



# H.B. 1150

RE: H.B. 1150  
SUBJECT: Schools

House Bill 1150 becomes effective July 1, 2015. This bill removes private treatment facility from a list of entities that cannot be located near a school.

- Current law lists several entities that cannot be located within 1,000 feet of any public or private school.
- Section 1: Removes “private treatment facility” from this list.
  - Statute defines “treatment facility” as any facility that offers either inpatient, intermediate or outpatient treatment to any person suffering from alcohol or drug abuse, or alcohol- or drug-related problems, and is certified by the Board of Mental Health and Substance Abuse Services.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 43A O.S. 3-417.1  
Helpful Statutory References: 43A O.S. 3-403

# An Act

ENROLLED HOUSE

BILL NO. 1150

By: Grau and Sherrer of the  
House

and

Griffin and Pittman of the  
Senate

An Act relating to mental health; amending 43A O.S. 2011, Section 3-417.1, which prohibits certain facilities from being located within certain distance from certain schools; removing certain facility from such prohibition; providing an effective date; and declaring an emergency.

SUBJECT: Mental health facilities

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-417.1, is amended to read as follows:

Section 3-417.1 Any ~~private treatment facility~~, transitional living center or halfway house, as defined in Section 3-403 of this title, shall be subject to the nondiscriminatory zoning laws of the state, county or municipality in which located, and the location of such facility is specifically prohibited within one thousand (1,000) feet of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a ~~treatment facility~~, transitional living center or halfway house, this shall not be a bar to the continued use of the facility as designated so long as it remains in continuous use as designated. The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the ~~treatment facility~~, transitional living center or halfway house. The provisions of this section shall not apply to any ~~treatment~~

~~facility,~~ transitional living center or halfway house established prior to the effective date of this act.

SECTION 2. This act shall become effective July 1, 2015.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 5th day of May, 2015.

John D. Jones, Jr.  
Presiding Officer of the House  
of Representatives

Passed the Senate the 13th day of April, 2015.

Nathan Dahm  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 12<sup>th</sup>  
day of May, 20 15, at 4:33 o'clock P M.  
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 18<sup>th</sup>  
day of May, 20 15, at 11:39 o'clock A M.

Mary Fallin  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 18<sup>th</sup>  
day of May, 20 15, at 1:22 o'clock P. M.  
By: Chi Benze



## **H.B. 1460**

RE: H.B. 1460

SUBJECT: Regulating Possession of Knives

House Bill 1460 becomes effective November 1, 2015. This bill amends the state preemption statute to allow for schools to adopt a policy regulating possession of knives.

- Current law, under the State Preemption statute, states that for certain weapons a municipality or other legal entity may not adopt an ordinance or policy that is more strict than what the state has set forth. Currently, that list does not include knives.
- Section 1(A): Adds knives to the list of weapons in the preemption statute, and allows for any public or private school to create a policy to regulate possession of knives on school property and in any school bus or vehicle.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 21 O.S. 1289.24

# An Act

ENROLLED HOUSE

BILL NO. 1460

By: Wallace, Ritze and Faught  
of the House

and

Dahm of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1289.24, as amended by Section 22, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014, Section 1289.24), which relates to the Firearms Act of 1971; expanding scope of state preemption to include knives; authorizing public and private schools to establish policies regulating the possession of knives on school property; and providing an effective date.

SUBJECT: Regulating possession of knives

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as amended by Section 22, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014, Section 1289.24), is amended to read as follows:

Section 1289.24

## FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field,

except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

- a. relating to the discharge of firearms within the jurisdiction of the municipality, and
- b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

3. As provided in the preemption provisions of this section, the otherwise lawful open carrying of a handgun under the provisions of the Oklahoma Self-Defense Act shall not be punishable by any municipality or other political subdivision of this state as disorderly conduct, disturbing the peace or similar offense against public order.

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

C. Except as hereinafter provided, this section shall not prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm or knife improperly may include a provision for confiscation of property.

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person

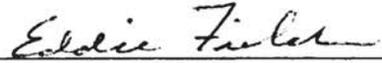
shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 28th day of April, 2015.

  
Presiding Officer of the House  
of Representatives

Passed the Senate the 21st day of April, 2015.

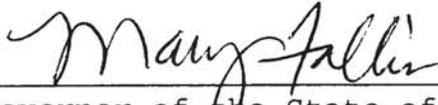
  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 29<sup>th</sup>  
day of April, 20 15, at 3:00 o'clock P M.

By: Audrey Rodwell

Approved by the Governor of the State of Oklahoma this 4<sup>th</sup>  
day of May, 20 15, at 2:10 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 4<sup>th</sup>  
day of May, 20 15, at 3:18 o'clock P. M.

By: Chris Benz



# H.B. 1685

RE: H.B. 1685

SUBJECT: School Health and Safety

House Bill 1685 becomes effective August 20, 2015. This bill creates the 24/7 Tobacco-Free Schools Act.

- Section 3: Prohibits the use of tobacco products in or on any educational facility, including facilities where programs for early childhood education and grades k-12 are held. Additionally, it prohibits use in school vehicles and at any school-sponsored or school-sanctioned event or activity.
  - “Educational Facility” is defined as any property, building, permanent structure, facility, auditorium, stadium, arena, or recreational facility owned, leased or under the control of the school district or private school.
  - Educational facility does not include technology centers; however, Section 6 states that if they offer programs for early childhood or grades k-12, then tobacco products are prohibited in the building and on the grounds by all persons when an activity is being held. Chewing tobacco, smoking tobacco, tobacco product and school vehicle are also defined.
  - School districts are not prohibited from having more restrictive policies regarding tobacco products.
- Section 4(M): Reduces the punishment for violation from a misdemeanor to a citation and fine of not more than \$100.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 21 O.S. 1247; 63 O.S. 1-1522, 1-1523

New Law at: 70 O.S. 1210.211, 1210.212, 1210.213

# An Act

ENROLLED HOUSE

BILL NO. 1685

By: Denney, Shelton and Sherrer  
of the House

and

Halligan of the Senate

An Act relating to school health and safety; creating the 24/7 Tobacco-free Schools Act; providing definitions; prohibiting the use of tobacco products on or in educational facilities; prohibiting the use of tobacco products in school vehicles or at school events or activities; allowing for more restrictive policies; amending 21 O.S. 2011, Section 1247, as last amended by Section 1, Chapter 167, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1247), which relates to prohibition on smoking in certain public places; adding prohibition for certain educational facilities; modifying certain penalty; amending 63 O.S. 2011, Sections 1-1522 and 1-1523, as last amended by Section 2, Chapter 167, O.S.L. 2014 (63 O.S. Supp. 2014, Section 1-1523), which relate to the Smoking in Public Places and Indoor Workplaces Act; modifying certain definition; changing certain prohibitions; adding prohibition for certain educational facilities; and providing for codification.

SUBJECT: School health and safety

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 1210.211 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 2 and 3 of this act shall be known and may be cited as the "24/7 Tobacco-free Schools Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.212 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the 24/7 Tobacco-free Schools Act:

1. "Chewing tobacco" means any Cavendish, twist, plug, scrap, and any other kinds and forms of tobacco suitable for chewing;

2. "Educational facility" shall mean any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school located in the state. For purposes of this act, a public school district shall not include a technology center school district;

3. "School vehicle" means any transportation equipment or auxiliary transportation equipment as defined in Section 9-104 of Title 70 of the Oklahoma Statutes;

4. "Smoking tobacco" shall mean any granulated, plug cut, crimp cut, ready rubbed, and any other kinds and forms of tobacco suitable for smoking in a pipe or cigarette; and

5. "Tobacco product" shall mean any bidis, cigars, cheroots, stogies, smoking tobacco and chewing tobacco, however prepared. Tobacco products shall include any other articles or products made of tobacco or any substitute thereof.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.213 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The use of a tobacco product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated. The use of a tobacco product shall also be prohibited in school vehicles, and at any school-sponsored or school-sanctioned event or activity.

B. Nothing in this section shall be construed to prohibit a public school district or private school from having more

restrictive policies regarding tobacco products in or on an educational facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1247, as last amended by Section 1, Chapter 167, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1247), is amended to read as follows:

Section 1247. A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, all parts of a zoo to which the public may be admitted, whether indoors or outdoors, public transportation, or any indoor workplace, except where specifically allowed by law. Commercial airport operators may prohibit the use of lighted tobacco in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

B. All buildings and other properties, or portions thereof, owned or operated by this state shall be designated as nonsmoking. The provisions of this subsection shall not apply to veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be designated nonsmoking effective January 1, 2015, at which time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking shall only be allowed in designated outdoor smoking areas until January 1, 2018. Each veterans center

described in this subsection shall be entirely nonsmoking no later than January 1, 2018.

C. All buildings and other properties, or portions thereof, owned or operated by a county or municipal government, at the discretion of the county or municipal governing body, may be designated as entirely nonsmoking.

D. ~~All buildings, or portions thereof, owned by an educational facility~~ facilities or portions thereof as is defined in the Smoking in Public Places and Indoor Workplaces Act and all educational facilities as defined in the 24/7 Tobacco-free Schools Act shall be designated as nonsmoking as provided for in Section 1-1523 of Title 63 of the Oklahoma Statutes. All campuses, buildings and grounds, or portions thereof, owned or operated by an institution within The Oklahoma State System of Higher Education may be designated as tobacco free, including smoking or smokeless tobacco, by the institution upon adoption of a policy stating the tobacco restrictions for the institution and an intent to enforce the penalty for violations as set forth in subsection M of this section.

E. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in subsection B, C or D of this section.

F. The restrictions provided in this section shall not apply to stand-alone bars, stand-alone taverns and cigar bars as defined in Section 1-1522 of Title 63 of the Oklahoma Statutes.

G. The restrictions provided in this section shall not apply to the following:

1. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;

6. Private offices occupied exclusively by one or more smokers;

7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

8. Medical research or treatment centers, if smoking is integral to the research or treatment;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

10. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

H. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

I. If smoking is to be permitted in any space exempted in subsection F or G of this section or in a smoking room pursuant to

subsection H of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

J. Notwithstanding any other provision of this section, until March 1, 2006, restaurants may have designated smoking and nonsmoking areas or may be designated as being a totally nonsmoking area. Beginning March 1, 2006, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

K. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

L. Responsibility for posting signs or decals shall be as follows:

1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

M. Any person who knowingly violates the provisions of this section ~~is guilty of a misdemeanor, and upon conviction thereof,~~ shall be punished by a citation and fine of not less than Ten Dollars (\$10.00) ~~nor~~ more than One Hundred Dollars (\$100.00).

SECTION 5. AMENDATORY 63 O.S. 2011, Section 1-1522, is amended to read as follows:

Section 1-1522. As used in this act:

1. "Educational facility" means a building owned, leased or under the control of a technology center school district or a public or private school system, college or university;

2. "Health facility" means an entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers;

3. "Indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed;

4. "Meeting" means a meeting as defined in the Oklahoma Open Meeting Act;

5. "Public body" means a public body as defined in the Oklahoma Open Meeting Act;

6. "Public place" means any enclosed indoor area where individuals other than employees are invited or permitted;

7. "Restaurant" means any eating establishment regardless of seating capacity;

8. "Smoking" means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device; and

9. "Stand-alone bar", "stand-alone tavern", and "cigar bar" mean an establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under twenty-one (21) years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

SECTION 6. AMENDATORY 63 O.S. 2011, Section 1-1523, as last amended by Section 2, Chapter 167, O.S.L. 2014 (63 O.S. Supp. 2014, Section 1-1523), is amended to read as follows:

Section 1-1523. A. Except as specifically provided in the Smoking in Public Places and Indoor Workplaces Act, no person shall smoke in a public place, in any part of a zoo to which the public may be admitted, whether indoors or outdoors, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building. Commercial airport operators may prohibit the use of lighted tobacco in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

B. 1. Except as otherwise provided in paragraph 2 of this subsection, ~~an educational facility~~ a technology center school district which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the educational facility buildings

and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.

2. ~~Career and A technology centers center school district~~ may designate smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

3. ~~An educational facility~~ A technology center school district or college or university may designate smoking areas outside the educational facility buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.

4. Smoking shall be prohibited in an educational facility as defined in the 24/7 Tobacco-free Schools Act and as provided for in Section 3 of this act.

C. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facility.

D. A private residence is not a "public place" within the meaning of the Smoking in Public Places and Indoor Workplaces Act except that areas in a private residence that are used as a licensed child care facility during hours of operation are "public places" within the meaning of the Smoking in Public Places and Indoor Workplaces Act.

E. Smoking is prohibited in all vehicles owned by the State of Oklahoma and all of its agencies and instrumentalities.

F. Veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes shall be designated nonsmoking effective January 1, 2015, at which time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking shall only be allowed in designated outdoor smoking areas until January 1, 2018. Each veterans center described in this subsection shall be entirely nonsmoking no later than January 1, 2018.

G. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside, in such manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake. If smoking is to be permitted in any space exempted in subsection G H of this section or in a smoking room pursuant to subsection H I of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake.

H. The Smoking in Public Places and Indoor Workplaces Act shall not prohibit smoking in:

1. Stand-alone bars, stand-alone taverns or cigar bars;
2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
3. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
4. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
5. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access;
6. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional

person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

7. Private offices occupied exclusively by one or more smokers;

8. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501 (c)(8), 501 (c)(10) or 501 (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public;

10. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant; and

11. Medical research or treatment centers, if smoking is integral to the research or treatment.

I. Notwithstanding any other provision of the Smoking in Public Places and Indoor Workplaces Act, until March 1, 2006, restaurants may have designated smoking and nonsmoking areas or may be designated as being a totally nonsmoking area. Beginning March 1, 2006, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

Passed the House of Representatives the 28th day of April, 2015.

*W. Dennis Johnston*  
Presiding Officer of the House  
of Representatives

Passed the Senate the 1st day of April, 2015.

*Nathan Dahm*  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 4<sup>th</sup>

day of May, 20 15, at 3:20 o'clock P M.

By: *Audrey Reczwell*

Approved by the Governor of the State of Oklahoma this 6<sup>th</sup>

day of May, 20 15, at 2:36 o'clock P M.

*Mary Fallin*  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6<sup>th</sup>

day of May, 20 15, at 5:23 o'clock P M.

By: *Ch. Benz*



# H.B. 1691

RE: H.B. 1691

SUBJECT: Boards of Education of School Districts

House Bill 1691 becomes effective July 1, 2015. This bill allows local school districts greater flexibility to contract for certain services.

- Section 1(G): Allows a local board of education to contract with a public or private entity to provide educational and administrative services for the school district.
  - This flexibility is provided only for those districts with an average daily membership (ADM) of 30,000 or more, where the district is located in a county having a population of more than 500,000 according to the latest Census data. This requirement limits this ability to the Oklahoma City and Tulsa school districts.
  - The contracted entity must be nonsectarian.
  - Contracted services may include instructional services in core and noncore academic subjects at one or more school sites within the district.
  - Service providers and their employees and all educational and administrative services provided are exempt from all statutes and rules relating to schools, boards of education and school districts to the same extent that a charter school is exempt under the Oklahoma Charter Schools Act.
  - Students who are provided services by a contracting entity at all times remain students of the school district and will be counted as such for purposes of attendance, funding and accountability.
  - Note: Contracts executed under this statute, regardless of the extent of services provided, does not make a school site a Charter School.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 5-117

Helpful Statutory References: 70 O.S. 3-136

# An Act

ENROLLED HOUSE  
BILL NO. 1691

By: Denney of the House

and

Jolley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 5-117, as amended by Section 2, Chapter 306, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-117), which relates to the powers and duties of boards of education of school districts; allowing certain boards of education to contract with educational services entities to provide educational and administrative services; specifying certain types of educational services; exempting educational service providers, employees, representatives and services provided under a contract from certain statutes and rules; making students who are provided services under a contract students of the school district for all purposes; providing an effective date; and declaring an emergency.

SUBJECT: Boards of education of school districts

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-117, as amended by Section 2, Chapter 306, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-117), is amended to read as follows:

Section 5-117. A. The board of education of each school district shall have power to:

1. Elect its own officers; provided that the chair of the board authorized in Section 5-107B of this title shall be elected by the electors of the school district;

2. Make rules, not inconsistent with the law or rules of the State Board of Education, governing the board and the school system of the district;

3. Maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district;

4. Designate the schools to be attended by the children of the district;

5. Provide and operate, when deemed advisable, cafeterias or other eating accommodations, thrift banks or other facilities for the teaching and practice of thrift and economy, bookstores, print shops, and vocational and other shops;

6. Provide informational material concerning school bond elections and millage elections, including but not limited to all pertinent financial information relative to the bond issue, a statement of revenue sources necessary to retire proposed bonds, a statement of current bonded indebtedness of the school district, and a statement of proposed use of funds to be generated by the proposed bond issue. The informational material shall not contain the words "vote yes" or "vote no" or any similar words or statement any place on such informational material;

7. Purchase, construct or rent, and operate and maintain, classrooms, libraries, auditoriums, gymnasiums, stadiums, recreation places and playgrounds, teacherages, school bus garages, laboratories, administration buildings, and other schoolhouses and school buildings, and acquire sites and equipment therefor;

8. a. Insure the school district or its employees against any loss, damage or liability as defined by Sections 702 through 708 of Title 36 of the Oklahoma Statutes, or other forms of insurance provided for in Title 36 of the Oklahoma Statutes.

b. Subject to the restrictions of liability in the Governmental Tort Claims Act:

(1) insure the school district against all or any part of any liability it may incur for death,

injury or disability of any person, or for damage to property, either real or personal,

- (2) insure any employee of the school district against all or any part of the employee's liability for injury or damage resulting from an act or omission in the scope of employment, or
- (3) insure against the expense of defending a claim against the school district or its employee, whether or not liability exists on such claim.

- c. As used in this subsection, "employee" means any person who has acted in behalf of a school district, whether that person is acting on a permanent or temporary basis with or without being compensated or on a full-time or part-time basis. Employee also includes all elected or appointed officers, members of governing bodies of a school district, and persons appointed, and other persons designated by a school district to act in its behalf.
- d. The cost or premium of any such insurance is a proper expenditure of the school district.
- e. Any insurance authorized by law to be purchased, obtained or provided by a school district may be provided by:
  - (1) self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes. Any self-insurance reserve fund shall be nonfiscal and shall not be considered in computing any levy when the school district makes its annual estimate for needed appropriations,
  - (2) insurance in any insurer authorized to transact insurance in this state,
  - (3) insurance secured in accordance with any other method provided by law, or
  - (4) any combination of insurance authorized by this section.

f. Two or more school districts or public agencies, by interlocal agreement made pursuant to the Interlocal Cooperation Act, may provide insurance for any purpose by any one or more of the methods specified in this section. The pooling of self-insured reserves, claims or losses among governments as authorized in this section shall not be construed to be transacting insurance nor otherwise subject to the provisions of the laws of this state regulating insurance or insurance companies, except as to the provisions of Section 607.1 of Title 36 of the Oklahoma Statutes. Two or more school districts may also be insured under a master policy or contract of insurance. Premium costs may be set individually for each school district or apportioned among participating school districts as provided by the master policy or contract;

9. Acquire property by condemnation proceedings in the same manner as land is condemned for railroad purposes. School district funds may be used to erect buildings on leased land on which other buildings have been erected prior to April 3, 1969, or on land which is leased from a governmental entity;

10. Lease real or personal property to the state or any political subdivision thereof or a not-for-profit entity operating pursuant to Section 868 of Title 18 of the Oklahoma Statutes for nominal cash consideration for so long as the use of the property by the lessee substantially benefits, in whole or in part, the same public served by the school district;

11. Dispose of personal or real property no longer needed by the district by sale, exchange, lease, lease-purchase, sale and partial lease back, or otherwise. Real property shall be conveyed pursuant to a public sale, public bid, or private sale; provided however, unless otherwise prohibited by law, the board of education of a consolidated or annexed school district or any other school district may convey real property to a local political subdivision or to an educational institution within The Oklahoma State System of Higher Education without consideration. Prior to the sale of any real property, the board of education shall have the real property appraised. The appraisal shall be confidential until the real property is sold. When the real property is sold, the board of education shall make the appraisal available for public inspection. Prior to the conveyance of any real property by private sale, the

board of education shall have offered the real property for sale by public sale or public bid. Any conveyance of real property by private sale to a nonprofit organization, association, or corporation to be used for public purposes, unless for exchange, shall contain a reversionary clause which returns the real property to the board of education upon the cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser;

12. Purchase necessary property, equipment, furniture, and supplies necessary to maintain and operate an adequate school system;

13. Incur all expenses, within the limitations provided for by law, necessary to perform all powers granted by the provisions of this section;

14. Contract with and fix the duties and compensation of physicians, dentists, optometrists, nurses, attorneys, superintendents, principals, teachers, bus drivers, janitors, and other necessary employees of the district;

15. Establish a written policy for reimbursement of necessary travel expenses of employees and members of the board. The policy may include in-district travel from the site of employment assignment which is necessary in the performance of employment duties. The written policy shall specify procedures, contain documentation requirements, and may include payment of meal expenses during authorized travel on a per diem allowance basis rather than itemized documentation;

16. Pay necessary travel expenses and other related expenses of prospective employees for sponsored visits to the school district pursuant to a written policy specifying procedures containing documentation requirements equal to or greater than the requirements specified by law for state employees in the State Travel Reimbursement Act;

17. Provide for employees' leaves of absence without pay;

18. Exercise sole control over all the schools and property of the district, subject to other provisions of the Oklahoma School Code;

19. Allow district-owned school buses to be used for transportation of students from other districts or educational institutions while within the district on educational tours. This shall not restrict the authority of the board to authorize any other use of such buses which may now be permitted by law or rule of the State Board of Education;

20. Enter into contractual agreements with the board of trustees of a multicounty library system, as defined in Section 4-103 of Title 65 of the Oklahoma Statutes, a city-county library commission, as defined in Section 152 of Title 65 of the Oklahoma Statutes, or a rural single county library system, as defined in Section 1-104 of Title 65 of the Oklahoma Statutes, on such terms as may be mutually agreed, except no district board of education may enter into any agreement under which the library services for the school would be provided at any site other than the school site or which would result in library services that do not meet accreditation standards as required by law or rule;

21. Perform all functions necessary to the administration of a school district in Oklahoma as specified in the Oklahoma School Code, and in addition thereto, those powers necessarily implied but not delegated by law to any other agency or official;

22. Prepare and distribute at the expense of the school district any and all material which has the purpose of informing the public about district activities;

23. Solicit and accept any gift, grant, or donation of money or property for the use of the school district. Any gift, grant, or donation of money may be deposited in the general fund or building fund of the school district; and

24. Pay necessary meal and lodging expenses of school district students and sponsors involved in authorized school-sponsored cocurricular activities. The board of education shall establish a written policy for reimbursement of necessary meal and lodging expenses of school district students and sponsors. The written policy shall specify procedures, contain documentation requirements, and designate the funds from which reimbursement may be made. Reimbursement may be made from the General Fund.

B. The board of education of any school district may rent real and personal property, if such items are necessary for the operation of the school, and pay the rental charges for the usage during any

fiscal year, or portion thereof, out of appropriations made and approved for current expense purposes during the fiscal year. Any rental contract extending beyond June 30 of the fiscal year shall be void unless it contains provisions for mutual ratification of renewal pursuant to the conditions provided for in this subsection. It is the intent of this subsection to authorize boards of education to enter into lease contracts but not to incur any obligation against the school district in excess of the income and revenue provided for such purposes for the fiscal year in which the lease contract is operative. Any lease or lease-purchase agreement entered into by any board of education shall state the purchase price of real or personal property so leased. The lease or lease-purchase shall not be extended so as to cause payment of more than the original purchase price of the real or personal property, plus interest not to exceed the legal rate. When the purchase price plus interest has been paid, the property shall belong to the lessee and the lessor shall deliver a deed or bill of sale to the property to the lessee. When any real or personal property has been leased or rented during any fiscal year pursuant to the provisions of any contract which permits continuance of the rental for the remainder of the fiscal year, the renting or leasing of the property shall be continued for the remainder of the fiscal year unless the board of education renting or leasing the same certifies by proper resolution entered in the minutes of the board of education that the continuance of the rental is unnecessary and contrary to the public interest. Any lease-purchase agreement entered into shall include the right of a school district to acquire buildings, equipment or other facilities or discrete components thereof or improve school sites through a lease-purchase agreement. A school district may use proceeds derived from the sale of bonds as authorized by Section 26 of Article X of the Oklahoma Constitution to make lease-purchase payments, including interest, under a lease-purchase agreement. For purposes of this subsection, the term "acquired" as used in Section 26 of Article X of the Oklahoma Constitution shall mean the possession, control, or power to dispose of personal or real property.

C. The boards of education of two or more school districts may enter into cooperative agreements and maintain joint programs including, but not limited to, courses of instruction for handicapped children, courses of instruction in music and other subjects, practical instruction for trades and vocations, practical instruction in driver training courses, and health programs including visual care by persons legally licensed for such purpose, without favoritism as to either profession. The revenues necessary

to operate a joint program approved in cooperative agreements, whether from federal, state or local sources, including the individual contributions of participating school districts, shall be deposited into a fund separate from all other appropriated funds. The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is chosen by the other school districts to keep the accounting records of the joint program.

D. The boards of education of two or more school districts may enter into a mutual contract or separate contracts with a superintendent, administrator, or teacher or with a person to provide support services, to serve as superintendent, administrator, or teacher, as appropriately qualified, or to provide support services, for each contracting district upon such terms and conditions as the parties may agree. Nothing in this act shall be construed to authorize or require annexation or consolidation of any school districts or the closing of any school site except pursuant to law as set forth in Section 7-101 et seq. of this title.

E. Any school district may operate or maintain a school or schools on any military reservation which is within the boundaries of the school district or which is adjacent to the school district, and provide the instruction in the school or schools to children of personnel on the military reservation and, in doing so, shall conform to all federal laws and requirements.

F. The board of education of each school district shall adopt and maintain on file in the office of the superintendent of schools appropriate personnel policy and sick leave guide. The guide shall be made available to the public.

G. The board of education of any school district with an average daily membership of thirty thousand (30,000) or more and all or part of which school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census may contract with a public or private nonsectarian entity for that entity to provide educational and administrative services for the school district. The educational services provided by a contracting entity may include

but are not limited to the delivery of instructional service in core and noncore academic subjects to the students enrolled in the school district at one or more school sites or parts of sites within the district pursuant to the terms of an educational services contract. All educational service providers and their employees and representatives and all educational and administrative services provided under an educational services contract shall be exempt from all statutes and rules relating to schools, boards of education and school districts to the same extent that a charter school is exempt under the Oklahoma Charter Schools Act. For all purposes, including but not limited to attendance, funding from all sources and accountability, all students who are provided services by a contracting entity pursuant to an educational services contract shall at all times be and remain students of the school district.

SECTION 2. This act shall become effective July 1, 2015.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 9th day of March, 2015.

  
Presiding Officer of the House  
of Representatives

Passed the Senate the 16th day of April, 2015.

  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20<sup>th</sup>  
day of April, 20 15, at 3:35 o'clock P M.

By: Audrey K. Caldwell

Approved by the Governor of the State of Oklahoma this 24<sup>th</sup>  
day of April, 20 15, at 10:49 o'clock A M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 24<sup>th</sup>  
day of April, 20 15, at 3:01 o'clock P. M.

By: J. Ann McNaughton-Hayes



## H.B. 2069

RE: H.B. 2069

SUBJECT: School District Residency of Children in Foster Care

House Bill 2069 becomes effective July 1, 2015. This bill amends the statute defining a child's legal residence for school purposes.

- Current law allows for a child's foster home to be used for purposes of residency for school.
- Section 1(A)(2): The foster parent may request that the residence of a child in foster care be changed to the district where the child resided prior to being placed in foster care or the school district in which the previous foster family home is located.
- Section 1(A)(6): Adds to the list of allowable legal residences, any [nonresidential] facility where a child has been admitted and is receiving on-site educational services.
  - On-site educational services includes partial hospitalization programs, day treatment programs and day hospital programs mean *nonresidential* settings in which school-age children are placed for psychiatric or psychological treatment which precludes their attendance at a regular public school.
- Section 2: Any student who is in the custody of the Department of Human Services in foster care, and is living with a student who has been granted a transfer, can attend the same school with the approval of the receiving district.
  - Allows for an exception for children living in foster care to be able to transfer more than once in any school year.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 1-113, 8-101.2

Helpful Statutory References: 70 O.S. 3-104.7

# An Act

ENROLLED HOUSE  
BILL NO. 2069

By: Nelson and Ownbey of the  
House

and

Griffin of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1-113, as last amended by Section 27 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, which relates to school district residency; clarifying language; updating statutory language; providing for changing the residency of children in foster care upon request of the foster parent; adding residency for children admitted to certain facilities; amending 70 O.S. 2011, Section 8-101.2, which relates to the approval of student transfers; allowing children in foster care to transfer to a certain school; providing an exception for children in foster care to certain transfer limit; providing an effective date; and declaring an emergency.

SUBJECT: School district residency of children in foster care

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-113, as last amended by Section 27 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1-113. A. When used in this section, the residence of any child for school purposes shall be:

1. ~~The school district in which~~ legal residence of the parents, guardian, or person having legal custody ~~holds legal residence.~~

Each school district board of education shall adopt a policy establishing the requirements for student residency for that district which provides for residence as described in this paragraph. Within the discretion of each school district's board of education, the policy may but is not required to allow for establishment of residency by affidavit when an adult, whether a relative or not, who does not fall within one of the categories listed above, who holds legal residence in the school district, and who has assumed permanent care and custody of the child files an affidavit with the school district attesting that they have assumed custody and the reasons for assuming custody. Any policy allowing the establishment of residency by affidavit shall require the adult who provides the affidavit to affirm in such affidavit that the custody arrangement is permanent and that the adult contributes the major degree of support to the child. If the school district policy allows establishment of residency by affidavit, any person who willfully makes a statement in the affidavit which the person knows to be false shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than Five Hundred Dollars (\$500.00) or both such fine and imprisonment. Each school district shall include in its policy on residency any documentation necessary for the administration of the policy; ~~or~~

2. The foster family home, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, except a therapeutic foster family home or a specialized foster home where a child is in voluntary placement as defined in subsection D of this section, in which the child has been placed:

- a. by the person or agency having legal custody of the child pursuant to a court order, or
- b. by a state agency having legal custody of the child pursuant to the provisions of Title 10A of the Oklahoma Statutes.

Upon request of the foster parent, the residence of a child in foster care for school purposes may be changed to the school district in which the child resided prior to being placed in foster care or the school district in which the previous foster family home of the child is located; ~~or~~

3. Any orphanage or eleemosynary child care facility having full-time care and custody; ~~or~~

4. Any eleemosynary child care facility in which a child is placed by a parent or guardian for full-time residential care; provided, the provision of this paragraph shall apply only to children who attend a district school by joint agreement of the school district and facility and who are not placed in the facility through a state contract. For purposes of this paragraph, "eleemosynary child care facility" means a facility:

- a. where child care and services are provided, and
- b. which is funded predominantly by benevolent or charitable funds and is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3); ~~or~~

5. Any state-operated institution in which a child has been placed by a parent or guardian or by a state agency having legal custody of the child pursuant to the provisions of Title 10A or Section 3-101 of Title 43A of the Oklahoma Statutes for care and treatment due to a physical or mental condition of the child; ~~or~~

6. Any facility in which a child has been admitted and is receiving on-site educational services as provided for in Section 3-104.7 of this title;

7. The district in which a child who is entirely self-supporting resides and attends school; or

~~7.~~ 8. A state-licensed or -operated emergency shelter.

B. No school district shall bear the cost of educating children who are not residents of this state; ~~provided, a.~~ A school district may furnish educational services pursuant to contract as elsewhere provided by law. A school district may furnish educational services pursuant to a contract to children who do not reside in the United States of America; provided, the children shall not be counted in the average daily membership of the school district.

C. For the purpose of ensuring that a child placed in a therapeutic foster ~~care~~ family home, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, receives an appropriate

education, no receiving school district shall be required to enroll such a child if the enrollment would cause the proportion of students in therapeutic foster ~~care~~ family homes as compared to the average daily membership of the receiving district for the preceding school year to exceed two percent (2%). Children served by Head Start may not be counted for the purpose of this paragraph unless the child is on an individualized education program provided by the school district. Any school district may enroll such students who are outside the student's resident district in therapeutic foster ~~care~~ family home placements which exceed this limit if the school determines it possesses the ability to provide such child an appropriate education.

D. When a child does not meet the criteria for residency provided in subsection A of this section and is placed in any of the following entities which is out of the ~~child's~~ home of the child and not in the school district in which the child legally resides:

1. A residential facility;

2. A treatment program or center, including the facility operated pursuant to Section 485.1 of Title 63 of the Oklahoma Statutes;

3. A therapeutic foster family home as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;

4. A specialized foster home, which is a specialized foster home or an agency-contracted home under the supervision of and certified as meeting the standards set by the Department of Human Services and is funded through the Department of Human Services Home and Community-Based Waiver Services Program; or

5. An acute psychiatric care facility,

the entity shall, if the child contends he or she resides in a school district other than the district where the entity is located, within eleven (11) days of admittance, notify the school district in which the entity is located of the admittance.

For minors who are persons requiring psychiatric treatment as defined by Title 43A of the Oklahoma Statutes, on-site educational services shall be provided beginning on the eleventh day of admission.

Upon provision of educational services to ~~such~~ children pursuant to the provisions of subsection F of this section, the receiving school district shall receive the State Aid as defined in subsection C of Section 18-110 of this title for those students.

Access to the due process procedure guaranteed to children with disabilities shall be available to resolve disagreements about the appropriateness of placements of children with disabilities.

E. The governing body of any state institution for children operated pursuant to the provisions of Title 10A of the Oklahoma Statutes or Section 3-101 of Title 43A of the Oklahoma Statutes and the board of education of the school district in which the institution is located or any other school district in the state willing to provide necessary educational services may enter into a contract whereby the district will maintain a school for the children of the institution, in which event the residence of ~~such~~ the children for school purposes will be considered as being in the district maintaining the school; provided, however, that upon release from ~~such~~ the school, a child shall be considered as a resident of the originating school district for school purposes. The governing body of the state institutions specified in this subsection shall pay the costs for educating students placed in the state institution less any amount of funds received for ~~such~~ the students by the school district contracting with the state institution to provide necessary educational services.

F. 1. The school district in which an entity as described in subsection D of this section exists to serve children in out-of-home placements shall, upon request of the individual or agency operating the entity, provide the educational services to which the children in the entity are entitled subject to the limitations provided in subsection C of this section. No person operating such an entity may contract for the provision of educational services with any school district other than the school district in which the entity is located unless the school district in which the entity is located agrees in writing to allow another school district to provide the educational services or unless the person operating the entity contracts with another school district for the provision of educational services to be provided through remote Internet-based courses. No person operating such an entity may contract for the provision of educational services with more than one school district.

2. Prior to location in a school district, the individual or agency operating an entity described in subsection D of this section which requires provision of educational services from the school district shall notify the local board of education of its anticipated educational needs. No school district shall be required to provide educational services for students in the entity until at least sixty (60) calendar days have elapsed from the time in which the local board of education was initially notified of the need unless the school district so agrees to provide the educational services sooner. The provisions of this paragraph shall not apply to therapeutic or specialized foster homes.

3. Educational services provided shall meet or exceed state accreditation standards. No school district shall be responsible for any expenses for students in an entity described in subsection D of this section which are not directly related to the provision of educational services. A school district shall not be obligated for expenses of those students in an entity in the current school year for whom educational services are requested after the ~~district's~~ first nine (9) weeks of the current school year for the district if educational services are requested for twelve or more students than were served in the first nine (9) weeks, unless the school district chooses to provide educational services for the current school year. Contracts and agreements for provision of educational services may allow for the use of public and private sources of support which are available to share the costs of educational services and of therapies, treatments, or support services. Otherwise valid obligations to provide or pay for such services, such as Medicaid, shall remain in effect for children who are eligible for the services from sources other than the school district.

4. Upon the request of any residential facility which has contracted with the Office of Juvenile Affairs to provide either a regimented juvenile training program or a high-impact wilderness camp to a minimum of forty students who have been adjudicated, a school district may contract for the facility to provide the educational services to those students. Under ~~such~~ a contract, the facility shall operate in accordance with all applicable laws, including compliance with Section ~~18-114.7~~ 18-114.14 of this title. ~~Such~~ The contract shall include the State Aid generated by the students, less a fee for administrative services which may be retained by the school district, not to exceed ten percent (10%) of the total on an annual basis. The school district shall exercise supervision over the educational program in the facility and bear all responsibility for required educational reporting. The school

district shall maintain access to all educational records for students in the facility, and shall provide for the appropriate academic credit and diplomas. The school district shall be indemnified against any actions or penalties on the part of the facility which result in adversity for the school district.

G. Any question as to the place of residence of any child for school purposes shall be decided pursuant to procedures utilized by the State Department of Education.

H. The receiving district shall notify the district of residence immediately upon finding that the student requires special education and related services and the district of residence shall participate in planning the ~~student's~~ Individualized Education Program (IEP) for the student and in subsequent reviews of the program in accordance with the Individuals with Disabilities Education Act (IDEA).

SECTION 2. AMENDATORY 70 O.S. 2011, Section 8-101.2, is amended to read as follows:

Section 8-101.2 A. On and after January 1, 2000, the transfer of a student from the district in which the student resides to another school district furnishing instruction in the grade the student is entitled to pursue shall be granted if the transfer has the approval of the board of education of the receiving district. A student granted a transfer may continue to attend the school to which the student transferred with the approval of the receiving district only, ~~and any.~~ Any brother or sister of such a student granted a transfer and any child in the custody of the Department of Human Services in foster care who is living in the home of a student granted a transfer may attend such the school to which the student transferred with the approval of the receiving district only. No Except for a child in the custody of the Department of Human Services in foster care, no student shall be permitted to transfer more than once in any school year.

If the grade a student is entitled to pursue is not offered in the district where the student resides, the transfer shall be automatically approved.

B. When a student has been transferred and later changes residence to another school district in the State of Oklahoma, the student shall be entitled to continue to attend school in the district to which the student was transferred. If a change of

residence is to the district to which the student was transferred, upon affidavit of the parent of the student, that district shall become the resident district. If a student changes residence to another district during the school year which is not the same district the student transferred to, the student shall be entitled to attend school in either the receiving district or the new district of residence for the remainder of the current year.

C. Any student transfer approved for any reason prior to January 1, 2000, shall continue to be valid and shall not be subject to the Education Open Transfer Act unless the parent having custody chooses otherwise.

SECTION 3. This act shall become effective July 1, 2015.

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

Passed the House of Representatives the 21st day of May, 2015.

Lee H. Doney  
Presiding Officer of the House  
of Representatives

Passed the Senate the 22nd day of May, 2015.

Nathan Dahm  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd

day of May, 20 15, at 8:15 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 3rd

day of June, 20 15, at 3:13 o'clock P M.

Mary Fallin  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd

day of June, 20 15, at 4:05 o'clock P M.

By: Chris Benze



## S.B. 147

RE: S.B. 147

SUBJECT: Patriot License Plate Revolving Fund Expenditures

Senate Bill 147 becomes effective May 12, 2015. This bill expands the permitted usage of fees accruing to the Patriot License Plate Revolving Fund.

- Current law establishes the Patriot License Plate Revolving Fund for the Military Department of Oklahoma to receive monies from the fee on such authorized license plates. Monies can be appropriated and budgeted for any deployment related purpose for members of the Oklahoma National Guard.
- Section 1(B): Expands the scope of what monies accrued to this fund can be spent for to include the production of historical documents, displays, videos, and books that capture the National Guard's involvement in overseas deployments and domestic operations within the United States for members of the Oklahoma National Guard, *Oklahoma public school libraries*, and civic leaders, as determined by the Adjutant General.

Should you have any questions related to this bill, please contact Ms. Timmie Spangler, Director of Gifted and Talented, Instructional Materials and Library, at (405) 521-3456 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 47 O.S. 1104.11

# An Act

ENROLLED SENATE  
BILL NO. 147

By: Simpson of the Senate

and

Hardin and Hoskin of the  
House

An Act relating to special license plates; amending 47 O.S. 2011, Section 1104.11, as amended by Section 189, Chapter 304, O.S.L. 2012 (47 O.S. Supp. 2014, Section 1104.11), which relates to the Patriot License Plate Revolving Fund; modifying purpose for which funds may be expended; and declaring an emergency.

SUBJECT: Patriot License Plate Revolving Fund expenditures

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1104.11, as amended by Section 189, Chapter 304, O.S.L. 2012 (47 O.S. Supp. 2014, Section 1104.11), is amended to read as follows:

Section 1104.11 A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Patriot License Plate shall be deposited in the Patriot License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Military Department of Oklahoma to be designated the "Patriot License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Military Department of

Oklahoma pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Military Department of Oklahoma for any deployment-related purpose for ~~Oklahoma residents who~~ are members of the Oklahoma National Guard or the production of historical documents, displays, videos, and books that capture the National Guard's involvement in overseas deployments and domestic operations within the United States for members of the Oklahoma National Guard, Oklahoma public school libraries, and civic leaders, as determined by the Adjutant General. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 5th day of May, 2015.

Anthony Sykes  
Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Todd Thayer  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 6<sup>th</sup>

day of May, 20 15, at 5:30 o'clock P M.

By: Audrey Rodwell

Approved by the Governor of the State of Oklahoma this 12<sup>th</sup>

day of May, 20 15, at 3:35 o'clock P M.

Mary Fallin  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 12<sup>th</sup>

day of May, 20 15, at 4:31 o'clock P M.

By: Ch. Benge