

An Act

ENROLLED HOUSE

BILL NO. 2131

By: Hickman, Cox and Nelson 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; and providing for codification.

SUBJECT: Schools

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

B. 1. Subject to the provisions of this section, a school district shall be allowed to submit a request to the State Board of Education for an exemption from all statutory requirements and State

Board of Education rules from which charter schools are exempt, as provided for in the Oklahoma Charter Schools Act. Any request for exemption shall include a plan which outlines the goals sought to be achieved at a minimum, include the educational and fiscal benefits and the anticipated impacts or outcomes the plan will have in the district.

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

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

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

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

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

4. School districts shall comply with the requirement to provide a health insurance plan for school district employees as set forth in Section 5-117.5 of Title 70 of the Oklahoma Statutes and to establish or make available to school district employees a cafeteria plan as set forth in Section 26-104 of Title 70 of the Oklahoma Statutes;

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

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

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

8. School districts shall comply with the dismissal and due process procedures for education support employees as set forth in Sections 6-101.40 through 6-101.47 of Title 70 of the Oklahoma Statutes;

9. School districts shall employ as teachers, counselors, librarians, school nurses, superintendents, principals, supervisors or any other instructional, supervisory or administrative employee only those persons who are certified or licensed by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except for persons exempt from the certification or licensure 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 Title 70 of the Oklahoma Statutes;

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 Title 70 of the Oklahoma Statutes;

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 Title 70 of the Oklahoma Statutes; 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 Title 70 of the Oklahoma Statutes.

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

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

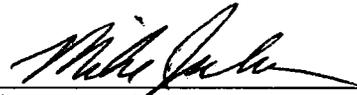
the receiving school district that the student will be enrolling in that school district. Failure of parents to notify the district as required may result in loss of the student's right to enroll in the district for that year.

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

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

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

Passed the House of Representatives the 14th day of May, 2013.


Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2013.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

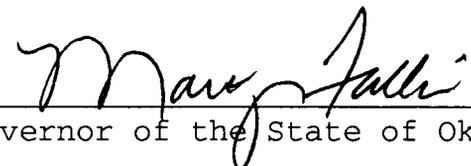
Received by the Office of the Governor this 15th

day of May, 20 13, at 3:55 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 20th

day of May, 20 13, at 2:43 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20th

day of May, 20 13, at 4:15 o'clock P. M.

By: Chris Travers