

1 ENGROSSED SENATE  
2 BILL NO. 1187

By: Jolley and Loveless of the  
Senate

3 and

4 Hickman of the House

5  
6 An Act relating to schools; amending Section 1,  
7 Chapter 312, O.S.L. 2013, as amended by Section 3,  
8 Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section  
9 3-129.11), which relates to the School District  
10 Empowerment Program; removing certain requirements  
11 for participation; directing the State Board of  
12 Education to promulgate certain rules; amending 70  
13 O.S. 2011, Section 3-129.3, which relates to  
14 empowerment plans; updating reference; providing  
15 method for approving collective bargaining agreement  
16 changes; amending 70 O.S. 2011, Section 5-142, as  
17 last amended by Section 1, Chapter 12, O.S.L. 2015  
18 (70 O.S. Supp. 2015, Section 5-142), which relates to  
19 criminal history record checks; and modifying  
20 reference.

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

22 SECTION 1. AMENDATORY Section 1, Chapter 312, O.S.L.  
23 2013, as amended by Section 3, Chapter 124, O.S.L. 2014 (70 O.S.  
24 Supp. 2015, Section 3-129.11), is amended to read as follows:

Section 3-129.11. 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 board members to govern school districts and

1 make decisions based on the needs of their students and  
2 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 ~~this title;~~

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 this title;~~

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 this title;~~

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

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 this title;~~

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

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 this title;~~

19       ~~8. School districts shall comply with the dismissal and due~~  
20 ~~process procedures for education support employees as set forth in~~  
21 ~~Sections 6-101.40 through 6-101.47 of this title;~~

22       ~~9. School districts shall employ as teachers, counselors,~~  
23 ~~librarians, school nurses, superintendents, principals, supervisors~~  
24 ~~or any other instructional, supervisory or administrative employee~~

~~only those persons who are certified by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except for persons exempt from the certification requirements as otherwise provided by law;~~

~~10. School districts shall provide for negotiations between school employees and school districts as set forth in Sections 509.1 through 509.11 of this title;~~

~~11. School districts shall be required to offer and students enrolled in the school district shall be required to complete the curriculum requirements as set forth in Section 11-103.6 of this title;~~

~~12. Students enrolled in the school district shall be required to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of this title; and~~

~~13. Members of the school district board of education shall be required to satisfy the instruction and continuing education requirements as set forth in Sections 5-110, 5-110.1 and 5-110.2 of this title.~~

D. The State Board of Education shall promulgate rules to determine when an empowered school district or empowered school site will lose its empowered status based on student achievement and/or academic growth.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-129.3, is amended to read as follows:

1       Section 3-129.3. A. 1. A public school, zone~~7~~ or district may  
2 submit to its school district board of education an empowerment plan  
3 as described in subsection C of this section.

4       2. A school district board of education shall receive and  
5 review each empowerment plan submitted pursuant to paragraph 1 of  
6 this subsection. The school district board of education shall  
7 either approve or disapprove the empowerment plan within sixty (60)  
8 days after receiving the plan.

9       3. If the school district board of education rejects the plan,  
10 it shall provide to the public school, zone~~7~~ or district that  
11 submitted the plan a written explanation of the basis for its  
12 decision. A public school, zone~~7~~ or district may resubmit an  
13 amended empowerment plan at any time after denial.

14       4. If the school district board of education approves the plan,  
15 it shall proceed to seek approval of the school, zone~~7~~ or district  
16 as an empowered school, zone~~7~~ or district pursuant to ~~Section 6 of~~  
17 ~~this act~~ Section 3-129.6 of this title.

18       B. A school district board of education may initiate and  
19 collaborate with one or more public schools of the school district  
20 to create one or more empowerment plans, as described in subsection  
21 C of this section. In creating an empowerment plan the school  
22 district board of education shall ensure that each public school  
23 that would be affected by the plan has the opportunity to  
24 participate in the creation of the plan.

1 C. Each empowerment plan shall include the following  
2 information:

3 1. A statement of the mission of the school, zone~~7~~ or district  
4 and why designation as an empowered school, zone~~7~~ or district would  
5 enhance the ability of the school, zone~~7~~ or district to achieve its  
6 mission;

7 2. A description of the innovations the school, zone~~7~~ or  
8 district would implement, which may include, but not be limited to,  
9 innovations in school staffing, curriculum and assessment, class  
10 scheduling, use of financial and other resources~~7~~ and faculty  
11 recruitment, employment, evaluation~~7~~ and compensation;

12 3. A listing of the programs, policies~~7~~ or operational  
13 documents within the school, zone~~7~~ or district that would be  
14 affected by the innovations identified by the school, zone~~7~~ or  
15 district and the manner in which they would be affected. The  
16 programs, policies~~7~~ or operational documents may include, but not be  
17 limited to:

18 a. the research-based educational program to be implemented,

19 b. the length of school day and school year,

20 c. the student promotion and graduation policies to be  
21 implemented,

22 d. the assessment plan,

23 e. the proposed budget, and

24 f. the proposed staffing plan;

1        4. A description of any statutory, regulatory~~7~~ or district  
2 policy requirements that would need to be waived for the school,  
3 zone~~7~~ or district to implement the identified innovations;

4        5. A description of any provision of the collective bargaining  
5 agreement in effect for the personnel at the school, zone~~7~~ or  
6 district that would need to be waived for the school, zone~~7~~ or  
7 district to implement its identified innovation;

8        6. An identification of the improvements in academic  
9 performance that the school, zone~~7~~ or district expects to achieve in  
10 implementing the innovations;

11       7. An estimate of the cost savings and increased efficiencies,  
12 if any, the school, zone~~7~~ or district expects to achieve in  
13 implementing the identified innovations;

14       8. Evidence that both a majority of the administrators and a  
15 majority of the teachers employed at the school, zone~~7~~ or district  
16 approve the empowerment plan and consent to the designation as an  
17 empowered school, zone~~7~~ or district. In the event the empowerment  
18 plan alters the terms of any collective bargaining agreement between  
19 the district and the collective bargaining unit representing the  
20 teachers, a sixty percent (60%) supermajority shall be required of  
21 the membership of the local collective bargaining unit pursuant to  
22 Section 3-129.8 of this title. The determination of approval and  
23 consent of the plan shall be obtained by means of a secret ballot  
24 vote;



1        9. A statement of the level of support for designation as an  
2 empowered school, zone~~7~~ or district demonstrated by the other  
3 persons employed at the school, zone~~7~~ or district, the students and  
4 parents of students enrolled in the school, zone~~7~~ or district, and  
5 the community surrounding the school, zone~~7~~ or district; and

6        10. Any additional information required by the school district  
7 board of education of the school district in which the empowerment  
8 plan would be implemented.

9        D. Each plan for creating an empowered school~~7~~, zone or district  
10 whether submitted by a group of public schools or created by a  
11 school district board of education through collaboration with a  
12 group of public schools, shall also include the following additional  
13 information:

14        1. A description of how innovations in the schools in the  
15 empowered school zone or district would be integrated to achieve  
16 results that would be less likely to be accomplished by each school  
17 working alone; and

18        2. An estimate of any economies of scale that would be achieved  
19 by innovations implemented jointly by the schools within the  
20 empowered school~~7~~, zone or district.

21        E. No employee of a school, zone~~7~~ or district shall be  
22 discriminated against by the school district board of education, the  
23 superintendent of the school district~~7~~, or any other administrative  
24 officer of the school district or by any employee organization, an

1 officer of the organization<sup>7</sup> or a member of the organization for  
2 exercising or not exercising the rights provided for under the  
3 Empowered Schools and School Districts Act. An employee of a school  
4 district or an officer or member of an employee organization shall  
5 be prohibited from impeding, restraining or coercing an employee of  
6 a school, zone or district from exercising the rights provided for  
7 under the act or causing an employer to impede, restrain or coerce  
8 an employee from exercising the rights provided for under the act.

9 SECTION 3. AMENDATORY 70 O.S. 2011, Section 5-142, as  
10 last amended by Section 1, Chapter 12, O.S.L. 2015 (70 O.S. Supp.  
11 2015, Section 5-142), is amended to read as follows:

12 Section 5-142. A. Except as otherwise provided for in  
13 subsection F of this section, for purposes of employment, a board of  
14 education may request in writing to the State Board of Education  
15 that a national criminal history record check be conducted of any  
16 employee of the school and shall request such information for any  
17 person seeking employment with ~~the~~ a school, charter school or  
18 empowered school. The Oklahoma State Bureau of Investigation (OSBI)  
19 shall obtain fingerprints of the employee or prospective employee  
20 and require that the person pay a search fee not to exceed Fifty  
21 Dollars (\$50.00) or the cost of the search, whichever is the lesser  
22 amount. The fees shall be deposited in the OSBI Revolving Fund.  
23 School districts may reimburse employees for the cost of the search.  
24 The State Board of Education shall contact the Oklahoma State Bureau

1 of Investigation for any national criminal history record of the  
2 person within fourteen (14) working days of receiving a written  
3 request from the board of education.

4 B. The Oklahoma State Bureau of Investigation shall provide the  
5 national criminal history record check requested by the State Board  
6 of Education within fourteen (14) working days from the receipt of  
7 the request. The Bureau may contact the Federal Bureau of  
8 Investigation to obtain the information requested.

9 C. The State Board of Education shall provide the information  
10 received from the Oklahoma State Bureau of Investigation to the  
11 board of education within fourteen (14) days from the receipt of the  
12 information. The State Board of Education shall provide any follow-  
13 up information received from the OSBI concerning a person for which  
14 a national criminal history record check was requested to the  
15 employing board of education.

16 D. For the purpose of this section:

17 1. "Board of education" includes both public and private boards  
18 of education within or outside this state;

19 2. "Employing agency" means a political subdivision or law  
20 enforcement agency in this state;

21 3. "Law enforcement officer" means a peace or police officer  
22 who is certified by the Council on Law Enforcement Education and  
23 Training;  
24

1        4. "National criminal history record check" means a national  
2 criminal history record check as defined in Section 150.9 of Title  
3 74 of the Oklahoma Statutes; and

4        5. "Prospective employee" means an individual who has received  
5 an offer of temporary employment by a school district pending the  
6 results of the national criminal history record check.

7        E. Each public board of education within this state shall  
8 promulgate a statement regarding the felony record search policy for  
9 that school district. The policy may permit temporary employment of  
10 prospective employees for a maximum of sixty (60) days pending  
11 receipt of results of national criminal history record check  
12 requests. The temporary employment of the prospective employee  
13 shall terminate after sixty (60) days unless the school district  
14 receives the results of the national criminal history record check.  
15 The sixty-day temporary employment period shall begin on the first  
16 day the prospective employee reports for duty at the employing  
17 school district. Prospective employees shall be notified of the  
18 requirement, the fee and the reimbursement policy when first  
19 interviewed concerning employment. The school district's  
20 reimbursement policy shall provide, at the minimum, that employees  
21 shall be promptly reimbursed in full for the fee if employed by the  
22 district at the time the national criminal history record check  
23 request is made unless the person was employed pending receipt of  
24 results as set forth above.

1 F. 1. Any person who has been employed as a full-time teacher  
2 by a school district in this state and applies for employment as a  
3 full-time teacher in another school district in this state may not  
4 be required to have a national criminal history record check if the  
5 teacher produces a copy of a national criminal history record check  
6 completed within the preceding five (5) years and a letter from the  
7 school district in which the teacher was employed stating the  
8 teacher left in good standing.

9 2. For any person applying for employment as a substitute  
10 teacher, a national criminal history record check shall be required  
11 for the school year; provided however, a board of education may  
12 choose whether to require a national criminal history record check  
13 from a prospective substitute teacher who has been employed by the  
14 school district in the last year. Any person applying for  
15 employment as a substitute teacher in more than one school district  
16 shall only be required to have one national criminal history record  
17 check, and, upon the request of the substitute teacher, that record  
18 check shall be sent to all other school districts in which the  
19 substitute teacher is applying to teach.

20 3. Any person employed as a full-time teacher by a school  
21 district in this state in the five (5) years immediately preceding  
22 an application for employment as a substitute teacher may not be  
23 required to have a national criminal history record check, if the  
24 teacher produces a copy of a national criminal history record check

1 completed within the preceding five (5) years and a letter from the  
2 school district in which the teacher was last employed stating the  
3 teacher left in good standing.

4 4. Any person employed as a substitute teacher by a school  
5 district in this state for a minimum of five (5) years immediately  
6 preceding an application for employment as a full-time teacher in a  
7 school district in this state may not be required to have a national  
8 criminal history record check if the teacher produces a copy of a  
9 national criminal history record check completed within the  
10 preceding five (5) years and a letter from the school district in  
11 which the teacher was employed as a substitute teacher stating the  
12 teacher left in good standing.

13 5. Any person employed as a full-time teacher by a school  
14 district in this state for ten (10) or more consecutive years  
15 immediately preceding an application for employment as a substitute  
16 teacher in the same school district may not be required to have a  
17 national criminal history record check for as long as the person  
18 remains employed for consecutive years by that school district as a  
19 substitute teacher, if the teacher left full-time employment in good  
20 standing. If the teacher applies for employment as a substitute  
21 teacher in another school district, a national criminal history  
22 record check shall be required.

1 G. The provisions of this section shall not apply to technology  
2 center employees hired on a part-time or temporary basis for the  
3 instruction of adult students only.

4 H. The provisions of this section shall not apply to law  
5 enforcement officers who are employed by an employing agency at the  
6 time of application for employment at a public school district.

7 I. Nothing in this section shall be construed to impose  
8 liability on school districts, except in negligence, for employing  
9 prospective employees within the sixty-day temporary employment  
10 window pending the results of the national criminal history record  
11 check.

12 Passed the Senate the 10th day of March, 2016.

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14 \_\_\_\_\_  
15 Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2016.

18  
19 \_\_\_\_\_  
20 Presiding Officer of the House  
21 of Representatives  
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