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April 1, 2013

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2131

By: Hickman and Cox of the  
House

and

Ford of the Senate

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 any  
17 time after the denial. The request shall be approved by the state  
18 Board before implementation by the school district. An approved  
19 request and plan shall be for no longer than three (3) years. Prior  
20 to the beginning of the third year, the school district may apply  
21 for renewal of the approved request and plan. The school district  
22 shall be required to submit an annual report and the State Board  
23 shall annually assess the academic achievement and fiscal status of  
24 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 school  
4 district which has been granted approval by the State Board for  
5 exemption as set forth in subsection B of this section shall have  
6 the option to adopt policies to implement any requirement for the  
7 school district that is consistent with any statutory requirement or  
8 mandate or State Board rule, but a participating school shall comply  
9 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 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 8. School districts shall provide for negotiations between  
4 school employees and school districts as set forth in Sections 509.1  
5 through 509.11 of Title 70 of the Oklahoma statutes;

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

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

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

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

20 Section 8-103. A. In order that any student may be  
21 transferred, an application form specified by the State Board of  
22 Education must be completed by the parents of the student. For  
23 purposes of the Education Open Transfer Act, the term "parent" means  
24 the parent of the student or person having custody of the student as

1 provided for in paragraph 1 of subsection A of Section 1-113 of this  
2 title. The application shall be obtained from and filed with the  
3 superintendent of the receiving school district for transfers to  
4 school districts in the State of Oklahoma and with the State Board  
5 of Education for transfers to school districts in another state.  
6 Except as otherwise provided for in this section, applications shall  
7 be filed no later than ~~April 1~~ fifteen (15) days after the first  
8 Monday in June of the school year preceding the school year for  
9 which the transfer is desired. By ~~April 1~~ the fifteenth day  
10 following the first Monday in June of the same school year, the  
11 receiving school district shall notify the resident school district  
12 that an application for transfer has been filed by a student  
13 enrolled in the resident school district. The board of education of  
14 the receiving school district shall approve or deny the application  
15 for transfer ~~not later than June 1 of the same year~~ within thirty  
16 (30) days of receipt of the application and shall notify the parents  
17 of the student of the decision. ~~By July 1 of the same year~~ Within  
18 ten (10) days of receiving notice from the receiving school  
19 district, the parents of the student shall notify the receiving  
20 school district that the student will be enrolling in that school  
21 district. Failure of parents to notify the district as required may  
22 result in loss of the student's right to enroll in the district for  
23 that year.

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

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

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

18 SECTION 3. This act shall become effective July 1, 2013.

19 SECTION 4. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
24 April 1, 2013 - DO PASS AS AMENDED