

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 15, 2019

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 193

By: Pemberton of the Senate and McBride and Hasenbeck of the House

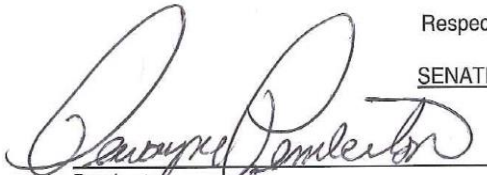

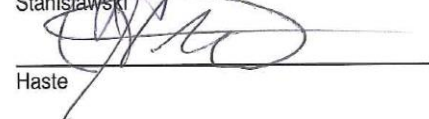
Title: Schools; accreditation standards; modifying circumstances under which penalties cannot be assessed. Effective date. Emergency.

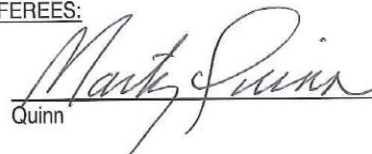


together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:


Pemberton

Stanislawski

Haste


Quinn

Dossett

Ikley-Freeman

HOUSE CONFEREES:

General Conference Committee on Appropriations

Senate Action _____ Date _____ House Action _____ Date _____

efc

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 193

By: Pemberton of the Senate

and

6 McBride and Hasenbeck of
7 the House

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 3-104.4, as last amended by Section 27,
12 Chapter 42, O.S.L. 2017 (70 O.S. Supp. 2018, Section
13 3-104.4), which relates to standards for
14 accreditation of schools; modifying circumstances for
15 withdrawal or denial of accreditation and assessment
16 of certain penalty for failure to meet media program
17 standards; directing certain prohibition to cease if
18 certain funding amount is appropriated; providing
19 exception; modifying circumstances for assessing
20 financial penalties against school districts;
21 directing certain prohibition to cease in certain
22 fiscal year if certain funding amount is
23 appropriated; providing exception; directing the
24 State Department of Education to submit certain
report on class sizes by certain date; amending 70
O.S. 2011, Section 3-167, as last amended by Section
2, Chapter 253, O.S.L. 2016 (70 O.S. Supp. 2018,
Section 3-167), which relates to advisory councils;
modifying circumstances under which school districts
are exempt from certain advisory council
requirements; removing prohibition if certain funding
amount is appropriated; providing exception; amending
70 O.S. 2011, Section 16-111, as last amended by
Section 3, Chapter 253, O.S.L. 2016 (70 O.S. Supp.
2018, Section 16-111), which relates to textbook
adoption; modifying circumstances under which school
districts are exempt from textbook adoption
requirements; directing prohibition to cease if

1 certain funding amount is appropriated; providing
2 exception; providing an effective date; and declaring
3 an emergency.

4
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104.4, as
7 last amended by Section 27, Chapter 42, O.S.L. 2017 (70 O.S. Supp.
8 2018, Section 3-104.4), is amended to read as follows:

9 Section 3-104.4. A. On or before February 1, 1991, the State
10 Board of Education shall adopt standards for the accreditation of
11 the public schools in this state according to the requirements of
12 this act, to be effective as set forth in this act. The
13 accreditation standards shall incorporate the curricular standards
14 established pursuant to Section 11-103.6 of this title. The
15 accreditation standards shall equal or exceed the accreditation
16 standards for schools promulgated by the North Central Association
17 of Colleges and Schools to the extent that the standards are
18 consistent with an academic results oriented approach to
19 accreditation, excluding those standards which deal with affective
20 behavior to the extent the adoption of the standards does not
21 conflict with state statute. The accreditation adopted by the State
22 Board shall encompass accreditation for elementary schools, middle
23 schools, junior high schools, and high schools. The accreditation
24

standards shall be made available for public inspection at the offices of the State Department of Education.

B. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of school counselors to the public school children of this state. The State Board of Education shall require each local school district to provide information regarding the number of counselors serving each school site, the duties of all such counselors including all administrative duties, the number of students served by each counselor, and information regarding the number of counselors employed per elementary school, middle school, junior high school and high school.

C. Except as otherwise provided by subsection A of this section with regard to curricular standards, as a condition of receiving state accreditation pursuant to this act:

1. High schools shall meet the accreditation standards not later than June 30, 1995; and

2. Elementary, middle and junior high schools shall meet the accreditation standards not later than June 30, 1999.

Schools shall thereafter continue to meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the adopted standards by the State Board of Education pursuant to the Administrative Procedures Act.

1 D. If one or more school sites fails to receive accreditation
2 as required pursuant to this section by the dates set forth in
3 subsection C of this section or subsequently loses accreditation,
4 the State Board of Education shall close the school and reassign the
5 students to accredited schools within the district or shall annex
6 the district to one or more other districts in which the students
7 can be educated in accredited schools.

8 E. Standards for accreditation adopted by the State Board of
9 Education shall include standards relating to the provision of
10 educational services provided in partial hospitalization programs,
11 day treatment programs, day hospital programs, residential treatment
12 programs and emergency shelter programs for persons between the ages
13 of three (3) and twenty-one (21) years of age. The accreditation
14 standards shall apply to onsite and offsite educational services
15 provided by public school districts or state-accredited private
16 schools. The accreditation standards shall provide for warnings,
17 probation or nonaccredited status for schools that fail to meet the
18 standards. Each school which is providing or is required to provide
19 educational services for students placed in a program as described
20 in this subsection shall be actively monitored by the State
21 Department of Education. The Department shall determine on an
22 ongoing basis if the educational program and services are in
23 compliance with the accreditation standards. The Department shall
24 investigate a complaint of failure to provide educational services

1 within ten (10) days of receiving the complaint. If the Department
2 determines that a school has failed to comply with the accreditation
3 standards the Department shall report the recommended warning,
4 probation or nonaccredited accreditation status to the State Board
5 of Education within sixty (60) days. If a school does not take
6 action to comply with the accreditation standards within ninety (90)
7 days after a report is filed by the Department, the Board shall
8 withdraw accreditation for the school.

9 F. State Board accreditation regulations shall provide for
10 warnings and for assistance to schools and school districts whenever
11 there is reason to believe a school is in danger of losing its state
12 accreditation.

13 G. The State Board shall provide assistance to districts in
14 considering the possibility of meeting accreditation requirements
15 through the use of nontraditional means of instruction. The State
16 Board shall also assist districts in forming cooperatives and making
17 arrangements for the use of satellite instruction or other
18 instructional technologies to the extent that use of such
19 instructional means meets accreditation standards.

20 H. 1. Accreditation shall not be withdrawn from or denied nor
21 shall a penalty be assessed against a school or school district for
22 failing to meet the media materials and equipment standards ~~and,~~
23 media program expenditure standards and media personnel standards as
24 set forth in the accreditation standards adopted by the Board.

1 2. The provisions of paragraph 1 of this subsection shall cease
2 to be effective during ~~a~~ the fiscal year ~~immediately following a~~
3 ~~fiscal year that the state financial support of public schools~~
4 ~~provides an amount equal to or more than Three Thousand Two Hundred~~
5 ~~Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average~~
6 ~~daily membership as calculated pursuant to Section 18-200.1 of this~~
7 ~~title and reported to school districts by the State Department of~~
8 ~~Education on the initial tentative State Aid allocation notice~~ which
9 begins on the July 1 immediately succeeding the legislative session
10 during which the measure appropriating monies to the State Board of
11 Education for the financial support of public schools is enacted as
12 law and such appropriation amount is at least Fifty Million Dollars
13 (\$50,000,000.00) greater than the amount of money appropriated to
14 the State Board of Education for the financial support of public
15 schools for the fiscal year ending June 30, 2019, pursuant to
16 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars
17 (\$50,000,000.00) shall not include any amount of appropriations
18 dedicated for support or certified employee salary increases.
19 Accreditation shall not be withdrawn from or denied nor shall a
20 penalty be assessed against a school or school district for failing
21 to meet the media personnel standards as set forth in accreditation
22 standards adopted by the Board.

23 3. ~~If the amount set and calculated as provided for in~~
24 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~

~~more as reported to school districts by the Department on the initial tentative State Aid allocation notice for the following fiscal year, the provisions of paragraph 2 of this subsection shall cease to be effective and the provisions of paragraph 1 of this subsection shall continue to be effective.~~

I. 1. The State Board shall not assess a financial penalty against any school district which is given a deficiency in accreditation status during any fiscal year as provided for in this subsection.

~~2. The provisions of paragraph 1 of this subsection shall cease to be effective during a fiscal year immediately following a fiscal year that the state financial support of public schools provides an amount equal to or more than Three Thousand Two Hundred Ninety one Dollars and sixty cents (\$3,291.60) per weighted average daily membership as calculated pursuant to Section 18-200.1 of this title and reported to school districts by the State Department of Education on the initial tentative State Aid allocation notice~~
Beginning with the fiscal year which begins July 1, 2021, if the amount of money appropriated to the State Board of Education for the financial support of public schools is at least One Hundred Million Dollars (\$100,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be

1 assessed against any school districts that do not comply with the
2 class size limitations for kindergarten as provided for in Section
3 18-113.2 of this title and class size limitations for grade one as
4 provided for in subsection A of Section 18-113.1 of this title.
5 Provided, the One Hundred Million Dollars (\$100,000,000.00) shall
6 not include any amount of appropriations dedicated for support or
7 certified employee salary increases.

8 3. ~~If the amount set and calculated as provided for in~~
9 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~
10 ~~more as reported to school districts by the Department on the~~
11 ~~initial tentative State Aid allocation notice for the following~~
12 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~
13 ~~cease to be effective and the provisions of paragraph 1 of this~~
14 ~~subsection shall continue to be effective~~ The State Department of
15 Education shall submit a report on statewide classroom sizes to the
16 President Pro Tempore of the Oklahoma State Senate and the Speaker
17 of the Oklahoma House of Representatives no later than January 1,
18 2022.

19 J. Accreditation shall not be withdrawn from or denied, nor
20 shall a penalty be assessed against, a school district for complying
21 with this section.

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-167, as
23 last amended by Section 2, Chapter 253, O.S.L. 2016 (70 O.S. Supp.
24 2018, Section 3-167), is amended to read as follows:

1 Section 3-167. A. 1. The State Board of Education shall
2 exempt all school districts from or waive any policy, rule or law
3 which requires school districts to form, convene, or participate in
4 any advisory council or committee, including but not limited to the
5 requirement to convene an advisory council when preparing the school
6 improvement plan as set forth in Section 5-117.4 of this title.

7 2. The provisions of paragraph 1 of this subsection shall cease
8 to be effective during a the fiscal year ~~immediately following a~~
9 ~~fiscal year that the state financial support of public schools~~
10 ~~provides an amount equal to or more than Three Thousand Two Hundred~~
11 ~~Ninety one Dollars and sixty cents (\$3,291.60) per weighted average~~
12 ~~daily membership as calculated pursuant to Section 18-200.1 of this~~
13 ~~title and reported to school districts by the State Department of~~
14 ~~Education on the initial tentative State Aid allocation notice~~ which
15 begins on the July 1 immediately succeeding the legislative session
16 during which the measure appropriating monies to the State Board of
17 Education for the financial support of public schools is enacted as
18 law and such appropriation amount is at least Fifty Million Dollars
19 (\$50,000,000.00) greater than the amount of money appropriated to
20 the State Board of Education for the financial support of public
21 schools for the fiscal year ending June 30, 2019, pursuant to
22 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars
23 (\$50,000,000.00) shall not include any amount of appropriations
24 dedicated for support or certified employee salary increases.

1 ~~3. If the amount set and calculated as provided for in~~
2 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~
3 ~~more as reported to school districts by the Department on the~~
4 ~~initial tentative State Aid allocation notice for the following~~
5 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~
6 ~~cease to be effective and the provisions of paragraph 1 of this~~
7 ~~subsection shall continue to be effective.~~

8 B. School districts shall not be exempted from forming,
9 convening or participating in an advisory council or committee if
10 required by federal law or regulation.

11 SECTION 3. AMENDATORY 70 O.S. 2011, Section 16-111, as
12 last amended by Section 3, Chapter 253, O.S.L. 2016 (70 O.S. Supp.
13 2018, Section 16-111), is amended to read as follows:

14 Section 16-111. A. Except as otherwise provided for in
15 subsection E of this section, the superintendent of schools of each
16 school district in the state shall appoint a local textbook
17 committee consisting of not fewer than three nor more than nine
18 members. Each committee shall have one lay member, with the
19 remainder of the members being teachers employed in the public
20 schools of the district, a majority of whom shall be classroom
21 teachers. The superintendent of schools or a designee who shall be
22 a principal or a curriculum specialist shall serve as chairperson of
23 the local textbook committee.

1 B. Upon the written request of any duly appointed local
2 textbook coordinator, the publisher of a textbook selected by the
3 State Textbook Committee shall furnish at least one examination copy
4 of the textbook and the teacher edition of the textbook, if one is
5 published, and a copy of software for purposes of complete
6 demonstration and review, if available, to the school district so
7 that the local textbook committee may examine any or all new
8 adoptions in the subjects taught or to be taught in schools in the
9 district.

10 C. Except as otherwise provided for in subsection E of this
11 section, on or before a date to be fixed by the State Board of
12 Education, each local textbook committee shall adopt textbooks from
13 the multiple list selected by the State Textbook Committee in a
14 manner as shall be prescribed by the State Board of Education. Each
15 local textbook committee shall serve without compensation and shall
16 cease to exist when local adoptions have been completed and shall be
17 replaced by another local textbook committee appointed in the same
18 manner as provided for in this section.

19 D. Except as otherwise provided for in subsection E of this
20 section, on or before a date to be fixed by the State Board of
21 Education, the superintendent of each school district shall submit
22 to the State Board of Education a textbook plan outlining the
23 estimated number of textbooks needed by the school district and the
24 total amount of money to be expended by the district for textbooks

1 including the allocated funds and any additional supplemental funds
2 to be expended. The superintendent or textbook coordinator
3 appointed by the superintendent, shall place orders from the proper
4 depository or depositories for all of the textbooks needed as
5 outlined in the textbook plan by the district for the ensuing year.
6 The superintendent of a school district or textbook coordinator may
7 order any textbooks placed on the official multiple textbook list.
8 If the order exceeds the allocation for each school district as
9 provided in Section 16-114a of this title any additional funds
10 expended shall be reported on the statement of expenditures for the
11 district.

12 E. 1. If a school district makes the election as provided for
13 in subsection B of Section 16-114a of this title, the district shall
14 not be required to appoint a local textbook committee, adopt
15 textbooks, submit a textbook plan, or expend money on the purchase
16 of textbooks during any fiscal year as provided for in this
17 subsection.

18 2. The provisions of paragraph 1 of this subsection shall cease
19 to be effective during ~~a~~ the fiscal year ~~immediately following a~~
20 ~~fiscal year that the state financial support of public schools~~
21 ~~provides an amount equal to or more than Three Thousand Two Hundred~~
22 ~~Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average~~
23 ~~daily membership as calculated pursuant to Section 18-200.1 of this~~
24 ~~title and reported to school districts by the State Department of~~

~~Education on the initial tentative State Aid allocation notice which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.~~

~~3. If the amount set and calculated as provided for in paragraph 2 of this subsection is reduced by one percent (1%) or more as reported to school districts by the Department on the initial tentative State Aid allocation notice for the following fiscal year, the provisions of paragraph 2 of this subsection shall cease to be effective and the provisions of paragraph 1 of this subsection shall continue to be effective.~~

SECTION 4. This act shall become effective July 1, 2019.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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