An Act

ENROLLED HOUSE
BILL NO. 3029

By: Benge, Fields, Cooksey, Banz, Coody, Hilliard, Peterson, Denney, Murphey and Tibbs of the House

and

Halligan of the Senate

An Act relating to schools; amending 70 O.S. 2001, Section 3-104.4, which relates to accreditation standards; deleting obsolete language; prohibiting the withdrawal or denial of accreditation for failure to meet certain media program standards during certain years; prohibiting the State Board of Education from assessing financial accreditation penalties during certain years; directing the Board to exempt or waive certain advisory council requirements; providing an exception; amending 70 O.S. 2001, Section 6-194, as last amended by Section 2, Chapter 399, O.S.L. 2008 (70 O.S. Supp. 2009, Section 6-194), which relates to district professional development programs; allowing school district to elect not to adopt or offer a professional development program for certain years; allowing expenditure of certain professional development monies for other purposes; modifying annual reporting requirements; amending 70 O.S. 2001, Section 6-204.2, as last amended by Section 1, Chapter 197, O.S.L. 2007 (70 O.S. Supp. 2009, Section 6-204.2), which relates to the Education Leadership Oklahoma Act; providing certain exceptions; directing the Oklahoma Commission for Teacher Preparation not to accept applications or pay certain costs for certain period; providing exception for certain teachers; directing the State Board of Education not to pay certain bonus to certain teachers for certain period; providing exceptions for certain teachers; amending 70 O.S. 2001, Sections 16-102 and 16-111 and

Section 7, Chapter 2, O.S.L. 2002 (70 O.S. Supp. 2009, Section 16-114a), which relate to textbook adoption and allocation; directing the State Textbook Committee to suspend pending textbook selections processes; directing the Committee to extend the textbook adoption cycle for certain time period; updating statutory language and citation; exempting school districts from certain textbook adoption requirements during certain years; modifying authorization to retain textbook allocations; allowing school districts to expend the textbook allocation for other purposes during certain years; amending 11 O.S. 2001, Section 22-159, which relates to the municipal support of public school systems; expanding public school systems that may be supported; and providing for codification.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-104.4, is amended to read as follows:

Section 3-104.4 A. On or before February 1, 1991, the State Board of Education shall adopt standards for the accreditation of the public schools in this state according to the requirements of this act, to be effective as set forth in this act. The accreditation standards shall incorporate the curricular standards established pursuant to Section 11-103.6 of this title ~~for implementation with the 1993-94 school year. No school shall be denied accreditation or have accreditation withdrawn prior to the 1997-98 school year solely for failure to fully implement the curricular standards~~. The accreditation standards shall equal or exceed the accreditation standards for schools promulgated by the North Central Association of Colleges and Schools to the extent that the standards are consistent with an academic results oriented approach to accreditation, excluding those standards which deal with affective behavior to the extent the adoption of the standards does not conflict with state statute. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. The

accreditation 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 ~~Oklahoma~~ Administrative Procedures Act.

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

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

F. The State Board shall provide assistance to districts in considering the possibility of meeting accreditation requirements

through the use of nontraditional means of instruction. The State Board shall also assist districts in forming cooperatives and making arrangements for the use of satellite instruction or other instructional technologies to the extent that use of such instructional means meets accreditation standards.

G. For the fiscal years ending June 30, 2011, and June 30, 2012, accreditation shall not be withdrawn from or denied nor shall a penalty be assessed against a school or school district for failing to meet the media materials and equipment standards and media program expenditure standards as set forth in the accreditation standards adopted by the Board.

H. The State Board shall not assess a financial penalty against any school district which is given a deficiency in accreditation status during the fiscal years ending June 30, 2011, and June 30, 2012.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-167 of Title 70, unless there is created a duplication in numbering, reads as follows:

For the fiscal years ending June 30, 2011, and June 30, 2012, the State Board of Education shall exempt all school districts from or waive any policy, rule or law which requires school districts to form, convene, or participate in any advisory council or committee, including but not limited to the requirement to convene an advisory council when preparing the school improvement plan as set forth in Section 5-117.4 of Title 70 of the Oklahoma Statutes. School districts shall not be exempted from forming, convening or participating in an advisory council or committee if required by federal law or regulation.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 6-194, as last amended by Section 2, Chapter 399, O.S.L. 2008 (70 O.S. Supp. 2009, Section 6-194), is amended to read as follows:

Section 6-194. A. The district boards of education of this state shall establish professional development programs for the certified and licensed teachers and administrators of the district. Programs shall be adopted by each board based upon recommendations of a professional development committee appointed by the board of education for the district. For the fiscal years ending June 30, 2011, and June 30, 2012, a school district board of education may elect not to adopt and offer a professional development program for

certified and licensed teachers and administrators of the district. If a school district elects not to adopt and offer a professional development program, the district may expend any monies allocated for professional development for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district.

B. Each professional development committee shall include classroom teachers, administrators and parents, guardians or custodians of children in the school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected by a designated administrator of the school district from a list of names submitted by the teachers in the school district. The members selected shall be subject to the approval of a majority vote of the teachers in the district. At a minimum, once every four (4) years the committee shall include at least one school counselor in its membership.

C. In developing program recommendations, each professional development committee shall annually utilize a data-driven approach to analyze student data and determine district and school professional development needs. The professional development programs adopted shall be directed toward development of competencies and instructional strategies in the core curriculum areas for the following goals:

1. Increasing the academic performance index scores for the district and each school site;

2. Closing achievement gaps among student subgroups;

3. Increasing student achievement as demonstrated on state-mandated tests and the ACT;

4. Increasing high school graduation rates; and

5. Decreasing college remediation rates.

Each program may also include components on classroom management and student discipline strategies, outreach to parents, guardians or custodians of students, special education, and racial and ethnic education, which all personnel defined as teachers in Section 1-116 of this title shall be required to complete on a periodic basis. The State Board of Education shall provide guidelines to assist

school districts in developing and implementing racial and ethnic education components into professional development programs. At least once a year a program shall be offered which includes a component of teacher training on recognition and reporting of child abuse and neglect which all teachers shall be required to complete. Additionally at least one time per year, beginning in the 2009-2010 school year, training in the area of autism shall be offered and all resident teachers of students in early childhood programs through grade three shall be required to complete the autism training during the resident year and at least one time every three (3) years thereafter. All other teachers and education support professionals of students in early childhood programs through grade three shall be required to complete the autism training at least one time every three (3) years. The autism training shall include a minimum awareness of the characteristics of autistic children, resources available and an introduction to positive behavior supports to challenging behavior. Each adopted program shall allow school counselors to receive at least one-third (1/3) of the hours or credit required each year through programs or courses specifically designed for school counselors.

Districts are authorized to utilize any means for professional development that is not prohibited by law including, but not limited to, professional development provided by the district, any state agency, institution of higher education, or any private entity.

D. Each licensed or certified teacher in this state shall be required by the district board of education to meet the professional development requirements established by the board, or established through the negotiation process. Provided, the professional development requirements established by each board of education shall require every teacher to annually complete a minimum number of the total number of points required to maintain employment. Failure of any teacher to meet district board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the board. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher.

E. Each district shall annually submit a report to the State Department of Education on the district level professional development needs, activities completed, expenditures, and results achieved for each school year by each goal as provided in subsection C of this section. If a school district elects not to adopt and offer a professional development program as provided for in subsection A of this section, the district shall not be required to

submit an annual report as required pursuant to this subsection but shall report to the State Department of Education its election not to offer a program and all professional development activities completed by teachers and administrators of the school district.

F. Subject to the availability of funds, the Department shall develop an online system for reporting as required in subsection E of this section. The Department shall also make such information available on its website.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 6-204.2, as last amended by Section 1, Chapter 197, O.S.L. 2007 (70 O.S. Supp. 2009, Section 6-204.2), is amended to read as follows:

Section 6-204.2 A. Subject to the availability of funds, the Oklahoma Commission for Teacher Preparation and the State Board of Education are authorized to establish the Education Leadership Oklahoma program.

B. The purposes of the Education Leadership Oklahoma program are:

1. Provide teachers throughout the state information about National Board certification and the Education Leadership Oklahoma program scholarships and services;

2. Provide technical assistance and National Board certified mentors to all teachers seeking National Board certification upon request;

3. Provide scholarships, pursuant to the Education Leadership Oklahoma Act and Oklahoma Commission for Teacher Preparation rules, for teachers seeking National Board certification;

4. Provide a bonus to teachers who achieve National Board certification pursuant to the Education Leadership Oklahoma Act and State Board of Education rules;

5. Reward teachers who achieve National Board certification without the financial support of the Education Leadership Oklahoma program by awarding them the application fee and the amount of the scholarship given to Education Leadership Oklahoma participants pursuant to this section and commission rules; and

6. Provide recognition to National Board certified teachers.

C. ~~To~~ Except as otherwise provided for in subsection P of this section, to fulfill the objectives of the Education Leadership Oklahoma Act, the Oklahoma Commission for Teacher Preparation shall:

1. Inform teachers of the Education Leadership Oklahoma program and the scholarships and services it provides to teachers seeking National Board certification, emphasizing recruiting efforts toward teachers at high-poverty schools, low-achieving schools and in counties with the lowest percentage of teachers who have achieved National Board certification;

2. Collect and review applications to the scholarship program from interested teachers;

3. Establish an applicant review committee for the purpose of identifying scholarship recipients pursuant to the Education Leadership Oklahoma Act for the Education Leadership Oklahoma program; and

4. Ensure that all scholarship recipients, alternates, and teachers seeking National Board certification independently receive adequate information regarding the level of commitment required to acquire National Board certification.

D. The applicant review committee shall:

1. Consist of:

a. five classroom teachers appointed by the State Board of Education, at least one of whom shall be a National Board certified teacher, if available,

b. five classroom teachers appointed by the Oklahoma Commission for Teacher Preparation, at least one of whom shall be a National Board certified teacher, if available,

c. three classroom teachers appointed by the Oklahoma State Regents for Higher Education, at least one of whom shall be a National Board certified teacher, if available, and

d. a chair to be designated by the Executive Director of the Oklahoma Commission for Teacher Preparation from among the appointed members; and

2. ~~Select~~ Except as otherwise provided for in subsection P of this section, select up to four hundred teachers each year, of whom a minimum of twenty-five percent (25%) teach at schools on the school improvement list as determined by the State Board of Education pursuant to the No Child Left Behind Act or schools with more than fifty percent (50%) of students who qualify for the free and reduced price lunch program, and the appropriate number of alternates, who:

a. have demonstrated a commitment to excellence in teaching,

b. meet all eligibility requirements for potential certification as established by the National Board for Professional Teaching Standards,

c. are employed in an Oklahoma public school, and

d. meet other requirements of the Commission.

E. Subject to the availability of funds appropriated by the Legislature for the purposes of this subsection and except as otherwise provided for in subsection P of this section, the application fee for National Board certification shall be paid for scholarship recipients by the Commission, and scholarship recipients shall be provided a scholarship in the amount of Five Hundred Dollars ($500.00) to cover other expenses associated with obtaining National Board certification.

F. It is the intent of the Legislature that the Oklahoma Commission for Teacher Preparation contract with Southeastern Oklahoma State University to establish Education Leadership Oklahoma program training in higher education teacher preparation programs in the state to assist teachers in meeting the requirements to obtain National Board certification.

G. ~~All~~ Except as otherwise provided for in subsection P of this section, all teachers seeking National Board certification shall be eligible to participate in Education Leadership Oklahoma program training to assist them in meeting the requirements of the National Board certification process, free of charge.

H. The Oklahoma Commission for Teacher Preparation shall promulgate rules for the selection of scholarship recipients, the selection and utilization of alternates, the payment and reimbursement of application fees, and the issuance of scholarships.

I. Subject to district board of education policy or collective bargaining agreement, additional professional leave days may be granted to teachers seeking National Board certification for National Board certification portfolio development. During the two (2) days of the additional professional days granted to teachers for National Board certification portfolio development, a substitute teacher shall be provided by the school district at no cost to the teacher.

J. ~~The~~ Except as otherwise provided for in subsection P of this section, the State Board of Education shall provide all teachers who attain National Board certification a bonus in the amount of Five Thousand Dollars ($5,000.00) annually no later than January 31 for as long as they maintain their National Board certification and are teaching in the classroom full-time in an Oklahoma public school. No school or school district shall be liable for payment of bonuses pursuant to this section.

K. The bonus shall not be included in the calculation of the teacher's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of compensating Oklahoma Teachers' Retirement System contributions or benefits.

L. The State Board of Education shall promulgate rules for the provision of the bonus pursuant to this section to include, but not be limited to, a process by which a National Board certified teacher will verify that:

1. The National Board certification has not lapsed; and

2. The teacher is still a full-time teacher.

M. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education incorporate the National Board certification portfolio development into all programs in education leading to a master's level degree.

N. Upon implementation of this subsection as provided for in subsection O of this section, the State Board of Education shall

provide all teachers who attain National Board certification a bonus in the amount of Seven Thousand Dollars ($7,000.00) annually no later than January 31 for as long as they maintain their National Board certification and are full-time teachers in an Oklahoma public school. No school or school district shall be liable for payment of bonuses pursuant to this section. Upon implementation, the bonus provided for in this subsection shall replace the bonus provided for in subsection J of this section.

O. Implementation of subsection N of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing subsection N of this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement subsection N of this section.

P. 1. Except as otherwise provided, the Oklahoma Commission for Teacher Preparation shall not accept any applications for the Education Leadership Oklahoma program, award scholarships pursuant to the Education Leadership Oklahoma Act or pay the National Board certification application fee for scholarship recipients after June 30, 2010, through June 30, 2012. The Commission may pay any scholarship amounts or pay the National Board certification application fees incurred after June 30, 2010, for any teacher selected for the Education Leadership Oklahoma program before June 30, 2010.

2. Except as otherwise provided, the State Board of Education shall not provide a bonus in the amount of Five Thousand Dollars ($5,000.00) as authorized in subsection J of this section beginning June 30, 2010, through June 30, 2012, to any teacher who attains National Board certification after June 30, 2010, through June 30, 2012. The Board shall provide a bonus to any teacher who attains National Board certification after June 30, 2010, if the teacher was selected for the Education Leadership Oklahoma program before June 30, 2010, or the teacher has submitted an application for National Board certification to the National Board for Professional Teaching Standards before June 30, 2010.

SECTION 5. AMENDATORY 70 O.S. 2001, Section 16-102, is amended to read as follows:

Section 16-102. A. The State Textbook Committee shall meet at the call of the chairperson as often as necessary, with two (2)

weeks' public notice, to discharge its responsibilities. ~~Not~~ If necessary, not later than the first day of December of each year the State Textbook Committee shall meet at the call of the chairperson at the State Capitol and select textbooks for subjects taught in the public schools of the state up to and including the twelfth grade, which selections shall be for not more than six (6) years for every textbook.

B. ~~From the effective date of this act until December 31, 1993~~ Before September 1, 2010, the Committee ~~may~~ shall suspend any currently pending selection process of textbooks and shall extend by ~~up to~~ at least two (2) years the ~~five year~~ six-year adoption period of those textbooks currently on the state adopted list, ~~or provide for an interim adoption period of not to exceed three (3) years for textbooks for certain subjects,~~ for the purpose of ~~correlation with a~~ delaying for two (2) years the six-year adoption cycle ~~or for restructure of the adoption cycle~~ of subjects.

C. "Textbooks", as used in Sections 16-101 through 16-124 of this title, means instructional materials that are designed for use by pupils as a learning resource. Instructional materials may be printed or nonprinted and may include textbooks, technology-based and other educational materials. Technology-based materials do not include the equipment required to make use of those materials.

~~C.~~ D. ~~Said~~ The Committee shall select textbooks or series of textbooks for each subject, which are in its judgment satisfactory. The State Textbook Committee may determine that unusual or extraordinary circumstances exist in a particular subject area during the period for which textbooks have been selected for that subject area. Unusual or extraordinary circumstances shall include but not be limited to significant new techniques of teaching in a particular subject area or significant new findings or discoveries in a particular subject area. Upon a determination by three-fourths (3/4) of the members of the State Textbook Committee that unusual or extraordinary circumstances exist in a particular subject area, the Committee may select one or more textbooks in that subject area for the remainder of the adoption period.

~~D.~~ E. Five or more district boards of education may petition the State Board of Education to add a book or series of textbooks to the approved list selected by the State Textbook Committee.

The State Board of Education shall promulgate rules to implement the method and time frame for handling ~~such~~ the petitions in the most expeditious manner.

SECTION 6. AMENDATORY 70 O.S. 2001, Section 16-111, is amended to read as follows:

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

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

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

D. ~~On~~ Except as otherwise provided for in subsection E of this section, on or before a date to be fixed by the State Board of Education, the superintendent of each school district shall submit to the State Board of Education a textbook plan outlining the estimated number of textbooks needed by the school district and the total amount of money to be expended by the district for textbooks including the allocated funds and any additional supplemental funds

to be expended. The superintendent or textbook coordinator appointed by the superintendent, shall place orders from the proper depository or depositories for all of the textbooks needed as outlined in the textbook plan by the district for the ensuing year. The superintendent of a school district or textbook coordinator may order any textbooks placed on the official multiple textbook list. If the order exceeds the allocation for each school district as provided in Section ~~16-114~~ 16-114a of this title any additional funds expended shall be reported on the statement of expenditures for the district.

E. For the fiscal years ending June 30, 2011, and June 30, 2012, a school district shall not be required to appoint a local textbook committee, adopt textbooks, submit a textbook plan, or expend money on the purchase of textbooks during the fiscal year if the school district makes the election as provided for in subsection B of Section 16-114a of this title.

SECTION 7. AMENDATORY Section 7, Chapter 2, O.S.L. 2002 (70 O.S. Supp. 2009, Section 16-114a), is amended to read as follows:

Section 16-114a. A. Based upon legislative appropriations, the State Board of Education shall determine the textbook allocation to be distributed to each school district in the state. Each year the textbook allocation for each school district shall be calculated and distributed in July and adjusted in December. The initial allocation shall be calculated based on the audited end-of-year average daily attendance of the preceding school year multiplied by Fifty-five Dollars ($55.00). The initial allocation shall be calculated and distributed to each school district in July. The December adjustment shall be calculated by multiplying the audited first nine (9) weeks' average daily attendance for that current school year by Fifty-five Dollars ($55.00) and subtracting from that amount the amount of the initial allocation. The adjustment shall be calculated in December and distributed to each eligible school district no later than January 15. A school district shall receive an adjustment only if the adjustment figure as calculated in this section is greater than zero. The State Department of Education shall retain from the total amount appropriated for textbooks not less than one percent (1%) of the total amount to be used for the purpose of making the adjustments. If the amount appropriated, including the retained amount, is not sufficient to fully fund the adjusted allocation, each school district eligible for an adjustment shall receive a proportionate reduction in funding. Any unused

portion of the value of textbooks allowed to a school district shall be cumulative and may be ~~retained~~ carried over by the school district ~~the following~~ to subsequent fiscal ~~year~~ years, in addition to the allocation it is entitled to receive during ~~such~~ that fiscal year.

B. For the fiscal years ending June 30, 2011, and June 30, 2012, a school district may elect to expend any monies allocated pursuant to this section for textbooks, including any monies carried over as authorized pursuant to subsection A of this section, for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district.

C. All textbooks distributed to a school district that have been destroyed by fire or other hazard shall be replaced by the State Board of Education. The total cost of all additional textbooks delivered to school districts to replace those destroyed by fire or other hazard shall not exceed, for the entire state in any fiscal year, the aggregate sum of One Hundred Thousand Dollars ($100,000.00), which sum shall be reserved for ~~such~~ that purpose from any appropriation made to carry out the provision of this ~~article~~ section for any fiscal year.

SECTION 8. AMENDATORY 11 O.S. 2001, Section 22-159, is amended to read as follows:

Section 22-159. Municipalities may support any public school system located in whole or in part within the corporate limits of the municipality or any public school system located outside and completely surrounded by the corporate limits of the municipality, including without limitation by the expenditure of municipal revenues for construction or improvement of public school facilities. In furtherance of municipal support for any public school system, as authorized by this section, the municipal governing body may take all actions necessary to effectuate such support.

Passed the House of Representatives the 26th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 28th day of May, 2010, at 11:27 o'clock A M.

By:

Approved by the Governor of the State of Oklahoma the 11th day of June, 2010, at 4:07 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 11th day of June, 2010 at 4:18 o'clock P M.

By: