

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.

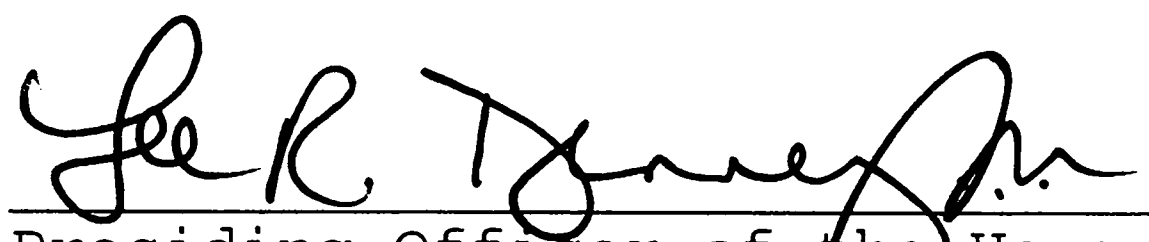
E. Students enrolled full-time in a statewide virtual charter school sponsored by the Statewide Virtual Charter School Board shall not be authorized to participate in any activities administered by the Oklahoma Secondary Schools Activities Association. However, the students may participate in intramural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

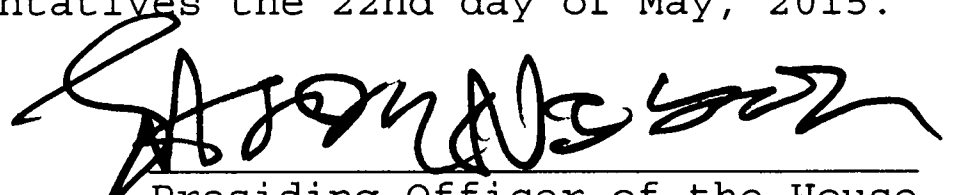
SECTION 2. This act shall become effective July 1, 2015.

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

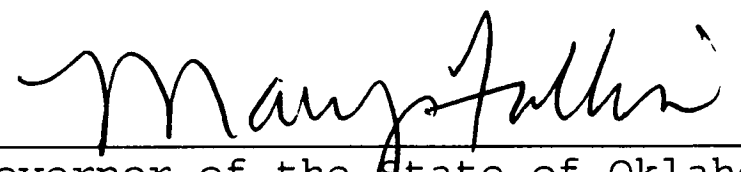
Passed the House of Representatives the 22nd day of May, 2015.


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.

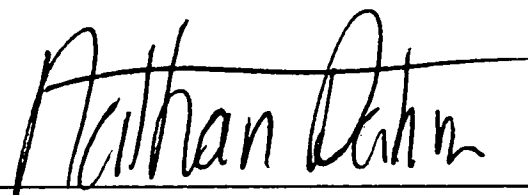
SECTION 2. This act shall become effective November 1, 2015.

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

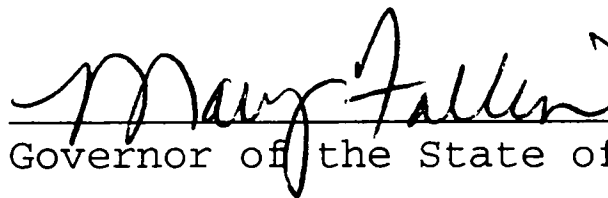
day of April, 20 15, at 3:20 o'clock P M.

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:

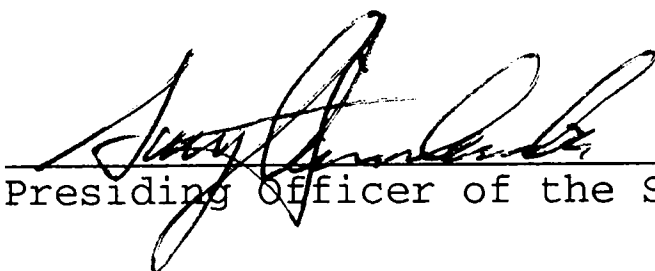
Section 509.6 Once an organization has been recognized, the board of education or its duly designated representative must meet with the duly designated representative of the organization and within sixty (60) days shall complete an agreement outlining negotiation procedures. The board of education and 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

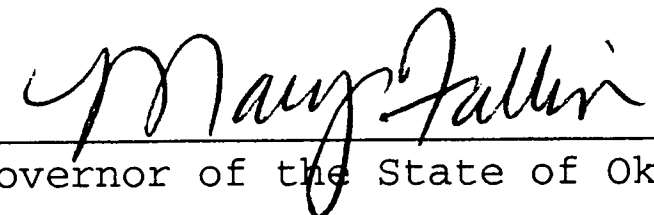
Passed the Senate the 8th day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

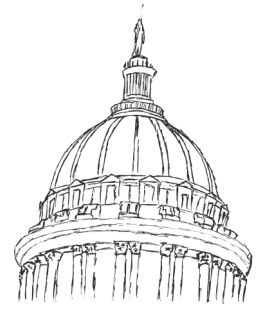
Received by the Office of the Governor this 9th
day of April, 20 15, at 1:09 o'clock P M.
By: Audrey Kechwell

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.

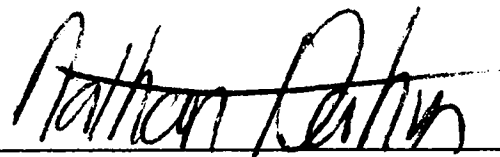
SECTION 2. This act shall become effective November 1, 2015.

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

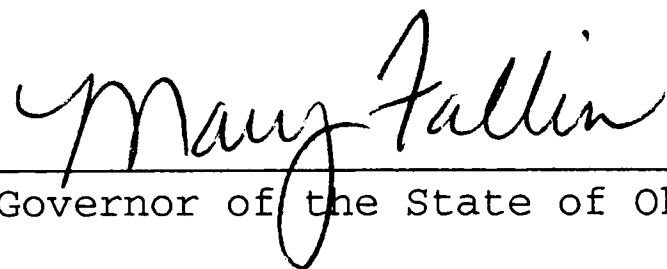
Received by the Office of the Governor this 30th

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: C. 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.

The college, university, or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university, or technology center school 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 paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

~~F.~~ G. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

~~G.~~ H. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. A concealed or unconcealed weapon 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 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 paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property; ~~and~~

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; 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; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:

- a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or

b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-149.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The board of education of a school district may, through a majority vote of the board, designate school personnel who have been issued a handgun license pursuant to the Oklahoma Self-Defense Act to attend an armed security guard training program, as provided for in Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace officer certification program, as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, provided and developed by the Council on Law Enforcement Education and Training (CLEET). Nothing in this section shall be construed to prohibit or limit the board of education of a school district from requiring ongoing education and training.

B. Participation in either the armed security guard training program or the reserve peace officer certification program shall be voluntary and shall not in any way be considered a requirement for continued employment with the school district. The board of education of a school district shall have the final authority to determine and designate the school personnel who will be authorized to obtain and use an armed security guard license or reserve peace officer certification in conjunction with their employment as school personnel.

C. The board of education of a school district that authorizes school personnel to participate in either the armed security guard program or the reserve peace officer program may pay all necessary training, meal and lodging expenses associated with the training.

D. When carrying a firearm pursuant to the provisions of this act, the person shall at all times carry the firearm on his or her person or the firearm shall be stored in a locked and secure location.

E. Any school personnel who have successfully completed either training and while acting in good faith shall be immune from civil and criminal liability for any injury resulting from the carrying of a handgun onto public school property as provided for in this act. Any board of education of a school district or participating local law enforcement agency shall be immune from civil and criminal liability for any injury resulting from any act committed by school personnel who are designated to carry a concealed handgun on public school property pursuant to the provisions of this act.

F. In order to carry out the provisions of this section, the board of education of a school district is authorized to enter into a memorandum of understanding with local law enforcement entities.

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

Passed the House of Representatives the 6th day of May, 2015.

LeRoi Doney Jr.
Presiding Officer of the House
of Representatives

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

Eveline Field
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 11th

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

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 12th

day of May, 20 15, at 4:01 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 12th

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

By: Chi Benze



RE: S.B. 5
SUBJECT: Schools

Senate Bill 5 becomes effective August 20, 2015. This bill changes language regarding immunity from liability for education employees' use of reasonable force.

- Current law prohibits a student from assaulting or attempting to injure an education employee or volunteer.
- Section 1(B): Adds that education employees are not liable for using necessary and reasonable force to control or discipline a student during their time at school or in transit to or from school, or at any other school function.

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. 6-149.7

An Act

ENROLLED SENATE
BILL NO. 5

By: Sharp of the Senate

and

Cockroft of the House

An Act relating to schools; amending Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-149.7), which relates to student assaults; and providing immunity from liability for education employees for use of reasonable force.

SUBJECT: Schools

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

SECTION 1. AMENDATORY Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-149.7), is amended to read as follows:

Section 6-149.7 A. No student enrolled in a school shall assault, attempt to cause physical bodily injury, or act in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Any student in grades six through twelve who violates the provisions of this section shall be subject to out-of-school suspension as provided for in Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title. This section shall be in addition to and does not limit the criminal liability of a person who causes or commits an assault, battery, or assault and battery upon a school employee as provided for in Section 650.7 of Title 21 of the Oklahoma Statutes.

B. No education employee shall be liable for the use of necessary and reasonable force to control and discipline a student during the time the student is in attendance at the school or in transit to or from the school, or any other function authorized by the school district.

Passed the Senate the 14th day of April, 2015.

Eddie Fielan
Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2015.

James W. L. F.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 20 15, at 2:45 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 1:41 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 21st
day of April, 20 15, at 3:19 o'clock P M.
By: Ch. Benze



S.B. 711

RE: S.B. 711

SUBJECT: Teacher Due Process Procedures

Senate Bill 711 becomes effective July 1, 2015. This bill allows for local school districts to communicate with the State Board of Education when recommending a teacher be dismissed or not reemployed, if the recommendation could involve criminal charges that are sexual in nature.

- Current law requires that when a superintendent decides to recommend a teacher be dismissed or not reemployed, that recommendation must be made in writing and note the basis for that recommendation.
- Section 1(B): *When a recommendation* includes grounds that could form the basis of criminal charges sufficient to result in denial or revocation of a certificate due to sexual abuse or exploitation, the recommendation *must* also be forwarded to the State Board of Education.
 - Recommendations may only be forwarded to the State Board *after completion of due process* within the local school district or *after the teacher resigns*.
 - Local school districts are released from any liability for not forwarding a copy of the recommendation.
 - If the recommendation is forwarded to the State Board, a copy must also be forwarded to the teacher, who may provide additional information to the State Board.
- Section 1(C): Only school districts may request a copy of the recommendation from the State Board, and only if they are considering a teacher for new employment or for a currently employed teacher.
 - When such a request is made, the State Board must also send copies to the teacher in question.
- Section 1(D): The recommendations must be kept confidential, and are not subject to disclosure under the Open Records Act.
- Section 1(E): If the State Board or the local school district is subpoenaed to disclose the documents, the teacher in question must be notified immediately and given the opportunity to respond to the subpoena.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Certification, at (405) 521-3238 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 6-101.25

Helpful Statutory References: 70 O.S. 3-104(6), 6-101.26

An Act

ENROLLED SENATE
BILL NO. 711

By: Sparks, Loveless,
Stanislawski, Jech, and
Sharp of the Senate

and

Denney, Kern, Jordan and
Biggs of the House

An Act relating to the Teacher Due Process Act of 1990; amending 70 O.S. 2011, Section 6-101.25, which relates to recommendations to dismiss or not reemploy a teacher; directing recommendations that meet certain criteria to be forwarded to the State Board of Education; providing for effect if the recommendation is not forwarded; requiring copies to also be forwarded to certain teacher; allowing certain teacher to provide supplementary information; allowing certain school districts to request copies of recommendations; requiring certain notice to a teacher upon certain request; requiring copies of documents to be provided to certain teacher; providing for confidentiality of certain records; exempting records from certain act; requiring notice to certain teacher upon receipt of subpoena; providing an effective date; and declaring an emergency.

SUBJECT: Teacher due process procedures

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.25, is amended to read as follows:

Section 6-101.25. A. Whenever a superintendent decides to recommend that a teacher employed within the school district be dismissed or not reemployed, the superintendent shall state the recommendation in writing, setting forth the basis for the recommendation, and shall submit such recommendation to the board of education.

If the teacher subject to such recommendation is a career teacher, the recommendation shall specify the statutory grounds for which the recommendation is based.

If the teacher subject to such recommendation is a probationary teacher, the recommendation shall specify the cause for which the recommendation is based.

The superintendent shall also specify the underlying facts supporting the recommendation.

B. If the recommendation includes grounds that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of Section 3-104 of this title, a copy of the recommendation shall also be forwarded to the State Board of Education after the completion of due process procedures pursuant to Section 6-101.26 of this title or after the teacher resigns. Failure to forward a copy of the recommendation to the State Board of Education shall not be the basis for any claim or action against a public school, its board of education, employees, agents or other representatives. If the school district forwards a copy of the recommendation to the State Board of Education, the school district shall contemporaneously forward a copy to the teacher subject to such recommendation. The teacher may provide supplementary information to the State Board of Education.

C. Only school districts may request a copy of the recommendation from the State Board of Education, and only if a teacher is being considered for new employment or a teacher is currently employed by the requesting school district. The State Board of Education shall notify the teacher subject to the

recommendation if such a request is made and provide the identity of the school district that made such request. The State Board of Education shall provide the requesting school district documents related to the recommendation as well as any supplementary information provided by the teacher subject to the recommendation, and copies shall be contemporaneously forwarded to the teacher subject to the recommendation. Records provided to a requesting school district pursuant to this subsection shall be kept confidential.

D. Except as provided for in subsection C of this section, the State Board of Education shall keep recommendations submitted pursuant to subsection B of this section confidential. Records created pursuant to this section shall not be subject to disclosure under the Oklahoma Open Records Act.

E. If the State Board of Education or a school district that generated or received documents pursuant to subsection C of this section is served a subpoena requesting disclosure of the documents, the teacher subject to the recommendation shall immediately be notified and be provided the opportunity to object to the subpoena.

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.

Nathan Dahm

Presiding Officer of the Senate

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

Joe R. Dancy Jr

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 Rockwell

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

day of June, 20 15, at 3:21 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

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

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

By: Chin Beng



H.B. 1962

RE: H.B. 1962

SUBJECT: Ad Valorem Taxation

House Bill 1962 becomes effective May 6, 2015. This bill clarifies the property to be included for the purposes of ad valorem taxation.

- Section 1: Amends the list of personal property to be included in the calculation of ad valorem taxes. Clarification is made to ensure “all goods, wares and merchandise, including oil, gas, and petroleum products severed from the realty” are to be included for the purposes of ad valorem calculations.
 - Note: “Severed realty” is real property that is converted to personal property after it has been severed or cut and made into a movable object.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 521-3460 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. 2807

An Act

ENROLLED HOUSE
BILL NO. 1962

By: Watson and Brumbaugh of the
House

and

Marlatt of the Senate

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 2807, which relates to definitions of personal property; providing for inclusion of certain tangible personal property for purposes of Section 6A of Article X of the Oklahoma Constitution; providing for retrospective and prospective effect; and declaring an emergency.

SUBJECT: Ad valorem taxation

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2807, is amended to read as follows:

Section 2807. Personal property, for the purpose of ad valorem taxation, shall be construed to include:

1. All goods, chattels and effects;
2. Except as provided in subsection B of Section 2806 of this title:
 - a. all improvements made by others upon lands, the fee of which is vested in the United States or this state,
 - b. all improvements, including elevators and other structures, upon lands, the title to which is vested in any railway company or other corporation whose

property is not subject to the same mode and rule of taxation as other property, and

- c. all improvements on leased lands that do not become a part of the realty;

3. The dormant, and other stock of nurserymen, including all trees, shrubs and plants that have been dug and placed in bins or storage, and are ready for sale. The trees, shrubs or plants of a nurseryman shall be "growing crops" within the meaning of Section 6 of Article X of the Oklahoma Constitution and exempt from ad valorem taxation, if such trees, shrubs or plants are grown upon the premises of the nurseryman, removed from the earth on such premises prior to any preparation for resale, and if such trees, shrubs or plants are held for resale in a manner that will permit the continued growth or development of the tree, shrub or plant;

4. All horses, cattle, mules, asses, sheep, swine, goats and other livestock including poultry, and commercially raised livestock including but not limited to animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group. Such livestock or poultry having a speculative value, by reason of the fact that the same is subject to registration in some recognized association, shall be assessed on the market value as though the same had no speculative value;

5. All household furniture, including gold and silver plate, musical instruments, watches and jewelry;

6. Personal, private or professional libraries;

7. All wagons, vehicles or carriages and all farm tractors, implements or machinery appertaining to agricultural labor; and all types of motors, feed grinders, pumps for irrigation and other irrigation equipment;

8. All machinery and materials used by manufacturers, and all manufactured articles, including all machinery and equipment of cotton gins, cottonseed oil mills, newspaper and printing plants, refineries, gasoline plants, flour and grain mills and elevators, bakeries, ice plants, laundries, automobile assembly plants, repair shops, breweries, radio broadcasting stations, tractors, graders, road machinery and equipment, and all other similar or related plants or industries;

9. All goods and ~~capital employed in merchandising~~, wares, and merchandise, including oil, gas, and petroleum products severed from the realty;

10. All abstractors' books and the records contained therein; and equipment and all other personal property and records and files of mercantile credit reporting organizations;

11. All agricultural implements or machinery, goods, wares, merchandise, or other chattels, in this state, in possession of, or under the control of, or held for sale by, any warehouseman, agent, factor or representative in any capacity of any manufacturer, or any dealer or agent of any such manufacturer;

12. a. All tanks and containers used to store or hold crude oil or any of its products or byproducts and all tanks and containers used to store or hold gasoline, water, or other liquids or gases,
- b. All oil, gas, water or other pipelines,
- c. All telegraph and telephone lines,
- d. All railroad tracks, and
- e. All oil, gas, and petroleum products in storage; and

13. All other property, having an actual, constructive or taxable situs in this state, and not included within the definition of real property.

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

Passed the House of Representatives the 29th day of April, 2015.

Heb. T. Jones Jr.
Presiding Officer of the House
of Representatives

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

Eddie Filer
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th
day of April, 20 15, at 2:45 o'clock P M.
By: Audrey K. Kucuk

Approved by the Governor of the State of Oklahoma this 6th
day of May, 20 15, at 9:32 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 6th
day of May, 20 15, at 5:23 o'clock P. M.
By: Ch. Benze



H.B. 1963

RE: H.B. 1963

SUBJECT: Ad Valorem Tax Code

House Bill 1963 becomes effective May 6, 2015. This bill amends the calculation of ad valorem taxes that are under appeal.

- Section 1(E): Adds a protection under the Open Records Act for sworn lists of property and other documents produced by a taxpayer to the assessor or board of equalization *during discovery* in any ad valorem tax appeal in the Court of Tax Review or district court.
- Section 2(B): A total amount of taxes due, or value upon which the tax was assessed, cannot be increased by a final judgment in any tax appeal, except in the case where property was omitted.
- Section 3(F): If an appeal is timely filed by the taxpayer, then the amount due cannot exceed the amount *based upon the original value* submitted by the assessor. If an appeal is timely filed by the county assessor, then the amount due cannot exceed the *amount of taxes based upon the value assessed* by the county assessor.

Should you have any questions related to this bill, please contact Ms. Renee McWaters, Executive Director of State Aid, at (405) 521-3460, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. 2835, 2868, 2884

An Act

ENROLLED HOUSE
BILL NO. 1963

By: Watson of the House

and

Marlatt of the Senate

An Act relating to revenue and taxation; amending 68 O.S. 2011, Sections 2835, 2868 and 2884, which relate to the Ad Valorem Tax Code; modifying provision related to confidentiality of certain information; prohibiting increase in ad valorem taxes pursuant to certain final judgments in tax appeals, and providing for exception thereto; modifying provisions related to payment of taxes related to appeals from certain orders regarding valuation of property; and declaring an emergency.

SUBJECT: Ad Valorem Tax Code

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2835, is amended to read as follows:

Section 2835. A. On or before January 1 of each year, the Oklahoma Tax Commission shall prescribe for the use of all county assessors, suitable blank forms for the listing and assessment of all property, both real and personal. Such forms shall contain such information and instructions as may be necessary in order to obtain a full and complete list of all taxable property and such forms shall be used uniformly throughout the state. Any change in these forms must have the approval of the Tax Commission.

B. It shall be the duty of the county assessor to furnish such forms to any taxpayer upon request, and all personal property shall be listed on such forms in the manner provided therein. Such lists

shall be signed and sworn to and filed with the county assessor not later than March 15 of each year; and such lists may show the description of real property, which may be by subdivision of quarter sections, or less if any such subdivision is owned in less quantity, describing such less quantity by United States Land Survey nomenclature if that can be done, otherwise by metes and bounds, according to ownership.

C. Real estate need not be listed by the taxpayer, but may be listed if the taxpayer so desires, in which case the list shall show the taxpayer's estimate of the value of each tract of land and shall separately show the value of the buildings and improvements thereon.

D. All such sworn lists of property shall contain such other information concerning both real and personal property as may be required by such forms so prescribed.

E. All such sworn lists of property, ~~and~~ any other documents produced by a taxpayer to the assessor or the board of equalization during the informal and formal hearing process, or during discovery in any ad valorem tax appeal in the Court of Tax Review or the district court, shall be protected as confidential and shall not be available for inspection under the Open Records Act.

SECTION 2. AMENDATORY 68 O.S. 2011, Section 2868, is amended to read as follows:

Section 2868. A. As soon as practicable, and not later than October 1, the county assessor shall prepare tax rolls containing all adjustments by either the equalization board or the excise board which have been completed and provided to the assessor, and containing:

1. A list or lists in alphabetical order of all the persons and bodies corporate in whose name any personal or public service property has been assessed, with the assessed valuation thereof distinguished by separate amounts if located in more than one school district and by the number of each school district, each in a separate column opposite the name, and the total amount of the tax as to each school district location extended in another column. In city and town districts, distinction shall be made as to urban and rural locations;

2. A list or lists of all taxable lands in the county or school districts of the county, not including city or town lots, nor

unplatted tracts of land inside a city or town, in numerical order, commencing with the lowest numbered section and the different subdivisions and fractional parts thereof in the lowest numbered township in the lowest numbered range in the county, and ending with the highest numbered section, township and range, with the number of the school district located in and the name of the owner in each instance, the assessed valuation of each tract, and the total amount of taxes extended in separate columns opposite each tract in the same manner as provided in the alphabetical list or lists of names; except where homestead exemptions are involved, then by distinctive valuations and amounts of tax as hereinafter provided; and

3. A list of the city or town lots in each city or town and the unplatted tracts in each city or town in the county, commencing with the lowest numbered section in the lowest numbered township in the lowest numbered range in the county and the different subdivisions and fractional parts thereof and ending with the highest numbered section, township and range, and the number of acres in each tract with the name of the owner in each instance, and the valuation and total tax extended in separate columns in the same manner as hereinbefore provided in respect to personal property and lands, except homesteads which shall be distinguished as provided for lands. Each lot shall be separately listed, except as hereinafter provided, and the valuation and tax separately extended thereon. Where one building or one set of improvements is situated on two or more lots or parts of lots so as to preclude distinction as to the value of improvements as to each such lot or parts of lots, such lots or parts of lots shall be listed together with one valuation, and the tax extended in one amount. Unless the owner otherwise elects, vacant lots valued and equalized at Ten Dollars (\$10.00) or less per lot and belonging to the same owner may, if adjacent and lying within the same city or town block, be so listed with one valuation and the tax extended in one amount; and in either or any event where more than one lot or part of lot is listed under one valuation, the tax rolls shall disclose whether the same be vacant or improved. All additions to cities and towns shall be arranged in the tax rolls in alphabetical order immediately following the original townsite.

B. In applying the tax rate to determine the amount of tax due, the county assessor shall compute same to the nearest dollar, that is, any fraction of a dollar in the amount of fifty cents (\$0.50) or less shall be disregarded, and any fraction of a dollar in the amount of fifty-one cents (\$0.51) or more shall be shown as a full dollar. The total amount of the tax due and extended on the tax

rolls, as required by this section, shall be determined and shown accordingly. Provided, however, in all cases where, under the tax rate, the tax is computed to be less than One Dollar (\$1.00), then the tax due shall be shown as One Dollar (\$1.00). Once the total amount of taxes due is calculated and extended onto the tax rolls, the amount of taxes due or value upon which the tax was assessed cannot be increased by a final judgment in any tax appeal filed pursuant to Section 2880.1 or Section 2881 of this title. The limitation on taxes due in the preceding sentence shall not apply in cases of omitted property.

C. Each property, whether lands or lots, lawfully exempted from taxation in whole or in part by reason of a homestead interest, shall be distinguished upon the tax rolls by the word "homestead" or an appropriate symbol, and opposite each of such properties shall be entered in separate columns the total assessed valuation, the value of the exemption allowed and approved and the assessed valuation after the amount of exemption allowed has been deducted. In extending the tax the county assessor shall, as to each such property, consolidate all levies to which the homestead exemption is subject, compute the tax thereon and enter the same in one column in one amount, and all the levies to which the valuation in excess of the homestead exemption is subject, compute the tax thereon and enter the same in another column in one amount.

D. All real property which is exempt from taxation shall be listed in the tax rolls, with the name of the owner, in all respects as if the same were taxable but with the reason for the exemption noted thereon across the columns where otherwise the tax would have been entered.

E. The county treasurer shall transfer to the tax rolls for the current year, in a separate column, all delinquent taxes remaining unpaid for the previous years, distinguishing the same as to each lot and tract of land by the year and amount of tax, exclusive of penalty, as to all real properties; and when giving a statement of taxes on any property, said statement shall include all taxes due and shall designate the sum due for the current year, and the sum past due and delinquent. Said transfer to the current rolls of unpaid real property tax of previous years is hereby declared to be mandatory; and the county treasurer shall be allowed not to exceed fifteen (15) days after the delivery to him of said current rolls within which to make such transfer, before he shall be required to open the same for the reception and collection of taxes and to begin the thirty-day nonpenalty-taxpaying period before delinquency.

F. The tax rolls shall be made up as required by and in the form prescribed by the State Auditor and Inspector and shall contain such other information as may be required by the State Auditor and Inspector.

SECTION 3. AMENDATORY 68 O.S. 2011, Section 2884, is amended to read as follows:

Section 2884. A. The full amount of the taxes assessed against the property of any taxpayer who has appealed from a decision affecting the value or taxable status of such property as provided by law shall be paid at the time and in the manner provided by law. If at the time such taxes or any part thereof become delinquent and any such appeal is pending, it shall abate and be dismissed upon a showing that the taxes have not been paid.

B. When such taxes are paid, or by December 31, whichever is earlier, the persons protesting the taxes shall give notice to the county treasurer that an appeal involving such taxes has been taken and is pending, and shall set forth the total amount of tax that has been paid under protest or required by law to be paid prior to April 1 that will be paid under protest. The notice shall be on a form prescribed by the Tax Commission. If taxes are paid in two equal installments and the amount paid under protest does not exceed fifty percent (50%) of the full amount of assessed taxes, all protested taxes shall be specified in the second installment payment. If such amount does exceed fifty percent (50%) of the full amount of assessed taxes, then the portion of protested taxes that exceeds fifty percent (50%) of the full amount of assessed taxes shall be specified in the first installment payment and the entire second installment shall be specified to be paid under protest. The taxpayer shall attach to such notice a copy of the petition filed in the court or other appellate body in which the appeal was taken. For railroads, air carriers, and public service corporations, the amount of taxes protested shall not exceed the amount of tax calculated on the protested assessed valuation specified in the complaint filed pursuant to the provisions of subsection A of Section 2881 of this title.

C. It shall be the duty of the county treasurer to hold taxes paid under protest separate and apart from other taxes collected. Any portion of such taxes not paid under protest shall be apportioned as provided by law. Except as otherwise provided for in this subsection, the treasurer shall invest the protested taxes in

the same manner as the treasurer invests surplus tax funds not paid under protest, but shall select an interest-bearing investment medium which will permit prompt refund or apportionment of the protested taxes upon final determination of the appeal. In cases where the amount of the protested ad valorem taxes by a taxpayer is in excess of Fifteen Thousand Dollars (\$15,000.00), the taxpayer may elect to choose the type of investment and where the investment of the protested funds will be deposited as long as the investment is of a type authorized for the county, the depository institution qualifies as a county depository, and the depository institution is located in the applicable county.

D. 1. Prior to January 31 of each year, the county treasurer shall determine the amount of ad valorem taxes paid under protest and those ad valorem taxes that will be paid under protest pursuant to subsection B of this section. The county treasurer shall then notify the State Auditor and Inspector of the total amount of paid protested ad valorem taxes and anticipated protested ad valorem taxes, the total amount of protested taxes and anticipated protested taxes by each individual taxpayer, and how such paid protested ad valorem taxes and anticipated protested ad valorem taxes would have been apportioned to each school district and technology center school district by fund had such amount of protested ad valorem taxes not been protested.

2. The State Auditor and Inspector shall compile all of the information submitted by the county treasurers in a format which shall set forth the total amount of paid and anticipated protested taxes for each school district and technology center school district by fund and a total for each school district and technology center school district by fund. This information shall then be submitted by the State Auditor and Inspector to the State Superintendent of Public Instruction, the Director of the Oklahoma Department of Career and Technology Education, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. If any of the information submitted to the State Auditor and Inspector changes after being submitted, the county treasurer shall notify the State Auditor and Inspector and the State Auditor and Inspector shall submit revised information to the parties enumerated in this paragraph within thirty (30) days of such change.

3. Within ten (10) days of the release of the escrowed ad valorem taxes by the county treasurer, as required by subsection E of this section, the county treasurer shall submit a schedule showing the disposition of the released funds, separated by fund for

each school district and technology center school, to the State Auditor and Inspector. The State Auditor and Inspector shall certify the apportionment schedule and transmit a copy to the State Superintendent of Public Instruction and the Director of the Oklahoma Department of Career and Technology Education.

4. The State Auditor and Inspector shall promulgate any necessary rules to implement the provisions of this subsection.

E. 1. In cases involving taxpayers other than railroads, air carriers, or public service corporations, if upon the final determination of any such appeal, the court shall find that the property was assessed at too great an amount, the board of equalization from whose order the appeal was taken shall certify the corrected valuation of the property of such taxpayers to the county assessor, in accordance with the decision of the court, and shall send a copy of such certificate to the county treasurer. Upon receipt of the corrected certificate of valuation, the county assessor shall compute and certify to the county treasurer the correct amount of taxes payable by the taxpayer. The difference between the amount paid and the correct amount payable, with accrued interest, shall be refunded by the treasurer to the taxpayer upon the taxpayer filing a proper verified claim therefor, and the remainder paid under protest, with accrued interest, shall be apportioned as provided by law.

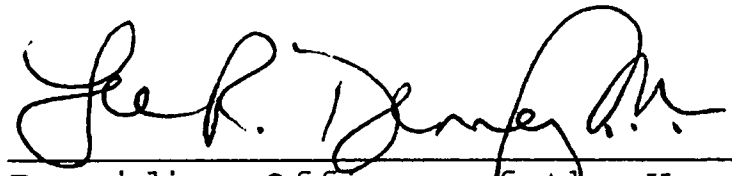
2. If upon the final determination of any appeal, the court shall find that the property of the railroad, air carrier, or public service corporation was assessed at too great an amount, the State Board of Equalization from whose order the appeal was taken shall certify the corrected valuation of the property of the railroads, air carriers, and public service corporations to the State Auditor and Inspector in accordance with the decision of the court. Upon receipt of the corrected certificate of valuation, the State Auditor and Inspector shall certify to the county treasurer the correct valuation of the railroad, air carrier, or public service corporation and shall send a copy of the certificate to the county assessor, who shall make the correction as specified in Section 2871 of this title. The difference between the amount paid and the correct amount payable with accrued interest shall be refunded by the treasurer upon the taxpayer filing a proper verified claim, and the remainder paid under protest with accrued interest shall be apportioned according to law.

F. If an appeal is upon a question of valuation of the property, then the amount paid under protest by reason of the question of valuation being appealed shall be limited to the amount of taxes assessed against the property for the year in question less the amount of taxes which would be payable by the taxpayer for that year if the valuation of the property asserted by the taxpayer in the appeal were determined by the court to be correct. If an appeal is timely filed by a taxpayer pursuant to subsection A of Section 2880.1 of this title, the amount of taxes payable by the taxpayer shall not exceed the amount based upon the value originally submitted by the assessor to the county board of equalization. If an appeal is timely filed by the county assessor pursuant to subsection A of Section 2880.1 of this title, the amount of taxes payable by the taxpayer shall not exceed the amount of taxes based upon the value assessed by the county assessor and submitted to the board of equalization.

G. If an appeal is upon a question of assessment of the property, then the amount paid under protest by reason of the question of assessment being appealed shall be limited to the amount of taxes assessed against the property for the year in question less the amount of taxes which would be payable by the taxpayer for that year if the assessment of the property asserted by the taxpayer in the appeal was determined by the court to be correct.


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

Passed the House of Representatives the 29th day of April, 2015.



Presiding Officer of the House
of Representatives

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



Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

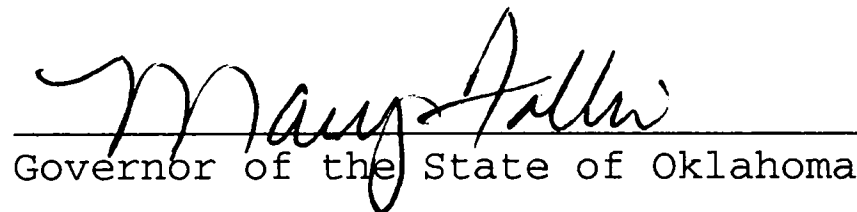
Received by the Office of the Governor this 30th

day of April, 20 15, at 2:45 o'clock P M.

By: Audrey Leckwell

Approved by the Governor of the State of Oklahoma this 6th

day of May, 20 15, at 9:33 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. Benze

