a minimum, include the educational and fiscal benefits
10 and the anticipated impacts or outcomes the plan will have in the
11 district.

12 2. Within ninety (90) days after receiving the request and
13 plan, the State Board shall approve or disapprove the request. If
14 the State Board does not approve the request, it shall provide to
15 the school district a written explanation of the basis for its
16 decision. The school district may resubmit an amended request at
17 any time after the denial. The request shall be approved by the
18 state Board before implementation by the school district. An
19 approved request and plan shall be for no longer than three (3)
20 years. Prior to the beginning of the third year, the school
21 district may apply for renewal of the approved request and plan.
22 The school district shall be required to submit an annual report and
23 the State Board shall annually assess the academic achievement and
24 fiscal status of the school district.

1 C. Nothing in this section shall prevent a school district
2 board of education from choosing to follow any or all state laws,
3 rules or regulations from which a charter school is exempt. A
4 school district which has been granted approval by the State Board
5 for exemption as set forth in subsection B of this section shall
6 have the option to adopt policies to implement any requirement for
7 the school district that is consistent with any statutory
8 requirement or mandate or State Board rule, but a participating
9 school shall comply with the following requirements:

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

13 2. School districts shall comply with the requirements of the
14 minimum salary schedule for teachers as set forth in Section 18-
15 114.12 of Title 70 of the Oklahoma Statutes;

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

20 4. School districts shall comply with the requirement to
21 provide a health insurance plan for school district employees as set
22 forth in Section 5-117.5 of Title 70 of the Oklahoma Statutes and to
23 establish or make available to school district employees a cafeteria
24

1 plan as set forth in Section 26-104 of Title 70 of the Oklahoma
2 Statutes;

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

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

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

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

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

3 9. 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 10. School districts shall provide for negotiations between
11 school employees and school districts as set forth in Sections 509.1
12 through 509.11 of Title 70 of the Oklahoma statutes;

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

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-103, is
2 amended to read as follows:

3 Section 8-103. A. In order that any student may be
4 transferred, an application form specified by the State Board of
5 Education must be completed by the parents of the student. For
6 purposes of the Education Open Transfer Act, the term "parent" means
7 the parent of the student or person having custody of the student as
8 provided for in paragraph 1 of subsection A of Section 1-113 of this
9 title. The application shall be obtained from and filed with the
10 superintendent of the receiving school district for transfers to
11 school districts in the State of Oklahoma and with the State Board
12 of Education for transfers to school districts in another state.
13 Except as otherwise provided for in this section, applications shall
14 be filed no later than ~~April 1~~ the first Monday in June of the
15 school year preceding the school year for which the transfer is
16 desired. By ~~April 1~~ the first Monday in June of the same school
17 year, the receiving school district shall notify the resident school
18 district that an application for transfer has been filed by a
19 student enrolled in the resident school district. The board of
20 education of the receiving school district shall approve or deny the
21 application for transfer ~~not later than June 1 of the same year~~
22 within thirty (30) days of receipt of the application and shall
23 notify the parents of the student of the decision. ~~By July 1 of the~~
24 ~~same year~~ Within ten (10) days of receiving notice from the

1 receiving school district, the parents of the student shall notify
2 the receiving school district that the student will be enrolling in
3 that school district. Failure of parents to notify the district as
4 required may result in loss of the student's right to enroll in the
5 district for that year.

6 B. On or before September 1, it shall be the duty of the
7 superintendent of the receiving school district to file with the
8 State Board of Education and each resident district a statement
9 showing the names of the students granted transfers to the school
10 district, the resident school district of the transferred students
11 and their respective grade level.

12 C. The receiving school district of a student transferred
13 pursuant to the provisions of this act shall notify the resident
14 school district and parents of the student of a cancellation of the
15 transfer. Such notice shall be made by June 1 prior to the school
16 year for which the cancellation is applicable.

17 D. For students who are deaf or hearing impaired who wish to
18 transfer to a school district with a specialized deaf education
19 program, applications may be filed at any time during the school
20 year. Upon approval of the receiving school district, the student
21 may transfer to the receiving school district at any time during the
22 school year.

23 SECTION 3. This act shall become effective July 1, 2013.
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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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