

30. Start-up and five-year budgets with clearly stated assumptions;

31. Start-up and first-year cash-flow projections with clearly stated assumptions;

32. Evidence of anticipated fundraising contributions, if claimed in the application;

33. A sound facilities plan, including backup or contingency plans if appropriate;

34. A requirement that the charter school governing board meet at a minimum quarterly in the state and that for those charter schools outside of counties with a population of five hundred thousand (500,000) or more, that a majority of members are residents within the geographic boundary of the sponsoring entity; and

35. A requirement that the charter school follow the requirements of the Oklahoma Open Meeting Act and Oklahoma Open Records Act.

C. A board of education of a public school district, public body, public or private college or university, private person, or private organization may contract with a sponsor to establish a charter school. A private school shall not be eligible to contract for a charter school under the provisions of the Oklahoma Charter Schools Act.

D. The sponsor of a charter school is the board of education of a school district, the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe which meets the criteria established in Section 3-132 of this title. Any board of education of a school district in the state may sponsor one or more charter schools. The physical location of a charter school sponsored by a board of education of a school district or a technology center school district shall be within the boundaries of the sponsoring school district. The physical location of a charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall be where an Office of Juvenile Affairs facility for youth is located.

The physical location of a charter school otherwise sponsored by the State Board of Education pursuant to paragraph 8 of subsection A of Section 3-132 of this title shall be in the school district in which the application originated.

E. An applicant for a charter school may submit an application to a proposed sponsor which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. If the proposed sponsor rejects the application, it shall notify the applicant in writing of the reasons for the rejection. The applicant may submit a revised application for reconsideration to the proposed sponsor within thirty (30) days after receiving notification of the rejection. The proposed sponsor shall accept or reject the revised application within thirty (30) days of its receipt. Should the sponsor reject the application on reconsideration, the applicant may appeal the decision to the State Board of Education with the revised application for review pursuant to paragraph 8 of subsection A of Section 3-132 of this title. The State Board of Education shall hear the appeal no later than sixty (60) days from the date received by the Board.

F. A board of education of a school district, board of education of a technology center school district, higher education institution, or federally recognized Indian tribe sponsor of a charter school shall notify the State Board of Education when it accepts sponsorship of a charter school. The notification shall include a copy of the charter of the charter school.

~~G. If a proposed sponsor rejects the revised application for a charter school, the applicant may proceed to mediation or binding arbitration or both mediation and binding arbitration as provided in the Dispute Resolution Act and the rules promulgated pursuant thereto. The applicant shall contact the early settlement program for the county in which the charter school would be located. If the parties proceed to binding arbitration, a panel of three arbitrators shall be appointed by the director of the early settlement program handling the dispute. The proposed sponsor shall pay the cost for any mediation or arbitration requested pursuant to this section~~
Applicants for charter schools proposed to be sponsored by an entity other than a school district pursuant to paragraph 1 of subsection A of Section 3-132 of this title may, upon rejection of the revised application, proceed to binding arbitration under the commercial

rules of the American Arbitration Association with costs of the arbitration to be borne by the proposed sponsor. Applicants for charter schools proposed to be sponsored by school districts pursuant to paragraph 1 of subsection A of Section 3-132 of this title may not proceed to binding arbitration but may be sponsored by the State Board of Education as provided in paragraph 8 of subsection A of Section 3-132 of this title.

H. If a board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe accepts sponsorship of a charter school, the administrative, fiscal and oversight responsibilities of the technology center school district, the higher education institution, or the federally recognized Indian tribe shall be listed in the contract. No responsibilities shall be delegated to a school district unless the local school district agrees to assume the responsibilities.

I. A sponsor of a public charter school shall have the following powers and duties:

1. Provide oversight of the operations of charter schools in the state through annual performance reviews of charter schools and reauthorization of charter schools for which it is a sponsor;

2. Solicit and evaluate charter applications;

3. Approve quality charter applications that meet identified educational needs and promote a diversity of educational choices;

4. Decline to approve weak or inadequate charter applications;

5. Negotiate and execute sound charter contracts with each approved public charter school;

6. Monitor, in accordance with charter contract terms, the performance and legal compliance of charter schools; and

7. Determine whether each charter contract merits renewal, nonrenewal or revocation.

J. Sponsors shall establish a procedure for accepting, approving and disapproving charter school applications in accordance with subsection E of this section.

K. Sponsors shall be required to develop and maintain chartering policies and practices consistent with recognized principles and standards for quality charter authorizing as established by the State Department of Education in all major areas of authorizing responsibility, including organizational capacity and infrastructure, soliciting and evaluating charter applications, performance contracting, ongoing charter school oversight and evaluation and charter renewal decision-making.

L. Sponsors acting in their official capacity shall be immune from civil and criminal liability with respect to all activities related to a charter school with which they contract.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-135, is amended to read as follows:

Section 3-135. A. The sponsor of a charter school shall enter into a written contract with the governing body of the charter school. The contract shall incorporate the provisions of the charter of the charter school and contain, but shall not be limited to, the following provisions:

1. A description of the program to be offered by the school which complies with the purposes outlined in ~~Section 11 of this act~~ 3-136 of this title;

2. Admission policies and procedures;

3. Management and administration of the charter school, including that a majority of the charter governing board members are residents of the State of Oklahoma and meet no less than quarterly in a public meeting within the boundaries of the school district in which the charter school is located or within the State of Oklahoma in the instance of multiple charter school locations by the same sponsor;

4. Requirements and procedures for program and financial audits;

5. A description of how the charter school will comply with the charter requirements set forth in the Oklahoma Charter Schools Act;

6. Assumption of liability by the charter school; ~~and~~

7. The term of the contract;

8. A description of the high standards of expectation and rigor for charter school plans and assurance that charter school plans adopted meet at least those standards;

9. Policies that require that the charter school be as equally free and open to all students as traditional public schools;

10. Procedures that require students enrolled in the charter school to be selected by lottery to ensure fairness if more students apply than a school has the capacity to accommodate;

11. Policies that require the charter school to be subject to the same academic standards and expectations as existing public schools; and

12. A description of the requirements and procedures for the charter school to receive funding in accordance with statutory requirements and guidelines for existing public schools.

B. A charter school shall not enter into an employment contract with any teacher or other personnel until the charter school has a contract with a sponsoring school district. The employment contract shall set forth the personnel policies of the charter school, including, but not limited to, policies related to certification, professional development evaluation, suspension, dismissal and nonreemployment, sick leave, personal business leave, emergency leave, and family and medical leave. The contract shall also specifically set forth the salary, hours, fringe benefits, and work conditions. The contract may provide for employer-employee bargaining, but the charter school shall not be required to comply with the provisions of Sections 509.1 through 509.10 of ~~Title 70 of the Oklahoma Statutes~~ this title. The contract shall conform to all applicable provisions set forth in Section ~~11 of this act~~ 3-136 of this title.

Upon contracting with any teacher or other personnel, the governing body of the charter school shall, in writing, disclose employment rights of the employees in the event the charter school closes or the charter is not renewed.

No charter school may begin serving students without a charter contract executed in accordance with the provisions of the Oklahoma Charter Schools Act and approved in an open meeting of the sponsor. The sponsor may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools and ensure that each school is prepared to open smoothly on the date agreed and to ensure that each school meets all building, health, safety, insurance and other legal requirements for the opening of a school.

C. The performance provisions within the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the evaluations of the charter school by the sponsor. The sponsor shall require a charter school to submit the data required in this section in the identical format that is required by the State Department of Education of all public schools in order to avoid duplicative administrative efforts or allow a charter school to provide permission to the Department to share all required data with the sponsor of the charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

1. Student academic proficiency;
2. Student academic growth;
3. Achievement gaps in both proficiency and growth between major student subgroups;
4. Student attendance;
5. Recurrent enrollment from year to year as determined by the methodology used for public schools in Oklahoma;

6. In the case of high schools, graduation rates as determined by the methodology used for public schools in Oklahoma;

7. In the case of high schools, postsecondary readiness;

8. Financial performance and sustainability; and

9. Governing board performance and stewardship, including compliance with all applicable laws, regulations and terms of the charter contract.

D. The sponsor shall not request any metric or data from a charter school that it does not produce or publish for all school sites in the district or under its sponsorship, unless the metric or data is unique to a charter school.

E. A charter contract may provide for one or more schools by an applicant to the extent approved by the sponsor and consistent with applicable law. An applicant or the governing board of an applicant may hold one or more charter contracts. Each charter school that is part of a charter contract shall be separate and distinct from any other charter school under the same charter contract.

SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-137, is amended to read as follows:

Section 3-137. A. An approved contract for a charter school shall be effective for ~~not longer than~~ five (5) years from the first day of operation. A charter contract may be renewed for successive five-year terms of duration, although the sponsor may vary the term based on the performance, demonstrated capacities and particular circumstances of each charter school. A sponsor may grant renewal with specific conditions for necessary improvements to a charter school.

B. Prior to the beginning of the fourth year of operation of a charter school, the sponsor shall issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the performance record to date of the charter school, based on the data required by the Oklahoma Charter Schools Act and the charter contract and taking into consideration the percentage of at-risk

students enrolled in the school, and shall provide notice of any weaknesses or concerns perceived by the sponsor concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five (45) days to respond to the performance report and submit any corrections or clarifications for the report.

C. 1. Prior to the beginning of the fifth year of operation, the charter school may apply for renewal of the contract with the sponsor. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

- a. present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal,
- b. describe improvements undertaken or planned for the school, and
- c. detail the plan for the next charter term for the school.

2. The renewal application guidance shall include or refer explicitly to the criteria that will guide the renewal decisions of the sponsor, which shall be based on the performance framework set forth in the charter contract and consistent with the Oklahoma Charter Schools Act.

D. The sponsor may deny the request for renewal if it determines the charter school has failed to complete the obligations of the contract or comply with the provisions of the Oklahoma Charter Schools Act. A sponsor shall give written notice of its intent to deny the request for renewal at least eight (8) months prior to expiration of the contract. In making charter renewal decisions, a sponsor shall:

1. Ground decisions on evidence of the performance of the school over the term of the charter contract in accordance with the performance framework set forth in the charter contract and shall take into consideration the percentage of at-risk students enrolled in the school;

2. Grant renewal to schools that have achieved the standards, targets and performance expectations as stated in the charter contract and are organizationally and fiscally viable and have been faithful to the terms of the contract and applicable law;

3. Ensure that data used in making renewal decisions are available to the school and the public; and

4. Provide a public report summarizing the evidence used as the basis for each decision.

~~B.~~ E. If a sponsor denies a request for renewal, the governing board of the sponsor may, if requested by the charter school, proceed to ~~mediation or binding arbitration or both~~ as provided for in subsection G of Section 3-134 of this title.

~~C.~~ F. A sponsor may terminate a contract during the term of the contract for failure to meet the requirements for student performance contained in the contract, failure to meet the standards of fiscal management, violations of the law, or other good cause. The sponsor shall give at least ninety (90) days' written notice to the governing board prior to terminating the contract. The governing board may request, in writing, an informal hearing before the sponsor within fourteen (14) days of receiving notice. The sponsor shall conduct an informal hearing before taking action. If a sponsor decides to terminate a contract, the governing board may, if requested by the charter school, proceed to ~~mediation or binding arbitration or both~~ as provided for in subsection G of Section 3-134 of this title.

~~D.~~ G. 1. Beginning in the 2016-2017 school year, the State Board of Education shall identify charter schools in the state that are ranked in the bottom five percent (5%) of all public schools as determined pursuant to Section 1210.545 of this title.

2. At the time of its charter renewal, based on an average of the current year and the two (2) prior operating years, a sponsor may close a charter school site identified as being among the bottom five percent (5%) of public schools in the state. The average of the current year and two (2) prior operating years shall be calculated by using the percentage ranking for each year divided by three, as determined by this subsection.

3. If there is a change to the calculation described in Section 1210.545 of this title that results in a charter school site that was not ranked in the bottom five percent (5%) being ranked in the bottom five percent (5%), then the sponsor shall use the higher of the two rankings to calculate the ranking of the charter school site.

4. In the event that a sponsor fails to close a charter school site consistent with this subsection, the sponsor shall appear before the State Board of Education to provide support for its decision. The State Board of Education may, by majority vote, uphold or overturn the decision of the sponsor. If the decision of the sponsor is overturned by the State Board of Education, the Board may implement one of the following actions:

- a. transfer the sponsorship of the charter school identified in this paragraph to another sponsor,
- b. order the closure of the charter school identified in this paragraph at the end of the current school year, or
- c. order the reduction of any administrative fee collected by the sponsor that is applicable to the charter school identified in this paragraph. The reduction shall become effective at the beginning of the month following the month the hearing of the sponsor is held by the State Board of Education.

5. A charter school that is closed by the State Board of Education pursuant to paragraph 4 of this subsection shall not be granted a charter by any other sponsor.

6. The requirements of this subsection shall not apply to a charter school that has been designed by the State Department of Education as implementing an alternative education program throughout the charter school.

7. In making a school site closure decision, the State Board of Education shall consider the following:

- a. enrollment of students with special challenges such as drug or alcohol addiction, prior withdrawal from school, prior incarceration or other special circumstances,
- b. high mobility of the student population resulting from the specific purpose of the charter school,
- c. annual improvement in the performance of students enrolled in the charter school compared with the performance of students enrolled in the charter school in the immediately preceding school year, and
- d. whether a majority of students attending the charter school under consideration for closure would likely revert to attending public schools with lower academic achievement, as demonstrated pursuant to Section 1210.545 of this title.

8. If the State Board of Education has closed or transferred authorization of at least twenty-five percent (25%) of the charter schools chartered by one sponsor pursuant to paragraph 4 of this subsection, the authority of the sponsor to authorize new charter schools may be suspended by the Board until the Board approves the sponsor to authorize new charter schools. A determination under this paragraph to suspend the authority of a sponsor to authorize new charter schools shall identify the deficiencies that, if corrected, will result in the approval of the sponsor to authorize new charter schools.

H. If a sponsor terminates a contract or the charter school is closed, the closure shall be conducted in accordance with the following protocol:

1. Within two (2) calendar weeks of a final closure determination, the sponsor shall meet with the governing board and leadership of the charter school to establish a transition team composed of school staff, applicant staff and others designated by the applicant that will attend to the closure, including the transfer of students, student records and school funds;

2. The sponsor and transition team shall communicate regularly and effectively with families of students enrolled in the charter school, as well as with school staff and other stakeholders, to keep them apprised of key information regarding the closure of the school and their options and risks;

3. The sponsor and transition team shall ensure that current instruction of students enrolled in the charter school continues per the charter agreement for the remainder of the school year;

4. The sponsor and transition team shall ensure that all necessary and prudent notifications are issued to agencies, employees, insurers, contractors, creditors, debtors and management organizations; and

5. The governing board of the charter school shall continue to meet as necessary to take actions needed to wind down school operations, manage school finances, allocate resources and facilitate all aspects of closure.

1. A sponsor shall develop revocation and nonrenewal processes that are consistent with the Oklahoma Charter Schools Act and that:

1. Provide the charter school with a timely notification of the prospect of revocation or nonrenewal and of the reasons for possible closure;

2. Allow the charter school a reasonable amount of time in which to prepare a response;

3. Provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose and prior to taking any final nonrenewal or revocation decision related to the school;

4. Allow the charter school access to representation by counsel to call witnesses on its behalf;

5. Permit the recording of the proceedings; and

6. After a reasonable period for deliberation, require a final determination be made and conveyed in writing to the charter school.

J. If a sponsor revokes or does not renew a charter, the sponsor shall clearly state in a resolution the reasons for the revocation or nonrenewal.

K. 1. Before a sponsor may issue a charter to a charter school governing body that has had its charter terminated or has been informed that its charter will not be renewed by the current sponsor, the sponsor shall request to have the proposal reviewed by the State Board of Education at a hearing. The State Board of Education shall conduct a hearing in which the sponsor shall present information indicating that the proposal of the organizer is substantively different in the areas of deficiency identified by the current sponsor from the current proposal as set forth within the charter with its current sponsor.

2. After the State Board of Education conducts a hearing pursuant to this subsection, the Board shall either approve or deny the proposal.

3. If the proposal is denied, no sponsor may issue a charter to the charter school governing body.

L. If a contract is not renewed, the governing board of the charter school may submit an application to a proposed new sponsor as provided for in Section 3-134 of this title.

~~E.~~ M. If a contract is not renewed or is terminated according to this section, a student who attended the charter school may enroll in the resident school district of the student or may apply for a transfer in accordance with Section 8-103 of this title.

SECTION 5. AMENDATORY 70 O.S. 2011, Section 3-140, as last amended by Section 2, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-140), is amended to read as follows:

Section 3-140. A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who

submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after ~~the effective date of this act~~ November 1, 2010, shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs.

B. Except for a charter school sponsored by the State Board of Education, a charter school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

C. A charter school may designate a specific geographic area within the school district in which the charter school is located as an academic enterprise zone and may limit admissions to students who reside within that area. An academic enterprise zone shall be a geographic area in which sixty percent (60%) or more of the children

who reside in the area qualify for the free or reduced school lunch program.

D. Except as provided in subsections B and C of this section, a charter school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement, aptitude, or athletic ability.

E. A sponsor of a charter school shall not restrict the number of students a charter school may enroll. The capacity of the charter school shall be determined annually by the governing board of the charter school based on the ability of the charter school to facilitate the academic success of the students, to achieve the other objectives specified in the charter contract and to ensure that the student enrollment does not exceed the capacity of its facility or site.

SECTION 6. AMENDATORY 70 O.S. 2011, Section 3-142, as amended by Section 3, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-142), is amended to read as follows:

Section 3-142. A. For purposes of funding, a charter school sponsored by a board of education of a school district shall be considered a site within the school district in which the charter school is located. The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the charter school and the school district shall be used to determine the total State Aid allocation for the district in which the charter school is located. A charter school shall receive from the sponsoring school district, the State Aid allocation and any other state-appropriated revenue generated by its students for the applicable year, less up to five percent (5%) of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered. For charter schools sponsored by the board of education of a technology center school district, a higher education institution, the State Board of Education, or a

federally recognized Indian tribe and for statewide virtual charter schools sponsored by the Statewide Virtual Charter School Board, the State Aid allocation for the charter school shall be distributed by the State Board of Education and not more than five percent (5%) of the State Aid allocation may be charged by the sponsor as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school. The fee for administrative services as authorized in this subsection shall only be assessed on the State Aid allocation amount and shall not be assessed on any other appropriated amounts.

B. 1. The weighted average daily membership for the first year of operation of a charter school shall be determined initially by multiplying the actual enrollment of students as of August 1 by 1.333. The charter school shall receive revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this paragraph. At midyear, the allocation for the charter school shall be adjusted using the first quarter weighted average daily membership for the charter school calculated pursuant to subsection A of this section.

2. For the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title, the weighted average daily membership for the first year of operation and each year thereafter of a full-time virtual charter school shall be determined by multiplying the actual enrollment of students as of August 1 by 1.333. The full-time virtual charter school shall receive revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this paragraph. At midyear, the allocation for the full-time virtual charter school shall be adjusted using the first quarter weighted average daily membership for the virtual charter school calculated pursuant to subsection A of this section.

C. A charter school shall be eligible to receive any other aid, grants or revenues allowed to other schools. A charter school sponsored by the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe shall be considered a local education agency for purposes of funding. A

charter school sponsored by a board of education of a school district shall be considered a local education agency for purposes of federal funding.

D. A charter school, in addition to the money received from the state, may receive money from any other source. Any unexpended ~~nonstate funds, excluding local revenue,~~ may be reserved and used for future purposes. The governing body of a charter school shall not levy taxes or issue bonds. If otherwise allowed by law, the governing body of a charter school may enter into private contracts for the purposes of borrowing money from lenders. If the governing body of the charter school borrows money, the charter school shall be solely responsible for repaying the debt, and the state or the sponsor shall not in any way be responsible or obligated to repay the debt.

E. Any charter school which chooses to lease property shall be eligible to receive current government lease rates.

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

Anthony Sykes
Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2015.

John R. Doney, Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th
day of April, 2015, at 3:40 o'clock P M.
By: Audrey Rodwell

Approved by the Governor of the State of Oklahoma this 24th
day of April, 2015, at 10:56 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 24th
day of April, 2015, at 3:01 o'clock P M.
By: Ann McNaughton-Hayes



S.B. 292

RE: S.B. 292

SUBJECT: Modifying Definitions in the Oklahoma Children's Code

Senate Bill 292 becomes effective November 1, 2015. This bill adds a definition for "failure to protect" to the Oklahoma Children's Code.

- Section 1(24): Defines "failure to protect" as failure to take reasonable action to remedy or prevent child abuse or neglect, and includes the conduct of a non-abusing parent or guardian who knows the identity of the abuser or the person neglecting the child, but lies, conceals or fails to report the child abuse or neglect or otherwise take reasonable action to end the abuse or neglect.

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: 10A O.S. 1-1-105

An Act

ENROLLED SENATE
BILL NO. 292

By: Griffin of the Senate

and

Jordan and Echols of the
House

An Act relating to children; amending 10A O.S. 2011, Section 1-1-105, as last amended by Section 3, Chapter 353, O.S.L. 2012 (10A O.S. Supp. 2014, Section 1-1-105), which relates to definitions; modifying definition; deleting term; adding definition of failure to protect; and providing an effective date.

SUBJECT: Modifying definitions in the Oklahoma Children's Code

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as last amended by Section 3, Chapter 353, O.S.L. 2012 (10A O.S. Supp. 2014, Section 1-1-105), is amended to read as follows:

Section 1-1-105. When used in the Oklahoma Children's Code, unless the context otherwise requires:

1. "Abandonment" means:

- a. the willful intent by words, actions, or omissions not to return for a child, or
- b. the failure to maintain a significant parental relationship with a child through visitation or

communication in which incidental or token visits or communication are not considered significant, or

- c. the failure to respond to notice of deprived proceedings;

2. "Abuse" means harm or threatened harm ~~or failure to protect from harm or threatened harm~~ to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including but not limited to nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Provided, however, that nothing contained in this act shall prohibit any parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.

- a. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including but not limited to sexual abuse, sexual exploitation, neglect, or dependency.
- b. "Sexual abuse" includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child.
- c. "Sexual exploitation" includes but is not limited to allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child;

3. "Adjudication" means a finding by the court that the allegations in a petition alleging that a child is deprived are supported by a preponderance of the evidence;

4. "Adjudicatory hearing" means a hearing by the court as provided by Section 1-4-601 of this title;

5. "Assessment" means a comprehensive review of child safety and evaluation of family functioning and protective capacities that is conducted in response to a child abuse or neglect referral that does not allege a serious and immediate safety threat to a child;

6. "Behavioral health" means mental health, substance abuse, or co-occurring mental health and substance abuse diagnoses, and the continuum of mental health, substance abuse, or co-occurring mental health and substance abuse treatment;

7. "Child" means any unmarried person under eighteen (18) years of age;

8. "Child advocacy center" means a center and the multidisciplinary child abuse team of which it is a member that is accredited by the National Children's Alliance or that is completing a sixth year of reaccreditation. Child advocacy centers shall be classified, based on the child population of a district attorney's district, as follows:

- a. nonurban centers in districts with child populations that are less than sixty thousand (60,000), and
- b. midlevel nonurban centers in districts with child populations equal to or greater than sixty thousand (60,000), but not including Oklahoma and Tulsa counties;

9. "Child with a disability" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child, or who is regarded as having such an impairment by a competent medical professional;

10. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, group home, adoptive home, or independent living program;

11. ~~"Commission" means the Commission for Human Services;~~

~~12.~~ "Community-based services" or "community-based programs" means services or programs which maintain community participation or

supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance abuse treatment, sexual abuse treatment, transitional living, independent living, and other related services and programs;

~~13-~~ 12. "Concurrent permanency planning" means, when indicated, the implementation of two plans for a child entering foster care. One plan focuses on reuniting the parent and child; the other seeks to find a permanent out-of-home placement for the child with both plans being pursued simultaneously;

~~14-~~ 13. "Court-appointed special advocate" or "CASA" means a responsible adult volunteer who has been trained and is supervised by a court-appointed special advocate program recognized by the court, and when appointed by the court, serves as an officer of the court in the capacity as a guardian ad litem;

~~15-~~ 14. "Court-appointed special advocate program" means an organized program, administered by either an independent, not-for-profit corporation, a dependent project of an independent, not-for-profit corporation or a unit of local government, which recruits, screens, trains, assigns, supervises and supports volunteers to be available for appointment by the court as guardians ad litem;

~~16-~~ 15. "Custodian" means an individual other than a parent, legal guardian or Indian custodian, to whom legal custody of the child has been awarded by the court. As used in this title, the term "custodian" shall not mean the Department of Human Services;

~~17-~~ 16. "Day treatment" means a nonresidential program which provides intensive services to a child who resides in the child's own home, the home of a relative, group home, a foster home or residential child care facility. Day treatment programs include, but are not limited to, educational services;

~~18-~~ 17. "Department" means the Department of Human Services;

~~19.~~ 18. "Dependency" means a child who is homeless or without proper care or guardianship through no fault of his or her parent, legal guardian, or custodian;

~~20.~~ 19. "Deprived child" means a child:

- a. who is for any reason destitute, homeless, or abandoned,
- b. who does not have the proper parental care or guardianship,
- c. who has been abused, neglected, or is dependent,
- d. whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child,
- e. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the parent, is determined to be at risk of harm or threatened harm to the health or safety of a child,
- f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical

judgment of the attending physician, such treatment would be futile in saving the life of the child,

- g. who, due to improper parental care and guardianship, is absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the child is subject to compulsory school attendance,
- h. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,
- i. who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of the parental rights of the parent to the other child, have not been corrected, or
- j. whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding.

Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, legal guardian, or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare;

~~21.~~ 20. "Dispositional hearing" means a hearing by the court as provided by Section 1-4-706 of this title;

~~22.~~ 21. "Drug-endangered child" means a child who is at risk of suffering physical, psychological or sexual harm as a result of the

use, possession, distribution, manufacture or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety or welfare of the child, as defined in paragraph 51 of this section. This term includes circumstances wherein the substance abuse of the person responsible for the health, safety or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child. The term also includes newborns who test positive for a controlled dangerous substance, with the exception of those substances administered under the care of a physician;

~~23-~~ 22. "Emergency custody" means the custody of a child prior to adjudication of the child following issuance of an order of the district court pursuant to Section 1-4-201 of this title or following issuance of an order of the district court pursuant to an emergency custody hearing, as specified by Section 1-4-203 of this title;

~~24-~~ 23. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings used for the lawful custody and treatment of children;

24. "Failure to protect" means failure to take reasonable action to remedy or prevent child abuse or neglect, and includes the conduct of a non-abusing parent or guardian who knows the identity of the abuser or the person neglecting the child, but lies, conceals or fails to report the child abuse or neglect or otherwise take reasonable action to end the abuse or neglect;

25. "Foster care" or "foster care services" means continuous twenty-four-hour care and supportive services provided for a child in foster placement including, but not limited to, the care, supervision, guidance, and rearing of a foster child by the foster parent;

26. "Foster family home" means the private residence of a foster parent who provides foster care services to a child. Such term shall include a nonkinship foster family home, a therapeutic foster family home, or the home of a relative or other kinship care home;

27. "Foster parent eligibility assessment" includes a criminal background investigation including, but not limited to, a national criminal history records search based upon the submission of fingerprints, home assessments, and any other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

28. "Guardian ad litem" means a person appointed by the court pursuant to the provisions of Section 1-4-306 of this title having those duties and responsibilities as set forth in that section. The term "guardian ad litem" shall refer to a court-appointed special advocate as well as to any other person appointed pursuant to the provisions of Section 1-4-306 of this title to serve as a guardian ad litem;

29. "Guardian ad litem of the estate of the child" means a person appointed by the court to protect the property interests of a child pursuant to Section ~~1-8-109~~ 1-8-108 of this title;

30. "Group home" means a residential facility licensed by the Department to provide full-time care and community-based services for more than five but fewer than thirteen children;

31. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency;

32. "Heinous and shocking abuse" includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. "Serious bodily injury" means injury that involves:

- a. a substantial risk of death,
- b. extreme physical pain,
- c. protracted disfigurement,

- d. a loss or impairment of the function of a body member, organ, or mental faculty,
- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

33. "Heinous and shocking neglect" includes, but is not limited to:

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,
- b. neglect that has resulted in a diagnosis of the child as a failure to thrive,
- c. an act or failure to act by a parent that results in the death or near death of a child or sibling, serious physical or emotional harm, sexual abuse, sexual exploitation, or presents an imminent risk of serious harm to a child, or
- d. any other similar aggravating circumstance;

34. "Independent living program" means a program specifically designed to assist a child to enhance those skills and abilities necessary for successful adult living. An independent living program may include, but shall not be limited to, such features as minimal direct staff supervision, and the provision of supportive services to assist children with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;

35. "Individualized service plan" means a document written pursuant to Section 1-4-704 of this title that has the same meaning as "service plan" or "treatment plan" where those terms are used in the Oklahoma Children's Code;

36. "Infant" means a child who is twelve (12) months of age or younger;

37. "Institution" means a residential facility offering care and treatment for more than twenty residents;

38. a. "Investigation" means a response to an allegation of abuse or neglect that involves a serious and immediate threat to the safety of the child, making it necessary to determine:

- (1) the current safety of a child and the risk of subsequent abuse or neglect, and
- (2) whether child abuse or neglect occurred and whether the family needs prevention- and intervention-related services.

b. "Investigation" results in a written response stating one of the following findings:

- (1) "Substantiated" means the Department has determined, after an investigation of a report of child abuse or neglect and based upon some credible evidence, that child abuse or neglect

has occurred. When child abuse or neglect is substantiated, the Department may recommend:

- (a) court intervention if the Department finds the health, safety, or welfare of the child is threatened, or
 - (b) child abuse and neglect prevention and intervention-related services for the child, parents or persons responsible for the care of the child if court intervention is not determined to be necessary,
- (2) "Unsubstantiated - Services recommended" means the Department has determined, after an investigation of a report of child abuse or neglect, that insufficient evidence exists to fully determine whether child abuse or neglect has occurred. If child abuse or neglect is unsubstantiated, the Department may recommend, when determined to be necessary, that the parents or persons responsible for the care of the child obtain child abuse and neglect prevention- and intervention-related services, or
- (3) "Ruled out" means a report in which a child protective services specialist has determined, after an investigation of a report of child abuse or neglect, that no child abuse or neglect has occurred;

39. "Kinship care" means full-time care of a child by a kinship relation;

40. "Kinship guardianship" means a permanent guardianship as defined in this section;

41. "Kinship relation" or "kinship relationship" means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child; provided,

however, in cases where the Indian Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control;

42. "Mental health facility" means a mental health or substance abuse treatment facility as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

43. "Minor" means the same as the term "child" as defined in this section;

44. "Minor in need of treatment" means a child in need of mental health or substance abuse treatment as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

45. "Multidisciplinary child abuse team" means any team established pursuant to Section 1-9-102 of this title of three or more persons who are trained in the prevention, identification, investigation, prosecution, and treatment of physical and sexual child abuse and who are qualified to facilitate a broad range of prevention_ and intervention-related services and services related to child abuse. For purposes of this definition, "freestanding" means a team not used by a child advocacy center for its accreditation;

46. "Near death" means a child is in serious or critical condition, as certified by a physician, as a result of abuse or neglect;

47. "Neglect" means:

- a. the failure or omission to provide any of the following:
 - (1) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
 - (2) medical, dental, or behavioral health care,
 - (3) supervision or appropriate caretakers, or

- (4) special care made necessary by the physical or mental condition of the child,
- b. the failure or omission to protect a child from exposure to any of the following:
 - (1) the use, possession, sale, or manufacture of illegal drugs,
 - (2) illegal activities, or
 - (3) sexual acts or materials that are not age-appropriate, or
- c. abandonment.

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare;

48. "Permanency hearing" means a hearing by the court pursuant to Section 1-4-811 of this title;

49. "Permanent custody" means the court-ordered custody of an adjudicated deprived child when a parent-child relationship no longer exists due to termination of parental rights or due to the death of a parent or parents;

50. "Permanent guardianship" means a judicially created relationship between a child, a kinship relation of the child, or other adult established pursuant to the provisions of Section 1-4-709 of this title;

51. "Person responsible for a child's health, safety, or welfare" includes a parent; a legal guardian; custodian; a foster parent; a person eighteen (18) years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child; an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or an owner, operator, or employee of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

52. "Protective custody" means custody of a child taken by a law enforcement officer or designated employee of the court without a court order;

53. "Putative father" means an alleged father as that term is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

54. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half blood, aunt, uncle or any other person related to the child;

55. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;

56. "Review hearing" means a hearing by the court pursuant to Section 1-4-807 of this title;

57. "Risk" means the likelihood that an incident of child abuse or neglect will occur in the future;

58. "Safety threat" means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death;

59. "Safety analysis" means action taken by the Department in response to a report of alleged child abuse or neglect that may include an assessment or investigation based upon an analysis of the information received according to priority guidelines and other criteria adopted by the Department;

60. "Safety evaluation" means evaluation of a child's situation by the Department using a structured, evidence-based tool to determine if the child is subject to a safety threat;

61. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the juvenile being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents;

62. "Sibling" means a biologically or legally related brother or sister of a child;

63. "Specialized foster care" means foster care provided to a child in a foster home or agency-contracted home which:

- a. has been certified by the Developmental Disabilities Services Division of the Department of Human Services,
- b. is monitored by the Division, and
- c. is funded through the Home- and Community-Based Waiver Services Program administered by the Division;

64. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

65. "Therapeutic foster family home" means a foster family home which provides specific treatment services, pursuant to a therapeutic foster care contract, which are designed to remedy social and behavioral problems of a foster child residing in the home;


66. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. The program may include, but shall not be limited to, reduced staff supervision, vocational training, educational services, employment and employment

training, and other appropriate independent living skills training as a part of the transitional living program; and

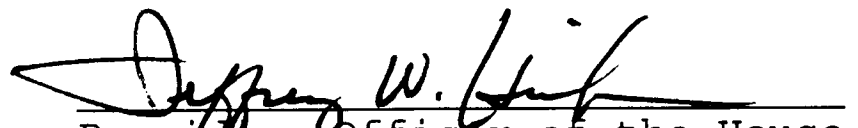
67. "Voluntary foster care placement" means the temporary placement of a child by the parent, legal guardian or custodian of the child in foster care pursuant to a signed placement agreement between the Department or a child-placing agency and the child's parent, legal guardian or custodian.

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

Passed the Senate the 29th day of April, 2015.


Presiding Officer of the Senate

Passed the House of Representatives the 30th day of March, 2015.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th
day of April, 20 15, at 2:25 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th
day of May, 20 15, at 9:46 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 6th
day of May, 20 15, at 5:23 o'clock P M.
By: Ch. Benge



S.B. 511

RE: S.B. 511

SUBJECT: Homeless Children

Senate Bill 511 becomes effective July 1, 2015. This bill expands the purview of the Oklahoma Commission on Children and Youth to include services for homeless children and youth. It also requires an annual report regarding child and youth homelessness and those at risk for homelessness.

- Section 1(B): Directs the Oklahoma Commission on Children and Youth (OCCY) to include in its annual report to the Governor, Legislature, Supreme Court, and chief administrative officer of each agency affected by the report, activities of the Commission and recommendations for further development and improvement of services for homeless children and youth.
 - The report should identify and establish outcomes, goals and priorities for services for homeless children and youth, and show previous and current expenditures for state and state-supported services to homeless children and youth.
- Section 2(A): Directs the Office of Planning and Coordination for Services to Children and Youth Steering Committee to:
 - Review data and propose policy on the issue of child homelessness, and
 - Update the Legislature on existing programs to reduce child homelessness, including programs administered or financed by any agency of the state, nonprofit and private-sector organizations.
- Section 2(B): The Steering Committee must examine:
 - State trends in the number of children who are homeless or are at risk of becoming homeless,
 - The state's role in providing services to those children,
 - State policy regarding homeless children and youth, and
 - Existing services, resources, and capacity including the availability of publicly or privately provided resources to children and youth who are homeless or are at risk.

- Section 2(C): The Steering Committee is to submit an additional report of the items in this section to the President Pro Tempore of the Senate and Speaker of the House due by December 31, 2015, and annually thereafter.

Should you have any questions related to this bill, please contact Dr. Gloria Bayouth, Executive Director of Federal Programs, at (405) 522-3249 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 10 O.S. 601.9

New Law at: 10 O.S. 601.6c

An Act

ENROLLED SENATE
BILL NO. 511

By: Floyd and Pittman of the
Senate

and

Denney of the House

An Act relating to child homelessness; amending 10 O.S. 2011, Section 601.9, which relates to duties of the Office of Planning and Coordination; broadening scope of certain reports to include homeless children and youth; directing Office of Planning and Coordination to review certain data and provide certain assessment; providing guidelines for assessment; requiring submission of certain report; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Homeless children

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.9, is amended to read as follows:

Section 601.9. A. The Office of Planning and Coordination shall:

1. Make recommendations to the Oklahoma Commission on Children and Youth regarding the development and improvement of services provided to children and youth based upon community partnership input no later than May 1 of each year; and

2. Forward a report of its recommendations to each agency affected by the recommendations.

B. The Oklahoma Commission on Children and Youth shall evaluate and review the development and quality of services to children and youth and shall:

1. Publish and distribute an annual report of its findings on or before July 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chief Justice of the Supreme Court of the State of Oklahoma, and to the chief administrative officer of each agency affected by the report. Such report shall include activities of the Commission, recommendations for the further development and improvement of services to children and youth, services for homeless children and youth, and budget and program needs; and

2. Include in its annual report the State Plan for Services to Children and Youth for the next succeeding fiscal year. The State Plan for Services to Children and Youth shall:

- a. identify and establish outcomes, goals and priorities for services for children and youth, including homeless children and youth, and the estimated costs of implementing such goals and priorities,
- b. show previous and current expenditures for state and state-supported services to children and youth, including homeless children and youth, which relate to the outcomes identified in the State Plan,
- c. include information concerning the availability and accessibility of various human services, health, mental health and education programs that serve children and their families at the community level, and, when applicable, establish a plan for developing programs in areas of the state where the need for such services exists,
- d. include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the children, youth, and family service system, and

- e. be distributed as provided by paragraph 1 of this section and shall be made available to the general public.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.6c of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Office of Planning and Coordination for Services to Children and Youth Steering Committee shall:

1. Review data and propose policy solutions relating to the issue of child homelessness; and

2. Update the Oklahoma State Legislature on existing programs to reduce child homelessness including, but not limited to, programs administered or financed in whole or in part by any agency of this state, nonprofit organizations or private-sector entities.

B. The Steering Committee shall include an examination of the following in its assessment and recommendations:

1. State trends in the number of children who are homeless or are at risk of becoming homeless;

2. The state's role in providing services to children and youth who are homeless or at risk for becoming homeless;

3. State policy regarding homeless children and youth; and

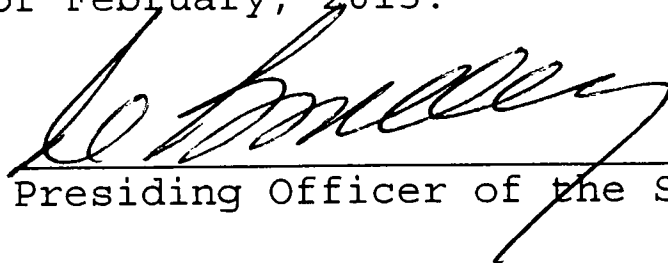
4. Existing services, resources, and capacity including, but not limited to, the availability of publicly or privately provided resources to children and youth who are homeless or at risk of becoming homeless.

C. The Steering Committee shall submit a report to the President Pro Tempore of the Senate and Speaker of the House of Representatives by December 31, 2015, and annually thereafter, describing assessment and recommendations provided for by this act.

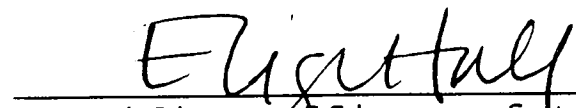
SECTION 3. This act shall become effective July 1, 2015.

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 Senate the 25th day of February, 2015.


Presiding Officer of the Senate

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


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th
day of April, 20 15, at 3:35 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 17th
day of April, 20 15, at 2:59 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 17th
day of April, 20 15, at 3:38 o'clock P M.
By: Ch. Benze



H.B. 1330

RE: H.B. 1330

SUBJECT: High School Graduation Requirements

House Bill 1330 becomes effective July 1, 2015. This bill amends the graduation requirements for certain students transferring from out of state.

- Current law requires that students have a $\frac{1}{2}$ unit or set of competencies of Oklahoma History in order to graduate from an Oklahoma public high school.
- Section 1(C): Requires school district boards of education to waive the Oklahoma History high school graduation requirement for children of military families, defined in the Interstate Compact on Educational Opportunity for Military Children as “a school-aged child(ren), enrolled in kindergarten through twelfth grade, in the household of an active duty member,” who have transitioned with the military from another state and already satisfactorily completed a similar state history class in another state.
 - Requires the State Board of Education to promulgate rules by December 1, 2015 to implement this requirement.

Should you have any questions related to this bill, please contact Ms. Melissa White, Executive Director of Counseling/ACE at (405) 521-3549 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 11-103.6f

Helpful statutory references: 70 O.S. 11-103.6, 70 O.S. 510.1

An Act

ENROLLED HOUSE
BILL NO. 1330

By: Coody (Ann) and Inman of
the House

and

Fry of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 11-103.6f, which relates to graduation exceptions for students transferring from out of state; directing the State Board of Education to adopt rules requiring waiver of the Oklahoma history high school curriculum requirement for certain military students; providing an effective date; and declaring an emergency.

SUBJECT: High school graduation requirements

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-103.6f,
is amended to read as follows:

Section 11-103.6f A. Prior to September 1, 2003, the State Board of Education shall adopt rules to ensure that students who transfer into an Oklahoma school district from out of state after the junior year of high school of the student shall not be denied, due to differing graduation requirements, the opportunity to be awarded a standard diploma.

B. The rules shall allow district boards of education to make exceptions on an individual student basis to the high school graduation requirements of Section 11-103.6 of ~~Title 70 of the Oklahoma Statutes~~ this title for such students who would be unable to meet the specific graduation requirements without extending the date of graduation. Each district board of education that grants

exceptions pursuant to this subsection shall report to the State Department of Education on or before July 1 of each year the number of students granted exceptions and reasons for the exceptions.

C. By December 1, 2015, the State Board of Education shall adopt rules requiring school district boards of education to waive the Oklahoma history high school graduation requirements of Section 11-103.6 of this title for children of military families as defined in the Interstate Compact on Educational Opportunity for Military Children, set forth in Section 510.1 of this title, who transition with the military from another state and who have satisfactorily completed a similar state history class in another state.

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 12th day of February, 2015.

Lee R. Doney Jr.

Presiding Officer of the House
of Representatives

Passed the Senate the 6th day of April, 2015.

Nathan Dahm

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this

7th

day of April, 20 15, at 3:02 o'clock P M.

By:

Audrey Rockwell

Approved by the Governor of the State of Oklahoma this

10th

day of April, 20 15, at 9:28 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

10th

day of April, 20 15, at 1:48 o'clock P M.

By:

Chris Morris



S.B. 50

RE: S.B. 50

SUBJECT: Agriculture Education

Senate Bill 50 becomes effective July 1, 2015. This bill amends the grades in which agriculture education programs can be offered.

- Current law states that agriculture education programs are limited to students in grades eight through twelve.
- Section 1(A): States that agriculture education programs are designed for junior high and high school students, grades eight through twelve, and removes the language limiting those programs to those specific grades. Therefore, agriculture education programs could be offered in grades 7 and below, or students 7th grade and below could participate in agriculture education programs as deemed appropriate by the local school district.

Note: S.B. 50 and H.B. 1423 both amend the same portion of law, 70 O.S. 14-108.2, and as such, should be read together.

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. 14-108.2

An Act

ENROLLED SENATE
BILL NO. 50

By: Smalley and Pittman of the
Senate

and

Biggs, Perryman, Cockroft
and Sherrer of the House

An Act relating to agriculture education; amending Section 1, Chapter 31, O.S.L. 2014 (70 O.S. Supp. 2014, Section 14-108.2), which relates to agricultural education programs; modifying reference to grades in which programs can be offered; providing an effective date; and declaring an emergency.

SUBJECT: Agriculture education

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

SECTION 1. AMENDATORY Section 1, Chapter 31, O.S.L. 2014 (70 O.S. Supp. 2014, Section 14-108.2), is amended to read as follows:

Section 14-108.2. A. Agricultural education programs ~~shall be limited to students in~~ are designed for junior high and high school grades eight through twelve, and shall be provided by comprehensive school districts. Technology center school districts shall be prohibited from operating agricultural education programs or FFA chapters in any location.

B. Each student enrolled in an agricultural education program shall participate in a supervised agricultural experience project.

C. For each agricultural education program which is funded by the Oklahoma Department of Career and Technology Education, the

local school district shall provide transportation services for all agricultural-education-program- and FFA-program-related duties and to and from all activities.

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 Senate the 2nd day of March, 2015.

Nathan Dahm
Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2015.

Joe R. Downing
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 1st
day of April, 2015, at 2:58 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 7th
day of April, 2015, at 2:29 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 7th
day of April, 2015, at 3 o'clock P M.
By: Chris Benge



S.B. 136

RE: S.B. 136

SUBJECT: Online Education

Senate Bill 136 becomes effective August 20, 2015. This bill amends the duties of the Statewide Virtual Charter School Board to include reviewing and publishing recommended supplemental online courses.

- Section 1(A): Directs the Statewide Virtual Charter School Board to publish a list of supplemental online courses that are high quality options and are aligned with subject matter standards adopted by the State Board of Education.
 - Emphasis should be placed on science, technology, engineering and math (STEM) courses, foreign language and advanced placement courses.
 - Local school districts are not required to choose from this list.
- The Statewide Virtual Charter School Board is authorized to work with the Office of Management and Enterprise Services (OMES) to negotiate a state rate for school districts for the certified supplemental online courses.

Should you have any questions related to this bill, please contact Dr. Rebecca Wilkinson, Executive Director for the Oklahoma Statewide Virtual Charter School Board, at (405) 522-0717 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 3-145.3

Helpful Statutory References: 70 O.S. 11-103.6

An Act

ENROLLED SENATE
BILL NO. 136

By: Stanislawski of the Senate

and

Nelson of the House

An Act relating to online education; amending Section 5, Chapter 367, O.S.L. 2012, as amended by Section 5, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-145.3), which relates to the Statewide Virtual Charter School Board; directing the Board to make lists of certain supplemental online courses publicly available; stating the purpose for the review and certification; requiring the Board to give emphasis to certain types of supplemental online courses; prohibiting certain limitation; and authorizing the Board in conjunction with the Office of Management and Enterprise Services to negotiate and enter into contracts with certain vendors.

SUBJECT: Online education

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

SECTION 1. AMENDATORY Section 5, Chapter 367, O.S.L. 2012, as amended by Section 5, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-145.3), is amended to read as follows:

Section 3-145.3 A. Subject to the requirements of the Oklahoma Charter Schools Act, the Statewide Virtual Charter School Board shall:

1. Provide oversight of the operations of statewide virtual charter schools in this state; ~~and~~

2. Establish a procedure for accepting, approving and disapproving statewide virtual charter school applications and a process for renewal or revocation of approved charter school contracts which minimally meet the procedures set forth in the Oklahoma Charter Schools Act;

3. Make publicly available a list of supplemental online courses which have been reviewed and certified by the Statewide Virtual Charter School Board to ensure that the courses are high quality options and are aligned with the subject matter standards adopted by the State Board of Education pursuant to Section 11-103.6 of this title. The Statewide Virtual Charter School Board shall give special emphasis on listing supplemental online courses in science, technology, engineering and math (STEM), foreign language and advanced placement courses. School districts shall not be limited to selecting supplemental online courses that have been reviewed and certified by the Statewide Virtual Charter School Board and listed as provided for in this paragraph; and

4. In conjunction with the Office of Management and Enterprise Services, negotiate and enter into contracts with supplemental online course providers to offer a state rate price to school districts for supplemental online courses that have been reviewed and certified by the Statewide Virtual Charter School Board and listed as provided for in paragraph 3 of this subsection.

B. Each statewide virtual charter school which has been approved and sponsored by the Board or any virtual charter school for which the Board has assumed sponsorship of as provided for in Section 3-145.5 of this title shall be considered a statewide virtual charter school and the geographic boundaries of each statewide virtual charter school shall be the borders of the state.

C. Each statewide virtual charter school approved by the Statewide Virtual Charter School Board shall be eligible to receive federal funds generated by students enrolled in the charter school for the applicable year. Each statewide virtual charter school shall be considered a separate local education agency for purposes of reporting and accountability.

D. As calculated as provided for in Section 3-142 of this title, a statewide virtual charter school shall receive the State Aid allocation and any other state-appropriated revenue generated by students enrolled in the virtual charter school for the applicable year, less up to five percent (5%) of the State Aid allocation, which may be retained by the Statewide Virtual Charter School Board for administrative expenses and to support the mission of the Board. A statewide virtual charter school shall be eligible for any other funding any other charter school is eligible for as provided for in Section 3-142 of this title. Each statewide virtual charter school shall be considered a separate local education agency for purposes of reporting and accountability.

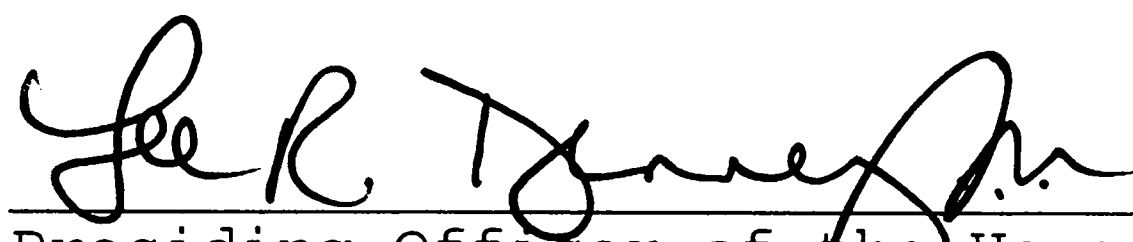
E. Students enrolled full-time in a statewide virtual charter school sponsored by the Statewide Virtual Charter School Board shall not be authorized to participate in any activities administered by the Oklahoma Secondary Schools Activities Association. However, the students may participate in intramural activities sponsored by a statewide virtual charter school, an online provider for the charter school or any other outside organization.

F. The decision of the Statewide Virtual Charter School Board to deny, nonrenew or terminate the charter contract of a statewide virtual charter school may be appealed to the State Board of Education within thirty (30) days of the decision by the Statewide Virtual Charter School Board. The State Board of Education shall act on the appeal within sixty (60) days of receipt of the request from the statewide virtual charter school applicant. The State Board of Education may reverse the decision of the Statewide Virtual Charter School Board or may remand the matter back to the Statewide Virtual Charter School Board for further proceeding as directed.

Passed the Senate the 4th day of May, 2015.


Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2015.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 5th

day of May, 20 15, at 11:15 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 11th

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 11th

day of May, 20 15, at 5:22 o'clock P M.

By: Chil Bengel



S.B. 630

RE: S.B. 630

SUBJECT: Reading Sufficiency

Senate Bill 630 becomes effective July 1, 2015. This bill amends the Reading Sufficiency Act to extend the provisions of the Student Reading Proficiency Teams and expands the provisions to those students scoring Limited Knowledge on the OCCT.

- Section 1: Clarifies that students in kindergarten through third grade must be assessed using a screening instrument at the beginning and end of each school year. Screening instruments are approved by the State Board of Education and must measure phonemic awareness (changed from phonological), phonics, reading fluency, vocabulary and comprehension. Spelling has been eliminated as a requirement for screening instruments.
 - Students in first and second grade who are not reading at the corresponding grade level, as measured by a screening instrument, are entitled to “individualized” remediation, until the student is reading on grade level.
 - A Student Reading Proficiency Team (SRPT) is required to develop a plan of “individualized remediation.” The team is to include the parent/guardian, the student’s teacher who is responsible for reading instruction for the current academic year, the student’s teacher who is responsible for reading instruction for the upcoming year and a certified reading specialist, if available.
- Section 1(H): Clarifies that any student in 1st-3rd grade who is reading at a third-grade level, as measured by a screening instrument, is exempt from possible retention under the provisions of the Reading Sufficiency Act (RSA).
- Section 1(H)(4): Extends the provisions of the Student Reading Proficiency Team (SRPT) through the 2017-2018 school year.
 - For the 2015-2016 school year, third-grade students who have not already been shown to be reading at a third-grade level, and who score “unsatisfactory” on the *reading portion* of the third-grade reading Oklahoma Core Curriculum Test (OCCT) may be evaluated for “probationary promotion” by the SRPT.
 - For the 2016-2017 and 2017-2018 school years, third grade students who have not already been shown to be reading at a third-grade level, and who score “unsatisfactory” OR “limited knowledge” on the *reading portion* of the third-grade reading OCCT may be evaluated for “probationary promotion.”

- Note: In order for students' scores on only the *reading portion* of the OCCT to be used for purposes of RSA, the State Department of Education will partner with the assessment company to ensure the reading portion of the OCCT can be isolated.
- SRPT's created for the purpose of evaluating students for "probationary promotion" will include the parent/guardian, the student's teacher who is responsible for reading instruction for the current academic year, the student's teacher who is responsible for reading instruction for the upcoming year and a certified reading specialist. For these teams the certified reading specialist is NOT optional.
- The SRPT's are no longer required to include the school principal; however, both the principal and the district superintendent must approve any recommendation for "probationary promotion."
- Section 1(H)(5): Clarifies that beginning in 2016-2017, students who score below proficient on the *reading portion* of the third-grade reading OCCT, do not qualify for a good cause exemption, and are not approved for "probationary promotion," must be retained.
- Section 1(H)(8): Clarifies that the "reading portion" of the third-grade reading OCCT includes reading comprehension and vocabulary for purposes of promotion and retention decisions under RSA.
- Section 1(I): Current law requires that the parent of a student who is not reading at the appropriate grade level be notified in writing of the following information:
 - That the student has been identified as having a substantial reading deficiency,
 - A description of the current services being provided,
 - A description of proposed supplemental instructional services and supports,
 - That the student will not be promoted to fourth grade if the reading deficiency is not remediated by the end of third grade and no other exemptions are met,
 - Strategies for parents to help their child succeed in reading,
 - That the OCCT third-grade reading test is only the initial determinant and other opportunities for promotion are available, and
 - The district's policy for mid-year promotion.
- Added to this list are "a description of the current services that are provided to the student pursuant to a conjoint measurement model such that a reader and a text are placed on the same scale," which is interpreted to mean a Lexile score; and the grade-level performance score of the student.

- Section 1(N)(4): Allows for a student to be promoted at mid-year, prior to November 1, if they demonstrate proficiency in reading at the third-grade level on a screening instrument from the list approved by the State Board of Education.
- Section 1(O): Clarifies that district Intensive Acceleration Classes as part of the Reading Enhancement Acceleration Development (READ) Initiatives, be targeted to students who scored below proficient on the third-grade reading OCCT and were retained.

Should you have any questions related to this bill, please contact Dr. Cindy Koss, Deputy Superintendent for Academic Affairs and Planning, at (405) 522-6369 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 1210.508C

An Act

ENROLLED SENATE
BILL NO. 630

By: Ford, Mazzei, Pittman,
Sharp and Jolley of the
Senate

and

Casey, Cockroft, Inman and
Condit of the House

An Act relating to schools; amending 70 O.S. 2011, Section 1210.508C, as last amended by Section 35 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, which relates to the Reading Sufficiency Act; requiring certain assessment to be administered at the end of the year; modifying certain reading program; providing for intensive remediation of students in certain grades found not reading at grade level; providing for development of remediation plan by certain team; removing language regarding establishment of certain committee; clarifying reference to certain students; removing language regarding automatic promotion of certain students; extending years in which probationary promotion may be used; modifying criteria for probationary promotion in certain years; modifying membership of certain team; modifying conditions for promotion after certain date; directing use of certain portions of certain test for certain purpose; modifying information required in certain report; modifying contents of certain notice; modifying criteria for midyear promotion; providing an effective date; and declaring an emergency.

SUBJECT: Reading sufficiency

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508C, as last amended by Section 35 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1210.508C. A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, ~~phonological~~ phonemic awareness, letter recognition, and oral language skills as identified in the subject matter standards adopted by the State Board of Education. A screening instrument approved by the State Board shall be utilized for the purposes of this section.

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified in the subject matter standards adopted by the State Board of Education, monitor progress throughout the year and measure year-end reading progress.

3. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

B. 1. Each student enrolled in kindergarten, first, second and third grade of the public schools of this state shall be assessed at the beginning and end of each school year using a screening instrument approved by the State Board of Education for the acquisition of reading skills including, but not limited to, ~~phonological~~ phonemic awareness, phonics, ~~spelling~~, reading fluency, vocabulary, and comprehension.

2. Any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Beginning with students entering the first grade in the 2011-2012 school year, the program of reading instruction shall include provisions of the READ

Initiative adopted by the school district as provided for in subsection O of this section.

3. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

C. The State Board of Education shall approve screening instruments for use at the beginning and end of the school year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, at least one of the screening instruments shall meet the following criteria:

1. Assess for ~~phonological~~ phonemic awareness, phonics, reading fluency, and comprehension;

2. Document the validity and reliability of each assessment;

3. Can be used for diagnosis and progress monitoring;

4. Can be used to assess special education and limited-English-proficient students; and

5. Accompanied by a data management system that provides profiles for students, class, grade level and school building. The profiles shall identify each student's instructional point of need and reading achievement level. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the subject matter standards adopted by the State Board of Education.

D. 1. The program of reading instruction required in subsection B of this section shall align with the subject matter standards adopted by the State Board of Education, and shall include provisions of the READ Initiative adopted by the school district as provided for in subsection O of this section ~~beginning with students entering the first grade in the 2011-2012 school year and.~~ A program of reading instruction may include, but is not limited to:

~~1. Sufficient~~

- a. sufficient additional in-school instructional time for the acquisition of ~~phonological~~ phonemic awareness, phonics, ~~spelling~~, reading fluency, vocabulary, and comprehension~~+~~,

~~2. If~~

- b. if necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day or one-thousand-eighty-hour school year required in Section 1-109 of this title~~+~~, and

~~3. Assessments~~

- c. assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, ~~phonological~~ phonemic awareness, phonics, ~~spelling~~, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

2. A student enrolled in first or second grades who has been assessed as provided for in subsection B of this section and found not to be reading at the corresponding grade level, shall be entitled to individualized remediation in reading until the student is determined by the results of a screening instrument to be reading on grade level. The program of reading instruction for each student shall be developed by a Student Reading Proficiency Team and shall include individualized remediation. Each team shall be composed of:

- a. the parent or guardian of the student,
- b. the teacher assigned to the student who had responsibility for reading instruction in that academic year,

- c. a teacher who is responsible for reading instruction and is assigned to teach in the next grade level of the student, and
- d. a certified reading specialist, if one is available.

E. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level.

F. 1. Every school district shall adopt, and implement a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted electronically to and approved by the State Board of Education. The plan shall be updated annually. School districts shall not be required to electronically submit the annual updates to the Board if the last plan submitted to the Board was approved and expenditures for the program include only expenses relating to individual and small group tutoring, purchase of and training in the use of screening and assessment measures, summer school programs and Saturday school programs. If any expenditure for the program is deleted or changed or any other type of expenditure for the program is implemented, the school district shall be required to submit the latest annual update to the Board for approval. The district reading sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

~~2. Each school site shall establish a committee, composed of educators, which if possible shall include a certified reading specialist, to develop the required programs of reading instruction. A parent or guardian of the student shall be included in the development of the program of reading instruction for that student.~~

~~3.~~ The State Board of Education shall adopt rules for the implementation and evaluation of the provisions of the Reading Sufficiency Act. The evaluation shall include, but not be limited to, an analysis of the data required in subsection S of this section.

G. For any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to this section, a new program of reading instruction, including provisions of the READ Initiative adopted by the school district as provided for in subsection O of this section, shall be developed and implemented as specified in this section. If possible, a fourth-grade teacher shall be involved in the development of the program of reading instruction. In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring.

H. 1. Any first-grade, second-grade or third-grade student who demonstrates proficiency in reading at the third-grade level through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section shall not be subject to the retention guidelines found in this section. Upon demonstrating the proficiency through the screening, the district shall provide notification to the parent(s) and/or guardian(s) of the student that they have satisfied the requirements of the Reading Sufficiency Act and will not be subject to retention pursuant to this section.

2. If a third-grade student is identified at any point of the academic year as having a significant reading deficiency, which shall be defined as scoring below proficient on a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, the district shall immediately begin a student reading portfolio as provided by subsection K of this section and shall provide notice to the parent of the deficiency pursuant to subsection I of this section.

3. ~~a. If a student has not yet satisfied the proficiency requirements of this section prior to the completion of third grade, the student may qualify for automatic promotion to the fourth grade upon scoring at the "limited knowledge" level on the reading portion of the statewide third grade criterion referenced test.~~

~~b. Prior to promotion, however, the district shall provide notice to the parent(s) and/or guardian(s) of the child that the child is not yet reading at grade level in reading and provide the parent(s) and/or~~

~~guardian(s) of the child the option for retention should they so desire. The notice shall contain, at a minimum, the most recently identifiable grade level on which the student is actually proficient, the opportunities for summer reading programs, school and/or community based reading tutoring, vendors which provide reading tutoring and the rights to the continuing intensive remediation pursuant to this paragraph.~~

~~e. A student so promoted shall be entitled to intensive remediation in reading until the student is able to demonstrate proficiency in reading at the grade level in which the student is enrolled. An intensive remediation plan shall be developed by a "Student Reading Proficiency Team" composed of:~~

- ~~(1) the parent(s) and/or guardian(s) of the student,~~
- ~~(2) the teacher assigned to the student who had responsibility for reading instruction in that academic year,~~
- ~~(3) a teacher in reading who teaches in the subsequent grade level,~~
- ~~(4) the school principal, and~~
- ~~(5) a certified reading specialist, if one is available.~~

4. If a student has not yet satisfied the proficiency requirements of this section prior to the completion of third grade and still has a significant reading deficiency, as identified based on assessments administered ~~that meet the acquisition of reading skills criteria pursuant to~~ as provided for in subsection B of this section, has not accumulated evidence of third-grade proficiency through a student portfolio as provided in subsection K, or is not subject to a good cause exemption as provided in subsection K, then the student shall not be eligible for automatic promotion to fourth grade.

~~5.~~

4. a. For the ~~2013-14 and 2014-15~~ 2015-2016 school ~~years~~ year, a student not ~~qualified~~ eligible for automatic promotion as provided for under paragraph 4 3 of this subsection and who scores at the unsatisfactory level on the reading portion of the third-grade statewide criterion-referenced test may be evaluated for "probationary promotion" by a ~~"the Student Reading Proficiency Team"~~. For the 2016-2017 and 2017-2018 school years, a student not eligible for automatic promotion as provided for under paragraph 3 of this subsection and who scores at the unsatisfactory or limited knowledge levels on the reading portion of the third-grade statewide criterion-referenced test may be evaluated for "probationary promotion" by the Student Reading Proficiency Team. The Student Reading Proficiency Team shall be composed of:
- (1) the parent(s) and/or guardian(s) of the student,
 - (2) the teacher assigned to the student who had responsibility for reading instruction in that academic year,
 - (3) a teacher in reading who teaches in the subsequent grade level, and
 - (4) ~~the school principal, and~~
 - ~~(5)~~ a certified reading specialist.
- b. The student shall be promoted to the fourth grade if the team members unanimously recommend "probationary promotion" to the school principal and the school district superintendent and the principal and superintendent ~~approves~~ approve the recommendation that promotion is the best option for the student. If a student is allowed a "probationary promotion", the team shall continue to review the reading performance of the student and repeat the requirements of this paragraph each academic year until the student

demonstrates grade-level reading proficiency, as identified through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, for the corresponding grade level in which the student is enrolled or transitions to the requirements set forth by the Achieving Classroom Excellence Act.

~~6.~~ 5. Beginning with the ~~2015-16~~ 2016-2017 school year, students who score ~~at the unsatisfactory~~ below the proficient level on the reading portion of the statewide third-grade criterion-referenced test ~~and~~, who are not subject to a good cause exemption as provided in subsection K of this section, and who do not qualify for promotion or "probationary promotion" as provided in this subsection, shall be retained in the third grade and provided intensive instructional services and supports as provided for in subsection N of this section.

~~7.~~ 6. Each school district shall annually report to the State Department of Education the number of students promoted to the fourth grade pursuant to ~~paragraphs 1 and 3 of~~ this subsection. Following the ~~2013-14 and 2014-15~~ 2015-2016, 2016-2017 and 2017-2018 school years, each school district shall report the number of students promoted to a subsequent grade pursuant to the provisions in paragraph ~~5~~ 4 of this subsection. The State Department of Education shall publicly report the aggregate and district specific number of students promoted on their website and shall provide electronic copies of the report to the Governor, Secretary of Education, President Pro Tempore of the Senate, Speaker of the House of Representatives, and to the respective chairs of the committees with responsibility for common education policy in each legislative chamber.

~~8.~~ 7. Nothing shall prevent a school district from applying the principles of paragraphs ~~4~~ 3 and ~~5~~ 4 of this subsection in grades kindergarten through second grade.

8. To determine the promotion and retention of third-grade students pursuant to the Reading Sufficiency Act, the State Board of Education shall use only the reading comprehension and vocabulary scores portion of the statewide third-grade criterion-referenced

test and shall not use the other language arts scores portions of the test.

I. The parent of any student who is found to have a reading deficiency and is not reading at the appropriate grade level and has been provided a program of reading instruction as provided for in subsection B of this section shall be notified in writing of the following:

1. That the student has been identified as having a substantial deficiency in reading;

2. A description of the current services that are provided to the student pursuant to a conjoint measurement model such that a reader and a text are placed on the same scale;

3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;

4. That the student will not be promoted to the fourth grade if the reading deficiency is not remediated by the end of the third grade, unless the student is otherwise promoted as provided for in subsection H of this section or is exempt for good cause as set forth in subsection K of this section;

5. Strategies for parents to use in helping their child succeed in reading proficiency;

6. The grade-level performance scores of the student;

7. That while the results of the statewide criterion-referenced tests administered pursuant to Section 1210.508 of this title are the initial determinant, they are not the sole determiner of promotion and that portfolio reviews and assessments are available; and

~~7.~~ 8. The specific criteria and policies of the school district for midyear promotion implemented as provided for in paragraph 4 of subsection N of this section.

J. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

K. For those students who do not meet the academic requirements for promotion and who are not otherwise promoted as provided for in subsection H of this section, a school district may promote the student for good cause only. Good-cause exemptions for promotion shall be limited to the following:

1. Limited-English-proficient students who have had less than two (2) years of instruction in an English language learner program;

2. Students with disabilities whose individualized education program (IEP), consistent with state law, indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP);

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level;

5. Students with disabilities who participate in the statewide criterion-referenced tests and who have an individualized education program that reflects that the student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in prekindergarten for academic reasons, kindergarten, first grade, second grade, or third grade;

6. Students who have received intensive remediation in reading through a program of reading instruction for two (2) or more years but still demonstrate a deficiency in reading and who were previously retained in prekindergarten for academic reasons, kindergarten, first grade, second grade, or third grade for a total of two (2) years; and

7. Students who have been granted an exemption for medical emergencies by the State Department of Education.

L. A student who is otherwise promoted as provided for in subsection H of this section or is promoted for good cause as provided for in subsection K of this section shall be provided intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist schools and teachers to implement reading strategies for the promoted students that research has shown to be successful in improving reading among low-performing readers.

M. Requests to exempt students from the retention requirements based on one of the good-cause exemptions as described in subsection K of this section shall be made using the following process:

1. Documentation submitted from the teacher of the student to the school principal that indicates the student meets one of the good-cause exemptions and promotion of the student is appropriate. In order to minimize paperwork requirements, the documentation shall consist only of the alternative assessment results or student portfolio work and the individual education plan (IEP), as applicable;

2. The principal of the school shall review and discuss the documentation with the teacher and, if applicable, the other members of the team as described in subsection H of this section. If the principal determines that the student meets one of the good-cause exemptions and should be promoted based on the documentation provided, the principal shall make a recommendation in writing to the school district superintendent; and

3. After review, the school district superintendent shall accept or reject the recommendation of the principal in writing.

N. ~~Beginning with the 2011-2012 school year, each~~ Each school district shall:

1. Conduct a review of the program of reading instruction for all students who score ~~at the unsatisfactory~~ below the proficient level on the reading portion of the statewide criterion-referenced test administered pursuant to Section 1210.508 of this title and did not meet the criteria for one of the good-cause exemptions as set

forth in subsection K of this section. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each retained student;

2. Provide to students who have been retained as set forth in subsection H of this section with intensive interventions in reading, intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes of daily, uninterrupted, scientific-research-based reading instruction. Retained students shall be provided other strategies prescribed by the school district, which may include, but are not limited to:

- a. small group instruction,
- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection H of this section that the student has not met the proficiency level required for promotion and was not otherwise promoted and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and

independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score ~~above the unsatisfactory~~ at the proficient level on the statewide third-grade criterion-referenced test, or upon demonstrating proficiency in reading at the third-grade level through a screening instrument administered pursuant to subsection B of this section, and upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

5. Provide students who are retained with a high-performing teacher who can address the needs of the student, based on student performance data and above-satisfactory performance appraisals; and

6. In addition to required reading enhancement and acceleration strategies, provide students who are retained with at least one of the following instructional options:

- a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
- b. a parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
- c. a mentor or tutor with specialized reading training.

O. Beginning with the 2011-2012 school year, each school district shall establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of third-grade students by offering intensive accelerated reading instruction to third-grade students who failed to meet standards for promotion to fourth grade

and to kindergarten through third-grade students who are exhibiting a reading deficiency. The READ Initiative shall:

1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;

2. Be provided during regular school hours in addition to the regular reading instruction; and

3. Provide a state-approved reading curriculum that, at a minimum, meets the following specifications:

- a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
- b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
- c. provides a scientific-research-based and reliable assessment,
- d. provides initial and ongoing analysis of the reading progress of each student,
- e. is implemented during regular school hours,
- f. provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,
- g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score at the unsatisfactory below the proficient level on the reading portion of the statewide criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two

grade levels in one (1) school year. The Intensive Acceleration Class shall:

- (1) be provided to any student in the third grade who scores ~~at the unsatisfactory~~ below the proficient level on the reading portion of the statewide criterion-referenced tests and who was retained in the third grade the prior year because of scoring ~~at the unsatisfactory~~ below the proficient level on the reading portion of the statewide criterion-referenced tests,
 - (2) have a reduced teacher-student ratio,
 - (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
 - (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
 - (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
 - (6) include weekly progress monitoring measures to ensure progress is being made, and
 - (7) provide reports to the State Department of Education, in the manner described by the Department, outlining the progress of students in the class at the end of the first semester,
- h. provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of Public

Instruction shall annually prescribe the required components of the reports, and

- i. provide to a student who has been retained in the third grade and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. A transitional setting shall specifically be designed to produce learning gains sufficient to meet fourth-grade performance standards while continuing to remediate the areas of reading deficiency.

P. In addition to the requirements set forth in this section, each school district board of education shall annually report to the parent or guardian of each student in the district the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The school district board of education shall report to the parent or guardian of each student the results on statewide criterion-referenced tests. The evaluation of the progress of each student shall be based upon classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting shall be provided to the parent or guardian in writing.

Q. 1. Each school district board of education shall annually publish on the school website, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,
- b. by grade, the number and percentage of all students in grades three through ten performing ~~at the unsatisfactory~~ below the proficient level on the reading portion of the statewide criterion-referenced tests,

- c. by grade, the number and percentage of all students retained in grades three through ten,
- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

2. The State Department of Education shall establish a uniform format for school districts to report the information required in this subsection. The format shall be developed with input from school districts and shall be provided not later than ninety (90) days prior to the annual due date. The Department shall annually compile the information required, along with state-level summary information, and report the information to the public, the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

R. The State Department of Education shall provide technical assistance as needed to aid school districts in administering the provision of the Reading Sufficiency Act.

S. On or before December 1 of each year, the State Department of Education shall issue to the Governor and members of the Senate and House of Representatives Education Committees a Reading Report Card for the state and each school district and elementary site which shall include, but is not limited to, trend data detailing three (3) years of data, disaggregated by student subgroups to include economically disadvantaged, major racial or ethnic groups, students with disabilities, and English language learners, as appropriate for the following:

1. The number and percentage of students in kindergarten through third grade determined to be at risk for reading difficulties compared to the total number of students enrolled in each grade;

2. The number and percentage of students in kindergarten who continue to be at risk for reading difficulties as determined by the year-end measurement of reading progress;

3. The number and percentage of students in kindergarten through third grade who have successfully completed their program of reading instruction and are reading on grade level as determined by the results of approved reading assessments;

4. The number and percentage of students scoring at each performance level on the reading portion of the statewide third-grade criterion-referenced test;

5. The amount of funds for reading remediation received by each district;

6. An evaluation and narrative interpretation of the report data analyzing the impact of the Reading Sufficiency Act on students' ability to read at grade level; and

7. Any recommendations for improvements or amendments to the Reading Sufficiency Act.

The State Department of Education may contract with an independent entity for the reporting and analysis requirements of this subsection.

T. Copies of the results of the assessments administered shall be made a part of the permanent record of each student.

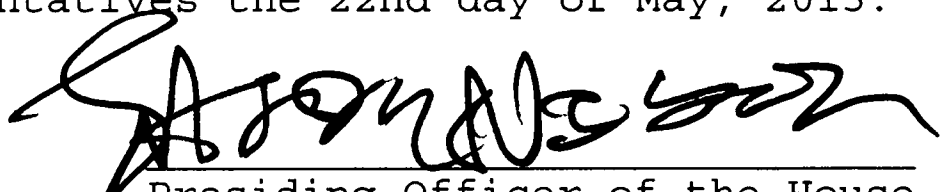
SECTION 2. This act shall become effective July 1, 2015.

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 Senate the 22nd day of May, 2015.


Presiding Officer of the Senate

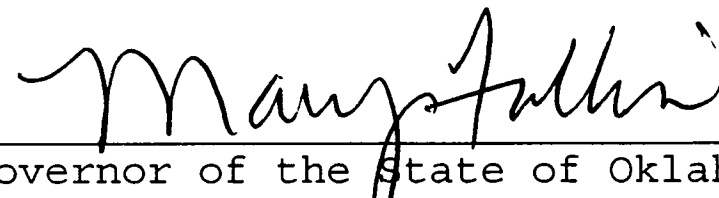
Passed the House of Representatives the 22nd day of May, 2015.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of May, 20 15, at 8:08 o'clock P M.
By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 3rd
day of June, 20 15, at 3:16 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 3rd
day of June, 20 15, at 4:05 o'clock P. M.
By: Chris Benge



H.B. 1154

RE: H.B. 1154

SUBJECT: National Criminal History Record Check

House Bill 1154 becomes effective November 1, 2015. This bill changes requirements for background checks and fingerprinting for certain new employees.

- Current law allows local boards of education to request a national criminal history record check and OSBI fingerprinting for any employee or prospective employee. Each local school board is directed to adopt rules regarding the felony search policy for that school district.
- Section 1(H): Exempts a “law enforcement officer” employed by an “employing agency” at the time of application for employment at a public school district to be exempt from the above stated requirements.
 - Section 1(D)(2): Defines “employing agency” as a political subdivision or law enforcement agency in this state.
 - Section 1(D)(3): Defines “law enforcement officer” as a peace or police officer who is certified by the Council on Law Enforcement Education and Training (CLEET).

Should you have any questions related to this bill, please contact Mr. Scott Chisholm, Director of Fingerprinting/Background Checks, at (405) 521-3608 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 5-142

An Act

ENROLLED HOUSE
BILL NO. 1154

By: Montgomery of the House

and

Barrington of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 5-142, as last amended by Section 1, Chapter 32, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-142), which relates to a national criminal history record check; defining certain terms; providing certain exemption for law enforcement officers; and providing an effective date.

SUBJECT: National criminal history record check

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-142, as last amended by Section 1, Chapter 32, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-142), is amended to read as follows:

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

working days of receiving a written request from the board of education.

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

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

D. For the purpose of this section:

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

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

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

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

~~3-~~ 5. "Prospective employee" means an individual who has received an offer of temporary employment by a school district pending the results of the national criminal history record check.

E. Each public board of education within this state shall promulgate a statement regarding the felony record search policy for that school district. The policy may permit temporary employment of prospective employees for a maximum of sixty (60) days pending receipt of results of national criminal history record check requests. The temporary employment of the prospective employee shall terminate after sixty (60) days unless the school district receives the results of the national criminal history record check.

The sixty-day temporary employment period shall begin on the first day the prospective employee reports for duty at the employing school district. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy when first interviewed concerning employment. The school district's reimbursement policy shall provide, at the minimum, that employees shall be promptly reimbursed in full for the fee if employed by the district at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.

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

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

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

4. Any person employed as a substitute teacher by a school district in this state for a minimum of five (5) years immediately preceding an application for employment as a full-time teacher in a school district in this state may not be required to have a national

criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed as a substitute teacher stating the teacher left in good standing.

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

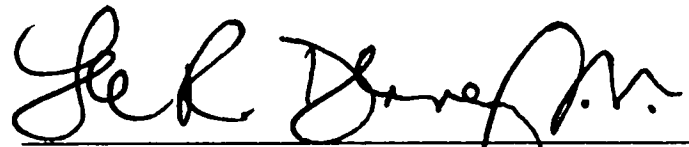
G. The provisions of this section shall not apply to technology center employees hired on a part-time or temporary basis for the instruction of adult students only.

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

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

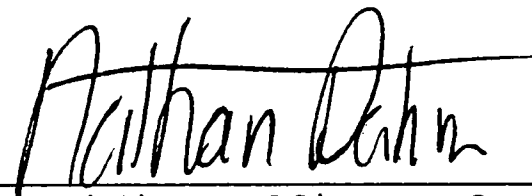
SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.



Presiding Officer of the House
of Representatives

Passed the Senate the 31st day of March, 2015.



Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this

15th

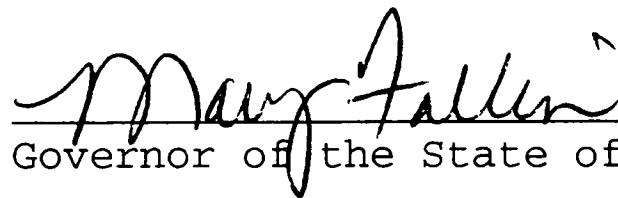
day of April, 20 15, at 3:20 o'clock P M.

By: 

Approved by the Governor of the State of Oklahoma this

7th

day of April, 20 15, at 2:25 o'clock P M.



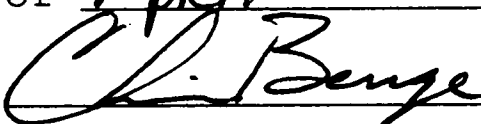
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this

7th

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

By: 



H.B. 1521

RE: H.B. 1521

SUBJECT: Compensation of Teachers

House Bill 1521 becomes effective November 1, 2015. This bill allows for certain types of teacher pay outside of their normal compensation package.

- Current law directs that a teacher's total compensation, defined as salary and fringe benefits, may not be decreased unless their hours and duties have been reduced. Additionally, if an employee organization has been recognized, the local board of education must meet with the organization to negotiate those wages, hours, fringe benefits and other terms of employment.
- Section 1(A): Directs that teacher compensation, as used above, provided by a school district, does not include one-time incentive pay or one-time retention incentive pay to a teacher returning for a second year.
- Section 2: Directs that any one-time incentive pay and one-time retention incentive pay as set forth in Section 1 are not to be subject to the negotiated agreement between the organization and the local board of education.

Should you have any questions related to this bill, please contact Ms. Heather Butler, School Personnel Records, at (405) 521-3360 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 18-114.9, 509.6

Helpful Statutory References: 70 O.S. 509.2

An Act

ENROLLED HOUSE
BILL NO. 1521

By: Henke, Faught, Sherrer and
Hoskin of the House

and

Smalley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 18-114.9, which relates to total compensation of teachers; excluding certain incentive pay from definition of total compensation of teachers; amending 70 O.S. 2011, Section 509.6, which relates to good faith negotiations between board of education and certain organization; excluding certain pay from negotiated agreement; and providing an effective date.

SUBJECT: Compensation of teachers

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 18-114.9, is amended to read as follows:

Section 18-114.9 A. If a teacher, as defined in Section 6-101.3 of this title, is employed by the same school district for the next school year as the preceding school year, the total compensation, consisting of salary and fringe benefits, of the teacher shall not be decreased the next school year unless the hours or the duties of the teacher are reduced proportionately. Compensation shall not include one-time incentive pay that is provided by the school district to a teacher nor one-time retention incentive pay for returning a second year.

For school year 2004-05, total compensation shall not include any amount paid by a district during school year 2003-04 over and

above the flexible benefit allowance for certified personnel pursuant to Section 26-105 of this title toward employee health insurance if:

1. The district provided the health insurance benefit mandated in Section 1310.1 of Title 74 of the Oklahoma Statutes as a fringe benefit that required the employee to accept the health insurance option in order to receive the benefit; and

2. The district did not apply the payment toward meeting the requirements of subsection A of Section 18-114.7 of this title.

B. Subject to the provisions of this section, any school district that willfully reduces or has in years previous to enactment of this section willfully reduced the compensation of a teacher in violation of subsection A of this section shall forfeit as a penalty a portion of its State Aid equal to the total amount that the teacher was underpaid. If the teacher was underpaid for more than one (1) school year, the amount forfeited shall equal the cumulative amount that the teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid payment following confirmation of the underpayment by the State Department of Education.

C. In addition to the amount of State Aid forfeited as a penalty pursuant to subsection B of this section, in order to ensure that the teacher receives the full amount of unpaid compensation, the State Department of Education shall withhold an amount which is equal to the total amount that the teacher was underpaid from the State Aid payment of the school district and pay the amount directly to the teacher. The Board shall not withhold an amount for payment to the teacher pursuant to the subsection if the teacher has recovered the underpayment pursuant to judicial action.

D. Complaints filed with the State Board of Education pursuant to this section may be based on alleged underpayments during fiscal years that began:

1. On or after July 1, 2002; or

2. Before July 1, 2002, if the teacher filed an action to recover the underpayment in a court of competent jurisdiction before July 1, 2002.

E. Complaints filed with the State Board of Education alleging underpayment during fiscal years that began on or after July 1, 2002, shall be filed within one (1) year of the end of the fiscal year in which the underpayment is alleged to have occurred.

F. Filing a complaint with the State Board of Education pursuant to this section shall not operate to prohibit a teacher from filing an action for underpayment in a court of competent jurisdiction or continuing to pursue an action for underpayment pending in a court of competent jurisdiction on August 29, 2003.


G. The State Board of Education shall promulgate rules necessary to implement the provisions of this section. The rules shall include, but not be limited to, procedures for a teacher to file a complaint for violation of this section and the Department to investigate the complaint.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 509.6, is amended to read as follows:

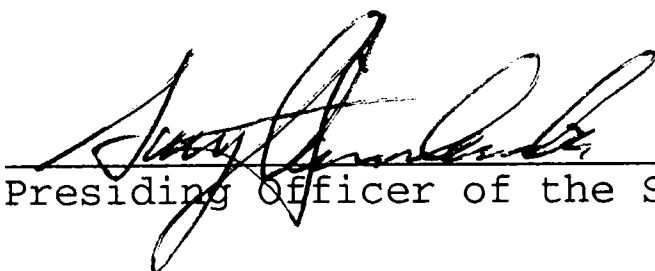
Section 509.6 Once an organization has been recognized, the board of education or its duly designated representative must meet with the duly designated representative of the organization and within sixty (60) days shall complete an agreement outlining negotiation procedures. The board of education and the representatives of the organization must negotiate in good faith on wages, hours, fringe benefits and other terms and conditions of employment. One-time incentive pay and one-time retention incentive pay for returning a second year shall not be subject to a negotiated agreement. To negotiate in good faith shall mean both parties must be willing to consider proposals in an effort to find a mutually satisfactory basis for agreement and must be willing to discuss their respective contract proposals. If either party objects to the other's contract proposals, the objecting party must support its objections with rationale. Any allegation by either party that there has been a failure to comply with the provisions of this section shall be resolved through the dispute resolution procedure for resolving a unit determination dispute as set forth in subsection A of Section 509.2 of this title.

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

Passed the House of Representatives the 4th day of March, 2015.


Presiding Officer of the House
of Representatives

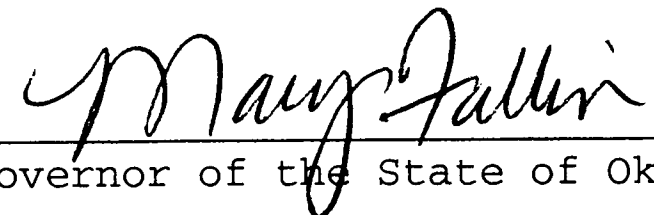
Passed the Senate the 8th day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th
day of April, 20 15, at 1:09 o'clock P M.
By: Audrey Kechwell

Approved by the Governor of the State of Oklahoma this 13
day of April, 20 15, at 3:18 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 13th
day of April, 20 15, at 4:07 o'clock P M.
By: C. Benze



H.B. 1749

RE: H.B. 1749

SUBJECT: Payroll Deductions

House Bill 1749 becomes effective November 1, 2015. This bill prohibits a state agency from making payroll deductions on behalf of a collective bargaining organization.

- Section 1: Prohibits a state agency from making payroll deductions for membership dues in any public employee association or organization or professional organization that collectively bargains on behalf of its membership.
 - “State agency” includes, but is not limited to, any board, commission, institution, unit, division or house of the executive or judicial branches of state government, whether elected or appointed. It also includes public school districts, the Oklahoma State Regents for Higher Education, institutions of higher education and the State Board of CareerTech.
 - “Public employee” is defined to mean an elected or appointed officer or employee or contract employee of a state agency.

Should you have any questions related to this bill, please contact Ms. Nancy Hughes, Executive Director for Financial Accounting/OCAS/Audits, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

New Law at: 62 O.S. 34.70.1

An Act

ENROLLED HOUSE
BILL NO. 1749

By: Newell, Osborn, Ritze,
Nelson, Cockroft, Billy,
Dunlap, Kirby and Loveless
of the House

and

Dahm of the Senate

An Act relating to payroll deductions; criminalizing certain payroll deductions by state agencies; defining terms; providing for codification; and providing an effective date.

SUBJECT: Payroll deductions

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 34.70.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any state agency to make payroll deductions on behalf of a state employee for membership dues in any public employee association or organization or professional organization that on or after November 1, 2015, collectively bargains on behalf of its membership pursuant to any provision of federal law.

B. For purposes of this section:

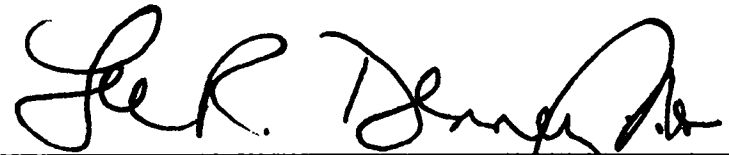
1. "State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include public school districts, the

Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education, technology center school districts, the State Legislature, and the Office of the Governor; and

2. "Public employee" means an elected or appointed officer or employee or contract employee of a state agency as defined in this section, unless otherwise indicated.

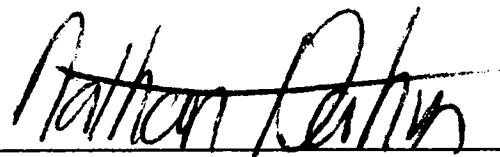
SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 18th day of February, 2015.



Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of March, 2015.



Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

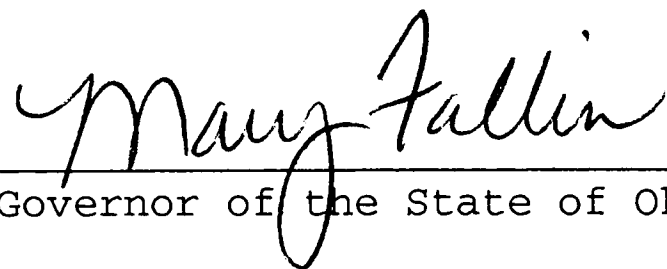
Received by the Office of the Governor this 30th

day of March, 20 15, at 2:48 o'clock P M.

By: Audrey Fectwell

Approved by the Governor of the State of Oklahoma this 2nd

day of April, 20 15, at 3:19 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 2nd

day of April, 20 15, at 3:48 o'clock P M.

By: Ch. Benze



H.B. 2014

RE: H.B. 2014

SUBJECT: School Security

House Bill 2014 became effective upon the Governor's signature May 12, 2015. This bill amends the statutes on Unlawful Carry in Certain Places and Possession of Firearm on School Property to allow for certain school personnel to carry a handgun onto school property.

- Current law prohibits carry of any concealed or unconcealed handgun into any public or private school.
- Section 1(D): Allows a local board of education to adopt a policy to authorize a handgun to be carried onto school property by school personnel who have been designated by the board to do so.
 - The designated personnel must possess a valid armed security guard license or a valid reserve peace officer certification.
- Section 2(C)(7): Those designated personnel, who meet the aforementioned qualifications, may carry a handgun onto school property.
- Section 3: Additional provisions for local school boards who have adopted such a policy:
 - The school board may designate school personnel who already hold a handgun license to attend an armed security guard or reserve peace officer training. Participation in such program is to be voluntary, and the school board *may* pay for the training and associated expenses.
 - The school board maintains sole authority to determine who will attend and use such licenses on behalf of the school.
 - Designated personnel must ensure their firearm is either on their person or locked in a secured location at all times. Designated personnel, school boards and districts are immune from civil and criminal liability for any injury resulting from action by the designated school personnel.
 - School boards are authorized to enter into memorandums of understanding with local law enforcement entities to carry out the provisions of this law.

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. 1277, 1280.1

New Law at: 70 O.S. 5-149.2

Helpful Statutory References: 59 O.S. 1750.5, 70 O.S. 3311

An Act

ENROLLED HOUSE

BILL NO. 2014

By: Coody (Jeff), Cockroft,
Kern, Jordan, Montgomery,
Murphey, Lockhart, Derby,
Murdock, Enns, Bennett,
Wood, Walker, Nollan, Coody
(Ann), Fisher, Cooksey,
Wright, Faught, Ownbey,
Lepak, Joyner, McCullough,
Brumbaugh, Sherrer, Roberts
(Sean), Pfeiffer and Ritze
of the House

and

Barrington, Brecheen and
Brooks of the Senate

An Act relating to school security; amending 21 O.S. 2011, Sections 1277 and 1280.1, as last amended by Sections 1 and 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Sections 1277 and 1280.1), which relate to carrying firearms on certain property; allowing certain persons to carry handguns on public school property; authorizing boards of education to allow for participation in training; construing provision; making participation voluntary; providing for payment of academy training expenses; authorizing certain persons to carry handgun on public school property; providing immunity from civil and criminal liability; providing for codification; and declaring an emergency.

SUBJECT: School security

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public;
2. Any prison, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;
3. Any public or private elementary or public or private secondary school, except as provided in ~~subsection~~ subsections C and D of this section;
4. Any sports arena during a professional sporting event;
5. Any place where pari-mutuel wagering is authorized by law; and
6. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state, or federal governmental authority;
2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by any entity offering any professional sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law;

3. Any property adjacent to a structure, building, or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county, or state governmental authority as a park, recreational area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building, or office space which is specifically prohibited by the provisions of subsection A of this section; and

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in paragraph 1, 2, 3, 4 or 5 of subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraph 1, 2, 3, 4 or 5 of this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Code.

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy

pursuant to Section 3 of this act to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

E. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

~~E.~~ F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university, or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid handgun license:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university, or technology center school property;

2. Any property authorized for possession or use of handguns by college, university, or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the handgun and the valid handgun license while on college, university, or technology center school property.