



2015 LEGISLATION



OKLAHOMA

STATE DEPARTMENT *of* EDUCATION

— JOY HOFMEISTER —

STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION



2015 LEGISLATION

JOY HOFMEISTER

STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

Dear educator:

The Oklahoma State Department of Education is excited to provide this new annual resource to help you stay informed of state education legislation.

New laws that emerge from legislative session each year can be overwhelming. The impact on districts, schools and classrooms across Oklahoma can be significant or minimal, immediate or delayed, positive or troubling — but there is one constant: You need to know the law.

This book is not intended to be all-inclusive nor serve as legal advice. But **Red Banner: 2015 Legislation** will give you a general overview of this year's new laws and legislative actions affecting public education.

Thank you for your service to the children of Oklahoma. You already have so much to navigate, and an onslaught of new mandates doesn't make things any simpler.

Please remember that the Oklahoma State Department of Education is here to serve you. I hope to hear your questions, concerns and ideas. Never hesitate to get in touch.

Thank you,

A handwritten signature in blue ink that reads "Joy Hofmeister".

Joy Hofmeister
State Superintendent of Public Instruction

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H.B. 1331

RE: H.B. 1331

SUBJECT: Student Data Accessibility, Transparency and Accountability Act of 2013

House Bill 1331 becomes effective July 1, 2015. This bill amends the Student Data Accessibility, Transparency and Accountability Act of 2013 to include a military student identifier.

- Current law directs the State Board of Education to compile certain information regarding a state student data system and sets parameters around the use of such data.
- Section 1(C)(8): Requires the student data system to include a military student identifier by July 1, 2016.
- Section 1(B)(8): Defines “military student identifier” as a unique identifier for each student whose parent or guardian is a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States or the National Guard, which will allow for the disaggregation of each category.
- Section 1(C)(3)(g): Allows for data collected on those military students identified in Section B to be transferred to the Department of Defense to assist in developing policy and initiatives to assist those children.

Should you have any questions related to this bill, please contact Mr. Duane Brown, Data Quality Analyst, at (405) 522-0285 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 3-168

An Act

ENROLLED HOUSE

BILL NO. 1331

By: Coody (Ann) and Hoskin of
the House

and

Simpson of the Senate

An Act relating to schools; amending Section 1, Chapter 356, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-168), which relates to the Student Data Accessibility, Transparency and Accountability Act of 2013; modifying definition of student data; adding definition; adding exception for the release of confidential student data for students with a military student identifier; directing the State Board of Education to include a military student identifier in the state student data system; excluding a military student identifier from certain category of student data; providing an effective date; and declaring an emergency.

SUBJECT: Student Data Accessibility, Transparency and
Accountability Act of 2013

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

SECTION 1. AMENDATORY Section 1, Chapter 356, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-168), is amended to read as follows:

Section 3-168. A. This section shall be known and may be cited as the "Student Data Accessibility, Transparency and Accountability Act of 2013".

B. As used in this act:

1. "Board" means the State Board of Education;

2. "Department" means the State Department of Education;

3. "Data system" means the Oklahoma State Department of Education student data system;

4. "Aggregate data" means data collected and/or reported at the group, cohort, or institutional level;

5. "De-identified data" means a student dataset in which parent and student identifying information, including the state-assigned student identifier, has been removed;

6. "Student testing number" means the unique student identifier assigned by the state to each student that shall not be or include the Social Security number of a student in whole or in part; ~~and~~

7. "Student data" means data collected and/or reported at the individual student level included in a student's educational record.

a. "Student data" includes:

- (1) state and national assessment results, including information on untested public school students,
- (2) course taking and completion, credits earned, and other transcript information,
- (3) course grades and grade point average,
- (4) date of birth, grade level and expected graduation date/graduation cohort,
- (5) degree, diploma, credential attainment, and other school exit information such as General Educational Development and drop-out data,
- (6) attendance and mobility,
- (7) data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information,

- (8) discipline reports limited to objective information sufficient to produce the federal Title IV Annual Incident Report,
- (9) remediation,
- (10) special education data, and
- (11) demographic data and program participation information, and
- (12) military student identifier.

b. Unless included in a student's educational record, "student data" shall not include:

- (1) juvenile delinquency records,
- (2) criminal records,
- (3) medical and health records,
- (4) student Social Security number, and
- (5) student biometric information; and

8. "Military student identifier" means a unique identifier for each student whose parent or guardian is a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States or the National Guard which will allow for the disaggregation of each category.

C. The State Board of Education shall:

1. Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

- a. any individual student data required to be reported by state and federal education mandates,
- b. any individual student data which has been proposed for inclusion in the student data system with a

statement regarding the purpose or reason for the proposed collection, and

- c. any individual student data that the State Department of Education collects or maintains with no current purpose or reason;

2. Develop, publish and make publicly available policies and procedures to comply with the Federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy laws and policies, including but not limited to:

- a. access to student and de-identified data in the student data system shall be restricted to:
 - (1) the authorized staff of the State Department of Education and the Department's contractors who require such access to perform their assigned duties, including staff and contractors from the Information Services Division of the Office of Management and Enterprise Services assigned to the Department,
 - (2) district administrators, teachers and school personnel who require such access to perform their assigned duties,
 - (3) students and their parents, and
 - (4) the authorized staff of other state agencies in Oklahoma as required by law and/or defined by interagency data-sharing agreements,
- b. the State Department of Education shall use only aggregate data in public reports or in response to record requests in accordance with paragraph 3 of this subsection,
- c. the State Department of Education shall develop criteria for the approval of research and data requests from state and local agencies, the State Legislature, researchers and the public:
 - (1) unless otherwise approved by the State Board of Education, student data maintained by the State

Department of Education shall remain confidential, and

(2) unless otherwise approved by the State Board of Education to release student or de-identified data in specific instances, the Department may only use aggregate data in the release of data in response to research and data requests, and

d. notification to students and parents regarding their rights under federal and state law;

3. Unless otherwise approved by the State Board of Education, the State Department of Education shall not transfer student or de-identified data deemed confidential under division (1) of subparagraph c of paragraph 2 of this subsection ~~C of this section~~ to any federal, state or local agency or other organization/entity outside of the State of Oklahoma, with the following exceptions:

- a. a student transfers out of state or a school/district seeks help with locating an out-of-state transfer,
- b. a student leaves the state to attend an out-of-state institution of higher education or training program,
- c. a student registers for or takes a national or multistate assessment,
- d. a student voluntarily participates in a program for which such a data transfer is a condition/requirement of participation,
- e. the Department enters into a contract that governs databases, assessments, special education or instructional supports with an out-of-state vendor, ~~or~~
- f. a student is classified as "migrant" for federal reporting purposes, or
- g. a student with a military student identifier for purposes of assisting the Department of Defense in developing policy and military child education initiatives;

4. Develop a detailed data security plan that includes:

- a. guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access,
- b. privacy compliance standards,
- c. privacy and security audits,
- d. breach planning, notification and procedures, and
- e. data retention and disposition policies;

5. Ensure routine and ongoing compliance by the State Department of Education with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

6. Ensure that any contracts that govern databases, assessments or instructional supports that include student or de-identified data and are outsourced to private vendors include express provisions that safeguard privacy and security and include penalties for noncompliance; ~~and~~

7. Notify the Governor and the Legislature annually of the following:

- a. new student data proposed for inclusion in the state student data system:
 - (1) any new student data collection proposed by the State Board of Education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement, and
 - (2) the State Board of Education must submit any new "provisional" student data collection to the Governor and the Legislature for their approval within one (1) year in order to make the new student data a permanent requirement. Any provisional student data collection not approved by the Governor and the Legislature by the end of

the next legislative session expires and is no longer required,

- b. changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. Department of Education,
- c. an explanation of any exceptions granted by the State Board of Education in the past year regarding the release or out-of-state transfer of student or de-identified data, and
- d. the results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would itself pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

8. By July 1, 2016, include a military student identifier in the state student data system.

D. The State Board of Education shall adopt rules for the State Department of Education to implement the provisions of the Student Data Accessibility, Transparency and Accountability Act of 2013.

E. Upon the effective date of this act, any existing collection of student data by the State Department of Education and the addition of a military student identifier to the student data collected by the Department after the effective date of this act shall not be considered a new student data collection in accordance with subparagraph a of paragraph 7 of subsection C of this section.

F. Nothing in this act shall interfere with the State Department of Education's compliance with the Educational Accountability Reform Act.

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

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

Passed the House of Representatives the 19th day of February, 2015.

Jerry W. Lujan
Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of April, 2015.

Eddie Feller
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 8th
day of April, 20 15, at 3:58 o'clock P M.
By: *Audrey Rockwell*

Approved by the Governor of the State of Oklahoma this 10th
day of April, 20 15, at 9:29 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th
day of April, 20 15, at 1:48 o'clock P M.
By: *Chris Maurer*



H.B. 1823

RE: H.B. 1823

SUBJECT: Oklahoma School Testing Program

House Bill 1823 becomes effective June 3, 2015. This bill directs the State Board of Education to conduct a study of the state's A-F school report card.

- Section 1(A)(2): Directs the State Board of Education to study the calculation metrics of all components of the A-F school report card. The State Board *may* make recommendations based on their study.
 - The purpose of the study is to ensure the evaluation system is clear, transparent, statistically trustworthy, credible and aligned with state assessments.
 - The State Board must seek certification from the Oklahoma State Regents for Higher Education that the recommendations satisfy the stated purpose. The Regents are directed to provide the State Board a description of the certification process and results, including any deficiencies they find with the study or recommendations.
 - The State Board is to submit a report to the Governor, Speaker of the House, President Pro Tempore of the Senate, Minority Leader of the House and Minority Leader of the Senate by December 31, 2015.

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. 1210.545

An Act

ENROLLED HOUSE
BILL NO. 1823

By: Martin, McCullough and
Caldwell of the House

and

Jolley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.545), which relates to the annual reports for the Oklahoma School Testing Program; directing the Board to study and make recommendations for the calculation metrics of the school report cards; directing the Board to seek certain certification; directing the State Regents for Higher Education to provide certain description; requiring submission of a report by certain date; and declaring an emergency.

SUBJECT: Oklahoma School Testing Program

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.545, as last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section 1210.545), is amended to read as follows:

Section 1210.545 A. ~~As~~ 1. Except as otherwise provided, as part of the accountability system developed as provided for in Section 1210.541 of this title, the State Board of Education shall prepare annual reports of the results of the Oklahoma School Testing Program which describe student achievement in the state and each school site.

2. The Board shall study and may recommend revisions to the Legislature to the calculation metrics of all components of the school report cards to ensure that the evaluation system is clear,

transparent, statistically trustworthy, credible, and aligned with the state assessment system. The Board shall seek certification from the Oklahoma State Regents for Higher Education that recommended revisions, if adopted, will improve the clarity, transparency, statistical trustworthiness, credibility, and alignment of the evaluation system. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of any deficiencies the State Regents find with the study or the resulting recommendations. The Board shall issue a report by December 31, 2015, and submit a copy of the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. The Board shall prescribe the design and content of the reports, which shall include, without limitation, descriptions of the performance of all schools participating in the Oklahoma School Testing Program and all of the major student populations as determined by the Board, and shall also include the median scores of all eligible students who scored at or in the lowest twenty-fifth percentile of the state in the previous school year. The confidentiality of individual student records shall be preserved as required by law.

B. The annual report as required pursuant to subsection A of this section shall identify school sites as having one of the following grades, defined according to rules of the State Board of Education:

1. "A" means schools making excellent progress;
 2. "B" means schools making above average progress;
 3. "C" means schools making satisfactory progress;
 4. "D" means schools making less than satisfactory progress;
- and
5. "F" means schools failing to make adequate progress.

C. Each school that has students who are tested and included in the school grading system as provided for in this section shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of students tested and included in the school grading system is less

than the minimum sample size necessary for statistical reliability and prevention of the unlawful release of personally identifiable student data. The State Board of Education is directed to establish the lowest minimum sample size necessary to meet the requirements of this paragraph;

2. A school that serves any combination of students in kindergarten through grade three which does not receive a school grade because the students are not tested and included in the school grading system shall receive the school grade designation of a feeder pattern school identified by the State Department of Education and verified by the school district. A school feeder pattern exists if at least sixty percent (60%) of the students in the school serving a combination of students in kindergarten through grade three are scheduled to be assigned to the graded school; and

3. The academic performance of students who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the grade of the school site or charter school.

D. The grade of a school shall be based on a combination of:

1. Fifty percent (50%) on whole school performance, as measured by allocating one point for each student who scores proficient or advanced on the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title and alternative test scores administered to students pursuant to Section 1210.523 of this title divided by the number of students taking the tests;

2. Twenty-five percent (25%) on whole school growth, as measured by allocating one point for each student who improves proficiency levels or improves substantially within a proficiency level on criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title divided by the number of students taking the tests; and

3. Twenty-five percent (25%) on growth in the bottom quartile of students, as measured by allocating one point for each student in the bottom quartile who improves proficiency levels or improves substantially within a proficiency level on criterion-referenced

tests and end-of-instruction tests administered under Section 1210.508 of this title divided by the number of students taking the tests.

E. In addition to the components outlined in subsection D of this section, the following bonus points shall be considered in determining the grade of a school site:

1. For schools comprised of high school grades:

- a. five points for meeting the criteria for an "A" for the high school graduation rate of the school, as defined by rules adopted by the Board,
- b. one point for meeting the criteria for an "A" for performance or participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, or the achievement of students on national industry certification, as defined by rules adopted by the Board,
- c. one point for meeting the criteria for an "A" for participation or performance in SAT tests administered by the College Board or the American College Test (ACT), as defined by rules adopted by the Board,
- d. one point for meeting the criteria for an "A" for the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,
- e. as valid data becomes available, one point for the performance of students on the end-of-instruction tests administered under Section 1210.508 of this title, as defined by rules adopted by the Board, and
- f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

- a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board,
- b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level coursework at a satisfactory or higher level, as defined by rules adopted by the Board, and
- c. six points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board; and

3. For schools comprised of elementary school grades, ten points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board.

F. Student test data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been administered the criterion-referenced tests and end-of-instruction tests administered under Section 1210.508 of this title; and

2. For schools comprised of high school grades, the data listed in paragraph 1 of this subsection, and the following data as the State Department of Education determines the data are valid and available:

- a. the high school graduation rate of the school as calculated by the Department,
- b. the participation rate of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, courses or sequence of courses leading to national industry certification identified pursuant to rules adopted by the Board, courses or sequence of courses granted cooperative college

alliance credit taken at a technology center school, and science, technology, engineering and mathematics courses taken at a regional site of the Oklahoma School of Science and Mathematics,

- c. the aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a technology center school, or a regional site of the Oklahoma School of Science and Mathematics, International Baccalaureate courses, and Advanced International Certificate of Education courses,
- d. earning of college credit by all eligible students enrolled in the school in concurrent enrollment programs as provided for in Section 628.13 of this title and in cooperative college alliance courses taken at a technology center school,
- e. earning of a national industry certification identified pursuant to rules adopted by the Board,
- f. the aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT test administered by the College Board and the ACT,
- g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,
- h. the performance of students on statewide end-of-instruction tests administered under Section 1210.508 of this title, and
- i. the growth or decline in the data components listed in subparagraphs a through h of this paragraph from year to year.

G. Grades shall be calculated by combining the points earned for whole school performance, whole school growth and growth in the bottom quartile of students, measured pursuant to subsection D of this section, and any bonus points earned pursuant to subsection E

of this section. Grades shall be assigned based on the following scale:

1. Ninety-seven percent (97%) to one hundred percent (100%) = A+;
2. Ninety-three percent (93%) to ninety-six percent (96%) = A;
3. Ninety percent (90%) to ninety-two percent (92%) = A-;
4. Eighty-seven percent (87%) to eighty-nine percent (89%) = B+;
5. Eighty-three percent (83%) to eighty-six percent (86%) = B;
6. Eighty percent (80%) to eighty-two percent (82%) = B-;
7. Seventy-seven percent (77%) to seventy-nine percent (79%) = C+;
8. Seventy-three percent (73%) to seventy-six percent (76%) = C;
9. Seventy percent (70%) to seventy-two percent (72%) = C-;
10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;
11. Sixty-three percent (63%) to sixty-six percent (66%) = D;
12. Sixty percent (60%) to sixty-two percent (62%) = D-; and
13. Fifty-nine percent (59%) and below = F.

H. The annual report shall identify the performance of each school as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the student and school performance data of the current year to the previous year data. Schools that improve at least one grade level are eligible for school recognition as established by the Board through the accountability system developed pursuant to Section 1210.541 of this title.

I. The State Department of Education shall annually develop, in collaboration with school districts and the Office of Educational Quality and Accountability, a school site report card to be

delivered to parents throughout each school district. The report card shall include the grade for the school, information regarding school improvement, an explanation of school performance as evaluated in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, and indicators of return on investment. The report card for each school site shall be published annually by the Department on its website, and every school district shall provide the school site report card to the parent or guardian of each student enrolled in the school site.

J. The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided to public school districts.

K. The State Board of Education shall promulgate rules to implement the provisions of this section.

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 21st day of May, 2015.

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

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

Arthur Cotton
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

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

Approved by the Governor of the State of Oklahoma this 3rd
day of June, 20 15, at 3:13 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd
day of June, 20 15, at 4:05 o'clock P. M.
By: Ch. Benge



S.B. 706

RE: S.B. 706

SUBJECT: Oklahoma Teacher and Leader Effectiveness Evaluation System

Senate Bill 706 becomes effective July 1, 2015. This bill amends a variety of provisions related to the Teacher and Leader Effectiveness (TLE) evaluation system.

- Current law requires a system of evaluation for teachers and administrators that consists of both a qualitative component and a quantitative component, where both components are combined into one composite score to make up 100% of the evaluation. The composition of the quantitative component includes 35% for student academic growth and 15% for other academic measurements. The evaluation system is required to be fully implemented by the 2015-2016 school year.
- Section 2(A)(1): Evaluations in the 2014-2015 and 2015-2016 school years will be used for the purpose of collecting baseline data, and the use of student academic growth and other academic measurements as a portion of the quantitative component of evaluations is eliminated. Evaluations will only be based on the qualitative component for the 2014-2015 and 2015-2016 school years.
 - Beginning with the 2016-2017 school year, school districts are to fully incorporate both the qualitative and quantitative components of the TLE for evaluations at all school sites. It is no longer required that both the qualitative and quantitative components make up 50% of the evaluation. Instead each teacher and administrator will receive both a qualitative and quantitative rating.
- Section 2(A)(5): Career teachers who have received a rating of “superior” or “highly effective” on *both* the qualitative and quantitative components may be evaluated every two years.
- Section 2(E): Directs the State Board of Education, in consultation with the Teacher and Leader Effectiveness (TLE) Commission, to continue to study implementation of the evaluation system to ensure that it promotes reflection and professional growth.
- Section 2(H): Full implementation of TLE evaluations for the purposes of employment decisions will begin in the 2017-2018 school year.

- Section 3: After full implementation, a principal who has received “ineffective” on *both* the qualitative and quantitative components for two consecutive years cannot be reemployed by the school district. A principal who has received “ineffective” on *either* component for two consecutive years may be dismissed or not reemployed by the school district.
- Section 4: Requires a 5-tier rating system for both components of the evaluation system, consisting of superior, highly effective, effective, needs improvement and ineffective. A comprehensive remediation plan and instructional coaching is required for teachers receiving ratings of “needs improvement” or “ineffective” on *either* of the components.
 - Eliminates the requirement that the quantitative and qualitative component each make up 50% of one total evaluation. It also eliminates the requirement that the quantitative component consist of 35% for performance measures based on student academic growth and 15% for other academic measurements.
 - For the quantitative piece moving forward, student academic growth based on standardized data is to be used *as available*. For teachers in grades and subjects where there is no state-mandated assessment, performance measures are to be adopted by the State Board of Education.
- Section 4(B)(7): Local school district boards of education can choose from a list of reliable, research-based options approved by the State Board of Education for quantitative evaluation methods for teachers of non-tested grades and subjects. For those teachers who have at least one tested grade or subject can have up to 50% of their quantitative rating based on methods chosen from the list.
- Section 4(B)(9): School districts have the option of basing their evaluations solely on qualitative components for the first year for teachers who were previously employed by another public school district and teachers who have returned to employment at a public school district after retirement.
- Section 4(E): Directs the TLE Commission to make recommendations to the State Board of Education on research-based measures for the quantitative component of evaluations for teachers in grades and subjects with no state-mandated testing measure. The State Board must approve and publish the list by February 1, 2016.
- Section 5: A career teacher or probationary teacher who has received “ineffective” on *both* components for two consecutive years must be dismissed or not reemployed by the school district. A career teacher or probationary teacher who has received “ineffective” on *either* component for two consecutive years *may* be dismissed or not reemployed by the school district.

- A career teacher who has received “needs improvement” on *both* components for three consecutive years must be dismissed or not reemployed by the school district. A career teacher who has received “needs improvement” on *either* component for three consecutive years *may* be dismissed or not reemployed by the school district.
- A career teacher who has not averaged at least “effective” on *both* components over five years must be dismissed or not reemployed by the school district. A career teacher who has not averaged at least “effective” on *either* component over five years *may* be dismissed or not reemployed by the school district.
- Section 6: Directs the State Board of Education to promulgate rules for implementation.

Should you have any questions related to this bill, please contact Dr. Robyn Miller, Deputy Superintendent for Educator Effectiveness and Policy Research, at (405) 521-3332 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 6-101.3, 6-101.10, 6-101.13, 6-101.16, 6-101.22
New Law at: 70 O.S. 6-101.32

An Act

ENROLLED SENATE
BILL NO. 706

By: Ford, Pittman, and Fields
of the Senate

and

Casey and Cockroft of the
House

An Act relating to teachers; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 5, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.3), which relates to definitions; modifying certain definition; amending 70 O.S. 2011, Section 6-101.10, as last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.10, which relates to evaluation policies; directing certain evaluation components to be used during certain school years; modifying reference to certain ratings; directing the State Board of Education, in certain consultation, to conduct certain study; providing date for full implementation for certain purpose; amending 70 O.S. 2011, Section 6-101.13, as amended by Section 3, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.13), which relates to due process; modifying reference to certain ratings; amending 70 O.S. 2011, Section 6-101.16, as last amended by Section 29 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, which relates to the Teacher and Leader Effectiveness Evaluation System; delaying implementation of certain system; providing for qualitative and quantitative ratings; specifying components of ratings; directing school districts to adopt certain evaluation methods from certain approved options; allowing school districts to base certain evaluation percentage on certain methods; allowing school districts to provide only a qualitative rating for certain teachers;

directing the Teacher and Leader Effectiveness Commission to recommend certain measures by certain date; directing the State Board of Education to adopt certain measures by certain date; allowing certain school districts to continue using certain evaluation system; updating reference; amending 70 O.S. 2011, Section 6-101.22, as last amended by Section 5, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.22), which relates to dismissal of career teachers; modifying criteria for which career and probationary teachers may be dismissed; directing promulgation of rules; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Teacher and Leader Effectiveness Evaluation System

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.3, as last amended by Section 5, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.3), is amended to read as follows:

Section 6-101.3. As used in Section 6-101 et seq. of this title:

1. "Administrator" means a duly certified person who devotes a majority of time to service as a superintendent, elementary superintendent, principal, supervisor, vice principal or in any other administrative or supervisory capacity in the school district;

2. "Dismissal" means the discontinuance of the teaching service of an administrator or teacher during the term of a written contract, as provided by law;

3. "Nonreemployment" means the nonrenewal of the contract of an administrator or teacher upon expiration of the contract;

4. "Career teacher" means a teacher who:

- a. for teachers employed by a school district prior to full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, has completed three (3) or more consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, or
- b. for teachers employed for the first time by a school district under a written continuing or temporary teaching contract after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title:
 - (1) has completed three (3) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract and has achieved a rating qualitative and quantitative ratings of "superior" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for at least two (2) of the three (3) school years, with no rating below "effective",
 - (2) has completed four (4) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, has averaged a rating qualitative and quantitative ratings of at least "effective" as measured pursuant to the TLE for the four-year period, and has received a rating qualitative and quantitative ratings of at least "effective" for the last two (2) years of the four-year period, or
 - (3) has completed four (4) or more consecutive complete school years in one school district under a written continuing or temporary teaching

contract and has not met the requirements of subparagraph a or b of this paragraph, only if the principal of the school at which the teacher is employed submits a petition to the superintendent of the school district requesting that the teacher be granted career status, the superintendent agrees with the petition, and the school district board of education approves the petition. The principal shall specify in the petition the underlying facts supporting the granting of career status to the teacher;

5. "Teacher hearing" means the hearing before a school district board of education after a recommendation for dismissal or nonreemployment of a teacher has been made but before any final action is taken on the recommendation, held for the purpose of affording the teacher all rights guaranteed by the United States Constitution and the Constitution of Oklahoma under circumstances and for enabling the board to determine whether to approve or disapprove the recommendation;

6. "Probationary teacher" means a teacher who:

- a. for teachers employed by a school district prior to full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, or
- b. for teachers employed for the first time by a school district under a written teaching contract after full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, has not met the requirements for career teacher as provided in paragraph 4 of this section;

7. "Suspension" or "suspended" means the temporary discontinuance of the services of an administrator or teacher, as provided by law; and

8. "Teacher" means a duly certified person who is employed to serve as a counselor, librarian or school nurse or in any instructional capacity; an administrator shall be considered a teacher only with regard to service in an instructional, nonadministrative capacity.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.10, as last amended by Section 1, Chapter 331, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-101.10), is amended to read as follows:

Section 6-101.10. A. Each school district board of education shall maintain and annually review, following consultation with or involvement of representatives selected by local teachers, a written policy of evaluation for all teachers and administrators. In those school districts in which there exists a professional negotiations agreement made in accordance with Section 509.1 et seq. of this title, the procedure for evaluating members of the negotiations unit and any standards of performance and conduct proposed for adoption beyond those established by the State Board of Education shall be negotiable items. Nothing in this section shall be construed to annul, modify or to preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees. Every policy of evaluation adopted by a board of education shall:

1. Be based upon a set of minimum criteria developed by the State Board of Education, which shall be revised and based upon the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) developed by the State Board of Education as provided in Section 6-101.16 of this title. The revisions to each policy of evaluation shall be phased in according to the following schedule:

- a. for evaluations of teachers and administrators conducted during the 2012-2013 school year, school districts shall for purposes of testing the TLE incorporate on a trial basis the qualitative components of the TLE as provided for in subparagraph b of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district and may at the option of the school district

incorporate on a trial basis the ~~other academic measurement~~ quantitative components of the TLE as provided for in ~~division (2)~~ of subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district,

- b. for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall incorporate and put into operation the qualitative components of the TLE as provided for in subparagraph b of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2013-2014 school year ~~one hundred percent (100%)~~ of the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. In addition, for evaluations of teachers and administrators conducted during the 2013-2014 school year, school districts shall for purposes of testing the TLE incorporate on a trial basis the ~~student academic growth and other academic measurement~~ quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of Section 6-101.16 of this title into the evaluations used in all or a representative sampling of school sites within the district. However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-five thousand (35,000) from incorporating at its own expense the quantitative ~~model~~ components of the TLE and ~~basing up to fifty percent (50%) of the evaluation rating of~~ into its evaluation system of teachers and administrators ~~on the quantitative components of the TLE~~, as defined by the district's written policy, during the 2013-2014 school year,
- c. for evaluations of teachers and administrators conducted during the 2014-2015 and 2015-2016 school year years, school districts shall for purposes of establishing baseline data incorporate the ~~student~~

~~academic growth and other academic measurement~~
quantitative components of the TLE as provided for in
subparagraph a of paragraph 4 of subsection B of
Section 6-101.16 of this title into the evaluations
used in all school sites within the district. For the
2014-2015 and 2015-2016 school year ~~one hundred~~
~~percent (100%) of years,~~ the evaluation rating of
teachers and administrators shall be based on the
qualitative component of the TLE, ~~and no portion of~~
~~the evaluation rating shall be based on the~~
~~quantitative components of the TLE.~~ However, nothing
in this subparagraph shall preclude a school district
with an average daily attendance of more than thirty-
five thousand (35,000) from incorporating at its own
expense the quantitative ~~model~~ components of the TLE
~~and basing up to fifty percent (50%) of the evaluation~~
~~rating of~~ into its evaluation system of teachers and
administrators ~~on the quantitative components of the~~
~~TLE,~~ as defined by the district's written policy,
during the 2014-2015 and 2015-2016 school year years,
and

- d. for evaluations of teachers and administrators
conducted during the ~~2015-2016~~ 2016-2017 school year
and each school year thereafter, school districts
shall fully implement the TLE and incorporate and put
into operation both the qualitative and quantitative
components of the TLE as provided for in ~~subparagraph~~
~~b of~~ paragraph 4 of subsection B of Section 6-101.16
of this title ~~and the student academic growth and~~
~~other academic measurement quantitative components of~~
~~the TLE as provided for in subparagraph a of paragraph~~
~~4 of subsection B of Section 6-101.16 of this title~~
into the evaluations used in all school sites within
the district. For the ~~2015-2016~~ 2016-2017 school year
and each school year thereafter, ~~fifty percent (50%)~~
~~of the evaluation rating of~~ teachers and
administrators shall be receive a qualitative rating
based on the qualitative component of the TLE and
~~fifty percent (50%) shall be~~ a quantitative rating
based on the quantitative component of the TLE;

2. Be prescribed in writing at the time of adoption and at all times when amendments to the policy are adopted. The original policy and all amendments to the policy shall be promptly made available to all persons subject to the policy;

3. Provide that all evaluations be made in writing and that evaluation documents and responses thereto be maintained in a personnel file for each evaluated person;

4. Provide that every probationary teacher receive formative feedback from the evaluation process at least two times per school year, once during the fall semester and once during the spring semester;

5. Provide that every teacher be evaluated once every year, except for career teachers receiving a qualitative rating of "superior" or "highly effective" and a quantitative rating of "superior" or "highly effective" under the TLE, who may be evaluated once every two (2) years; and

6. Provide that, except for superintendents of independent and elementary school districts and superintendents of area school districts who shall be evaluated by the school district board of education, all certified personnel shall be evaluated by a principal, assistant principal, or other trained certified individual designated by the school district board of education.

B. All individuals designated by the school district board of education to conduct the personnel evaluations shall be required to participate in training conducted by the State Department of Education or training provided by the school district using guidelines and materials developed by the State Department of Education prior to conducting evaluations.

C. The State Department of Education shall develop and conduct workshops pursuant to statewide criteria which train individuals in conducting evaluations.

D. The State Board of Education shall monitor compliance with the provisions of this section by school districts.

E. The State Board of Education, in consultation with the Teacher and Leader Effectiveness Commission, shall study continued implementation of the TLE to produce a system that promotes reflection and professional growth for teachers and leaders.

F. Refusal by a school district to comply with the provisions of this section shall be grounds for withholding State Aid funds until compliance occurs.

~~F.~~ G. Data collected pursuant to this section shall not be subject to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act.

H. Full implementation of the TLE for the purposes of employment shall occur during the 2017-2018 school year.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-101.13, as amended by Section 3, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.13), is amended to read as follows:

Section 6-101.13. A. Whenever the school district board of education or the administration of a school district shall determine that the dismissal or nonreemployment of a full-time certified administrator from the administrative position within the school district should be effected, the administrator shall be entitled to the following due process procedures:

1. A statement shall be submitted to the administrator in writing prior to the dismissal or nonreemployment which states the proposed action, lists the reasons for effecting the action, and notifies the administrator of his right to a hearing before the school district board of education prior to the action; and

2. A hearing before the school district board of education shall be granted upon the request of the administrator prior to the dismissal or nonreemployment. A request for a hearing shall be submitted to the board of education not later than ten (10) days after the administrator has been notified of the proposed action.

B. Failure of the administrator to request a hearing before the school district board of education within ten (10) days after receiving the written statement shall constitute a waiver of the

right to a hearing. No decision of the board of education concerning the dismissal or nonreemployment of a full-time certified administrator shall be effective until the administrator has been afforded due process as specified in this section. The decision of the school district board of education concerning the dismissal or nonreemployment, following the hearing, shall be final.

C. After full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, a principal who has received ~~a rating~~ qualitative and quantitative ratings of "ineffective" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years, shall not be reemployed by the school district, subject to the due process procedures of this section.

D. After full implementation of the TLE as set forth in Section 6-101.10 of this title, a principal who has received qualitative or quantitative ratings of "ineffective" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years may be dismissed or not reemployed by the school district, subject to the due process procedures of this section.

SECTION 4. AMENDATORY 70 O.S. 2011, Section 6-101.16, as last amended by Section 29 of Enrolled Senate Bill No. 831 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 6-101.16. A. By December 15, 2011, the State Board of Education shall adopt a new statewide system of evaluation to be known as the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE). The Board shall work cooperatively with school districts to fully implement both the quantitative and qualitative components of the TLE in all school districts by the ~~2015-2016~~ 2016-2017 school year as provided for in Section 6-101.10 of this title, including determining the final calculation of the student academic growth measurement as provided for in ~~division (1) of~~ subparagraph a of paragraph 4 of subsection B of this section and developing a teacher/student assignment verification system.

B. The TLE shall include the following components:

1. ~~A five-tier rating system as follows:~~

a. ~~superior,~~

b. ~~highly effective,~~

c. ~~effective,~~

d. ~~needs improvement, and~~

e. ~~ineffective;~~

~~2. Annual evaluations that provide feedback to improve student learning and outcomes, except as provided for in subsection C of this section;~~

~~3. 2. Comprehensive remediation plans and instructional coaching for all teachers rated as needs improvement or ineffective who receive qualitative or quantitative ratings of "needs improvement" or "ineffective" in accordance with the rating system established in paragraph 3 of this subsection;~~

~~3. A five-tier rating system for both the qualitative and quantitative components set forth in paragraph 4 of this subsection as follows:~~

a. superior,

b. highly effective,

c. effective,

d. needs improvement, and

e. ineffective;

4. a. ~~Quantitative and qualitative assessment components measured as follows:~~

a. ~~fifty percent (50%) of the~~ The quantitative ratings of teachers and leaders shall be based on quantitative components which shall be divided as follows:

~~(1) thirty five percentage points~~ include performance measures of a teacher and leader that are based on student academic growth using multiple years of standardized test data, as available, and performance measures for teachers in grades and subjects for which there is no state-mandated testing measure, as approved by the State Board of Education pursuant to subsection E of this section

~~(2) fifteen percentage points based on other academic measurements, and~~

b. ~~fifty percent (50%) of the rating~~ The qualitative ratings of teachers and leaders shall be based on rigorous and fair qualitative assessment components;

5. An evidence-based qualitative assessment tool for the teacher qualitative portion of the TLE that will include observable and measurable characteristics of personnel and classroom practices that are correlated to student performance success, including, but not limited to:

- a. organizational and classroom management skills,
- b. ability to provide effective instruction,
- c. focus on continuous improvement and professional growth,
- d. interpersonal skills, and
- e. leadership skills;

6. An evidence-based qualitative assessment tool for the leader qualitative portion of the TLE that will include observable and measurable characteristics of personnel and site management

practices that are correlated to student performance success, including, but not limited to:

- a. organizational and school management, including retention and development of effective teachers and dismissal of ineffective teachers,
- b. instructional leadership,
- c. professional growth and responsibility,
- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions;

7. For those teachers in grades and subjects for which there is no state-mandated testing measure to create a quantitative assessment for the quantitative portion of the TLE, ~~the State Board of Education may adopt alternative percentages from those set forth in paragraph 4 of this subsection~~ local school district boards of education shall choose evaluation methods from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth. For those teachers who have at least one tested grade or subject, school districts shall have the option of basing up to fifty percent (50%) of the quantitative rating on evaluation methods chosen from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section; and

8. For first-year and second-year teachers, evaluations shall be based solely on qualitative components set forth in subparagraph b of paragraph 4 of this subsection ~~and the State Board of Education shall adopt alternative percentages from those set forth in paragraph 4 of this subsection;~~ and

9. For teachers who were previously employed by a different public school district and for teachers who enter into post-retirement employment with a public school, school districts shall

have the option of basing those evaluations solely on the qualitative components set forth in subparagraph b of paragraph 4 of this subsection during their first year of employment.

C. Career teachers receiving a qualitative rating of "superior" or "highly effective" and a quantitative rating of "superior" or "highly effective" under the TLE may be evaluated once every two (2) years.

D. The Teacher and Leader Effectiveness Commission shall adopt the student academic growth ~~and other academic measurement~~ quantitative components of the TLE as provided for in subparagraph a of paragraph 4 of subsection B of this section by May 1, 2014. The Commission shall provide oversight and advise the State Board of Education on the development and implementation of the TLE.

E. By December 1, 2015, the Teacher and Leader Effectiveness Commission shall recommend to the State Board of Education multiple reliable, research-based measures for providing a quantitative evaluation component for teachers in grades and subjects for which there is no state-mandated testing measure. The State Board of Education shall approve and publish a list of approved measures by February 1, 2016.

F. A school district with an average daily attendance of more than thirty-five thousand (35,000) which has incorporated quantitative components of the TLE pursuant to subparagraphs b and e of paragraph 1 of subsection A of Section 6-101.10 of this title into its evaluation system of teachers and administrators prior to the 2015-2016 school year may continue using these quantitative components its evaluation system, as defined by the school districts' district's written policies, notwithstanding the provisions of this section and regardless of the State Board of Education's adoption of quantitative components pursuant to this section.

~~F.~~ G. The State Department of Education shall provide to the Oklahoma State Regents for Higher Education and the Oklahoma Commission for ~~Teacher Preparation~~ Educational Quality and Accountability timely electronic data linked to teachers and leaders derived from the TLE for purposes of providing a basis for the development of accountability and quality improvements of the

teacher preparation system. The data shall be provided in a manner and at such times as agreed upon between the Department, the State Regents and the Commission.

~~G.~~ H. For purposes of this section, "leader" means a principal, assistant principal or any other school administrator who is responsible for supervising classroom teachers.

~~H.~~ I. The State Department of Education shall keep all data collected pursuant to the TLE and records of annual evaluations received pursuant to this section confidential. Records created pursuant to this section which identify, in any way, a current or former public employee shall not be subject to disclosure under the Oklahoma Open Records Act. Nothing in this subsection shall be construed to prohibit disclosure otherwise required by this section; provided, however, any provisions requiring disclosure of TLE records shall be construed narrowly and all individually identifying information shall be removed from such records to the fullest extent possible.

SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-101.22, as last amended by Section 5, Chapter 373, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-101.22), is amended to read as follows:

Section 6-101.22. A. Subject to the provisions of the Teacher Due Process Act of 1990, a career teacher may be dismissed or not reemployed for:

1. Willful neglect of duty;
2. Repeated negligence in performance of duty;
3. Mental or physical abuse to a child;
4. Incompetency;
5. Instructional ineffectiveness;
6. Unsatisfactory teaching performance;
7. Commission of an act of moral turpitude; or

8. Abandonment of contract.

B. Subject to the provisions of the Teacher Due Process Act of 1990, a probationary teacher may be dismissed or not reemployed for cause.

C. Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title:

1. A career teacher who has ~~been rated as~~ received a qualitative and quantitative rating of "ineffective" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for two (2) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;

2. A career teacher who has received a qualitative or quantitative rating of "ineffective" for two (2) consecutive school years may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;

3. A career teacher who has ~~been rated as~~ received a qualitative and quantitative rating of "needs improvement" or lower pursuant to the TLE for three (3) consecutive school years shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990; ~~and~~

~~3-~~ 4. A career teacher who has received a qualitative or quantitative rating of "needs improvement" or lower for three (3) consecutive school years may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990;

5. A career teacher who has not averaged a qualitative and quantitative rating of at least "effective" as measured pursuant to the TLE over a five-year period shall be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school

district, subject to the provisions of the Teacher Due Process Act of 1990; and

6. A career teacher who has not averaged a qualitative or quantitative rating of at least "effective" as measured pursuant to the TLE over a five-year period may be dismissed or not reemployed on the grounds of instructional ineffectiveness by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

D. Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title:

1. A probationary teacher who has been rated as received a qualitative and quantitative rating of "ineffective" as measured pursuant to the TLE for two (2) consecutive school years shall be dismissed or not reemployed by the school district subject to the provisions of the Teacher Due Process Act of 1990; and

2. A probationary teacher who has received a qualitative or quantitative rating of "ineffective" as measured pursuant to the TLE for two (2) consecutive school years may be dismissed or not reemployed by the school district subject to the provisions of the Teacher Due Process Act of 1990; and

3. A probationary teacher who has not attained career teacher status within a four-year period shall be dismissed or not reemployed by the school district, subject to the provisions of the Teacher Due Process Act of 1990.

E. A teacher shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment the teacher is convicted in this state, the United States or another state of:

1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

2. Any felony offense.

F. A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

1. "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and

2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.

G. As used in this section, "abandonment of contract" means the failure of a teacher to report at the beginning of the contract term or otherwise perform the duties of a contract of employment when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the contract of employment.

H. A school district shall notify the State Board of Education within ten (10) days of the dismissal or nonreemployment of a probationary or career teacher for reasons outlined in subsection F of this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.32 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall promulgate rules necessary to implement the provisions of this act.

SECTION 7. This act shall become effective July 1, 2015.

SECTION 8. 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 20th day of May, 2015.

A. Bruce Malott
Presiding Officer of the Senate

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

Lee. Thompson
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 9:20 o'clock A M.

By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 3rd
day of June, 20 15, at 3:19 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd
day of June, 20 15, at 4:05 o'clock P. M.

By: Chris Benz



H.B. 1037

RE: H.B. 1037

SUBJECT: Oklahoma Open Records Act

House Bill 1037 becomes effective June 4, 2015. This bill amends the portion of the Open Records Act dealing with state licensure exams.

- Section 1: Amends the Oklahoma Open Records Act to allow for certain records to be kept confidential including any test forms, question banks and answer keys developed for state licensure examinations, but excluding test preparation materials and study guides.

Should you have any questions related to this bill, please contact Dr. Robyn Miller, Deputy Superintendent for Educator Effectiveness and Policy Research, at (405) 521-3332 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 51 O.S. 24A.5

An Act

ENROLLED HOUSE
BILL NO. 1037

By: Faught and Walker of the
House

and

Holt and Quinn of the
Senate

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2011, Sections 24A.5 and 24A.8, as amended by Section 3, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2014, Section 24A.8), which relate to the Oklahoma Open Records Act; updating statutory citations; providing additional exemption; directing law enforcement agencies to release certain audio and video recordings; allowing for the redaction of audio and video recordings that depict or identify certain information; providing procedures for delaying the release of audio and video recordings; providing for appeals; requiring the release of audio and video recordings after certain amount of time has expired; prohibiting law enforcement from denying access to previously released records; and declaring an emergency.

SUBJECT: Oklahoma Open Records Act

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

SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.5, is amended to read as follows:

Section 24A.5 All records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Sections 24A.1 through ~~24A.28~~ 24A.30 of this title, does not apply to records specifically required by law to be kept confidential including:

- a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges,
- b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, ~~Section 301 et seq. of Title 25 of the Oklahoma Statutes,~~
- c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, ~~or~~
- d. information in the files of the Board of Medicolegal Investigations obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma Statutes that may be hearsay, preliminary unsubstantiated investigation-related findings, or confidential medical information, or
- e. any test forms, question banks and answer keys developed for state licensure examinations, but specifically excluding test preparation materials or study guides;

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions; provided however, the Department of Public Safety shall not be required to assemble for the requesting person specific information, in any format, from driving records relating to any person whose name and date of birth or whose driver license number is not furnished by the requesting person.

The Oklahoma State Bureau of Investigation shall not be required to assemble for the requesting person any criminal history records relating to persons whose names, dates of birth, and other identifying information required by the Oklahoma State Bureau of Investigation pursuant to administrative rule are not furnished by the requesting person-;

3. Any request for a record which contains individual records of persons, and the cost of copying, reproducing or certifying each individual record is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of record copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall the record copying fee exceed twenty-five cents (\$0.25) per page for records having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:

- a. is solely for commercial purpose, or
- b. would clearly cause excessive disruption of the essential functions of the public body,

then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

Any public body establishing fees under this act shall post a written schedule of the fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information;

4. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, the index shall not be copied or mechanically reproduced for the purpose of sale of the information-;

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions-; and

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during the regular business hours of the public body.

SECTION 2. AMENDATORY 51 O.S. 2011, Section 24A.8, as amended by Section 3, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2014, Section 24A.8), is amended to read as follows:

Section 24A.8 A. Law enforcement agencies shall make available for public inspection and copying, if kept, the following records:

1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;

2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;

3. A chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred;

4. Radio logs, including a chronological listing of the calls dispatched;

5. Conviction information, including the name of any person convicted of a criminal offense;

6. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;

7. A crime summary, including an agency summary of crimes reported and public calls for service by classification or nature and number;

8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of commitment, the authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of discharge or escape of the prisoner; ~~and~~

9. Audio and video recordings from recording equipment attached to law enforcement vehicles ~~and/or~~ or associated audio recordings from recording equipment on the person of a law enforcement officer; provided, the law enforcement agency may, before releasing any audio or video recording provided for in this paragraph, redact or obscure specific portions of the recording which:

- a. depict the death of a person or a dead body, unless the death was effected by a law enforcement officer,
- b. depict ~~any person who is nude or~~ nudity,
- c. would identify minors under the age of sixteen (16) years. ~~Provided further, law enforcement agencies may redact or obscure specific portions of audio and video recordings which~~ or would undermine any requirement to keep certain juvenile records confidential as provided for in Title 10A of the Oklahoma Statutes,
- d. depict acts of severe violence resulting in great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, against persons that are clearly visible, unless the act of severe violence was effected by a law enforcement officer,
- e. depict great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, unless the great bodily injury was effected by a law enforcement officer,
- f. include personal medical information that is not already public,

g. would undermine the assertion of a privilege provided in Section 1-109 or Section 3-428 of Title 43A of the Oklahoma Statutes for detention or transportation for mental health evaluation or treatment or drug or alcohol detoxification purposes,

h. include personal information other than the name or license plate number of a person not arrested, cited, charged or issued a written warning. Such personal information shall include any government-issued identification number, date of birth, address or financial information, or

i. reveal the identity of law enforcement officers who have become subject to internal investigation by the law enforcement agency ~~until~~ as a result of an event depicted in the recording. The option to protect the identity of a law enforcement officer shall not be available to the law enforcement agency after the law enforcement agency ~~concludes~~ has concluded the investigation and rendered a decision as to final disciplinary action. At the ~~conclusion of the~~ such time when an investigation has concluded and the law enforcement agency has rendered its decision as to final disciplinary ~~process~~ action, the ~~unedited audio and video~~ portions of the recordings previously withheld as provided for in this subparagraph shall be available for public inspection and copying. The ~~unedited~~ audio and video recordings withheld as provided for in this subparagraph shall be available for public inspection and copying before the conclusion of the investigation and ~~disciplinary process~~ if the investigation and ~~disciplinary process~~ lasts for an unreasonable amount of time; and

10. a. Audio and video recordings from recording equipment attached to the person of a law enforcement officer that depict:

(1) the use of any physical force or violence by a law enforcement officer,

(2) pursuits of any kind,

(3) traffic stops,

- (4) any person being arrested, cited, charged or issued a written warning,
- (5) events that directly led to any person being arrested, cited, charged or receiving a written warning,
- (6) detentions of any length for the purpose of investigation,
- (7) any exercise of authority by a law enforcement officer that deprives a citizen of his or her liberty,
- (8) actions by a law enforcement officer that have become the cause of an investigation or charges being filed,
- (9) recordings in the public interest that may materially aid a determination of whether law enforcement officers are appropriately performing their duties as public servants, or
- (10) any contextual events occurring before or after the events depicted in divisions (1) through (9) of this subparagraph.

b. Notwithstanding the provisions of subparagraph a of this paragraph, the law enforcement agency may, before releasing any audio or video recording provided for in this paragraph, redact or obscure specific portions of the recording that:

- (1) depict the death of a person or a dead body, unless the death was effected by a law enforcement officer,
- (2) depict nudity,
- (3) would identify minors under the age of sixteen (16) years or would undermine any requirement to keep certain juvenile records confidential as provided for in Title 10A of the Oklahoma Statutes,

- (4) depict acts of severe violence resulting in great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, against persons that are clearly visible, unless the act of severe violence was effected by a law enforcement officer,
- (5) depict great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, unless the great bodily injury was effected by a law enforcement officer,
- (6) include personal medical information that is not already public,
- (7) undermine the assertion of a privilege as provided in Section 1-109 or Section 3-428 of Title 43A of the Oklahoma Statutes for detention or transportation for mental health evaluation or treatment or drug or alcohol detoxification purposes,
- (8) identify alleged victims of sex crimes or domestic violence,
- (9) identify any person who provides information to law enforcement or the information provided by that person when that person requests anonymity or where disclosure of the identity of the person or the information provided could reasonably be expected to threaten or endanger the physical safety or property of the person or the physical safety or property of others,
- (10) undermine the assertion of a privilege to keep the identity of an informer confidential as provided for in Section 2510 of Title 12 of the Oklahoma Statutes,
- (11) include personal information other than the name or license plate number of a person not officially arrested, cited, charged or issued a written warning. Such personal information shall include any government-issued identification

number, date of birth, address or financial information,

(12) include information that would materially compromise an ongoing criminal investigation or ongoing criminal prosecution, provided that:

(a) ten (10) days following the formal arraignment or initial appearance, whichever occurs first, of a person charged in the case in question, the recording shall be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division. Provided, before potential release of a recording as provided for in this subdivision, the prosecutor or legal representative of the person charged may request from the appropriate district court an extension of time during which the recording may be withheld under the provisions of this division. When a request for an extension of time has been filed with the court, the recording in question may be withheld until the court has issued a ruling. Such requests for an extension of the time during which the recording may be withheld may be made on the grounds that release of the recording will materially compromise an ongoing criminal investigation or criminal prosecution or on the grounds that release of the recording will materially compromise the right of an accused to a fair trial that has yet to begin. Courts considering such requests shall conduct a hearing and consider whether the interests of the public outweigh the interests asserted by the parties. In response to such requests, the court shall order that the recording be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division or order an extension of time during which the recording may be withheld

under the provisions of this division. Provided further, each such time extension shall only be ordered by the court for an additional six-month period of time or less and cumulative time extensions shall not add up to more than eighteen (18) months, or

(b) in the event that one hundred twenty (120) days expire from the date of the events depicted in the recording without any person being criminally charged in the case in question and release of a recording or portions of a recording have been denied on the grounds provided for in this division, an appeal of such denial may be made to the appropriate district court. In situations where one hundred twenty (120) days have expired since the creation of the recording, criminal charges have not been filed against a person and the recording is being withheld on the grounds provided for in this division, courts considering appeals to the use of the provisions of this division for temporarily withholding a recording shall conduct a hearing and consider whether the interests of the public outweigh the interests of the parties protected by this division. In response to such appeals, the district court shall order that the recording be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division or order an extension of time during which the recording may be withheld under the provisions of this division. An order granting an extension of time shall be applicable to the recording against all appellants for the duration of the extension. Provided, each such time extension shall only be ordered by the district court for an additional twelve-month period of time or less and cumulative time extensions shall not add up to more than three (3) years. Provided, charges being filed against a person in the case in

question automatically cancels any extension of time. A new request for an extension of time following an arraignment or initial appearance may be requested by the parties on the grounds and under the terms provided for in subdivision (a) of this division.

The options presented in this division to potentially withhold a recording or portions of a recording on the grounds provided for in this division shall expire in totality four (4) years after the recording was made at which time all recordings previously withheld on the grounds provided for in this division shall be made available for public inspection and copying, or

- (13) reveal the identity of law enforcement officers who have become subject to internal investigation by the law enforcement agency as a result of an event depicted in the recording. The option to protect the identity of a law enforcement officer shall not be available to the law enforcement agency after the law enforcement agency has concluded the investigation and rendered a decision as to final disciplinary action. At such time when an investigation has concluded and the law enforcement agency has rendered its decision as to final disciplinary action, the portions of the recordings previously withheld as provided for in this division shall be available for public inspection and copying. The audio and video recordings withheld on the grounds provided for in this division shall be available for public inspection and copying before the conclusion of the investigation if the investigation lasts for an unreasonable amount of time.

B. Except for the records listed in subsection A of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial. The provisions of this section shall not operate to deny access to law enforcement records if such records have been previously made available to the

public as provided in the Oklahoma Open Records Act or as otherwise provided by law.

C. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

D. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act shall be made available for public inspection in a manner to be determined by the Department.

E. The Council on Law Enforcement Education and Training (C.L.E.E.T.) shall keep confidential all records it maintains pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and deny release of records relating to any employed or certified full-time officer, reserve officer, retired officer or other person; teacher lesson plans, tests and other teaching materials; and personal communications concerning individual students except under the following circumstances:

1. To verify the current certification status of any peace officer;
2. As may be required to perform the duties imposed by Section 3311 of Title 70 of the Oklahoma Statutes;
3. To provide to any peace officer copies of the records of that peace officer upon submitting a written request;
4. To provide, upon written request, to any law enforcement agency conducting an official investigation, copies of the records of any peace officer who is the subject of such investigation;
5. To provide final orders of administrative proceedings where an adverse action was taken against a peace officer; and
6. Pursuant to an order of the district court of the State of Oklahoma.

F. The Department of Public Safety shall keep confidential:

1. All records it maintains pursuant to its authority under Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway Patrol Division, the Communications Division, and other divisions of the Department relating to:

- a. training, lesson plans, teaching materials, tests, and test results,
- b. policies, procedures, and operations, any of which are of a tactical nature, and
- c. the following information from radio logs:
 - (1) telephone numbers,
 - (2) addresses other than the location of incidents to which officers are dispatched, and
 - (3) personal information which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725; and

2. For the purpose of preventing identity theft and invasion of law enforcement computer systems, except as provided in Title 47 of the Oklahoma Statutes, all driving records.

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

Passed the House of Representatives the 19th day of May, 2015.


Presiding Officer of the House
of Representatives

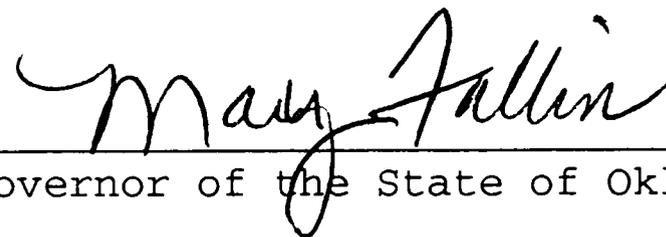
Passed the Senate the 21st day of May, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of May, 2015, at 10:17 o'clock A M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 4th
day of June, 2015, at 2:35 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 4th
day of June, 2015, at 5:19 o'clock P M.
By: Chris Morris



H.B. 1052

RE: H.B. 1052

SUBJECT: Oklahoma State Pension Commission

House Bill 1052 becomes effective August 20, 2015. This bill revises the makeup of the Oklahoma State Pension Commission.

- Current law establishes the Oklahoma State Pension Commission and requires the Commission to publish a quarterly report on the performance of the various pension systems, including the Teachers' Retirement System of Oklahoma. The current makeup of the Commission includes the State Auditor and Inspector or designee, the Director of the Office of Management and Enterprise Services (OMES) or designee, the State Treasurer or designee, a member of the Senate, a member of the House of Representatives, an appointee of the Governor with 10 years of banking experience, and an appointee of the Governor with 10 years of professional pension planning experience specifically with defined benefit plan designs.
- Section 1: Amends the makeup of the Commission by making the Senate member and the House member nonvoting members.
 - It requires the first Governor's appointee to have 10 years experience in the financial services industry, rather than banking.
 - It requires the second Governor's appointee to have 10 years experience in retirement planning, rather than professional pension planning, including demonstrated experience with retirement plan designs in general, rather than specific to defined benefit plan designs.

Should you have any questions related to this bill, please contact Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 74 O.S. 941

Helpful Statutory References: 74 O.S. 942

An Act

ENROLLED HOUSE
BILL NO. 1052

By: McDaniel (Randy) of the
House

and

Jolley of the Senate

An Act relating to the Oklahoma State Pension Commission; amending 74 O.S. 2011, Section 941, as amended by Section 930, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2014, Section 941), which relates to membership and duties of the Commission; modifying provisions related to legislative appointees; providing legislative members nonvoting; and modifying certain qualifications.

SUBJECT: Oklahoma State Pension Commission

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 941, as amended by Section 930, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2014, Section 941), is amended to read as follows:

Section 941. A. There is hereby created the Oklahoma State Pension Commission. The Commission shall consist of seven (7) members as follows:

1. The State Auditor and Inspector or that person's designee;
2. The Director of the Office of Management and Enterprise Services or that person's designee;
3. The State Treasurer or that person's designee;

4. One member who shall be a member of the Senate appointed by the President Pro Tempore of the Senate who shall serve at the pleasure of the appointing authority and who shall be a nonvoting member;

5. One member who shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives who shall serve at the pleasure of the appointing authority and who shall be a nonvoting member;

6. One person to be appointed by the Governor who shall have at least ten (10) years of demonstrated experience in the ~~banking~~ financial services industry; and

7. One person to be appointed by the Governor who shall have at least ten (10) years of experience in ~~professional pension~~ retirement planning, including demonstrated experience with ~~defined benefit~~ retirement plan design designs.

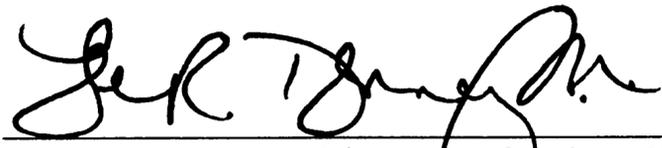
No member of the governing body of a state retirement system shall be eligible to be appointed to the Commission.

B. The Commission shall hold regular meetings at least once each quarter, the dates, time and place to be set by the Commission. The Commission shall hold its first meeting prior to September 30, 1988.

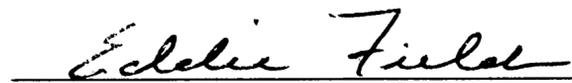
C. The Office of the State Auditor and Inspector shall provide the administrative support required by the Commission.

D. The cost of providing the administrative support shall be apportioned by the State Auditor and Inspector among the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System and the Department of Wildlife Conservation on behalf of the retirement plan adopted by the Wildlife Conservation Commission in proportion to the percentage that the assets of each system at the end of the preceding fiscal year were to the combined total of the assets of the systems.

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


Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2015.


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 Redwood

Approved by the Governor of the State of Oklahoma this 12th
day of May, 20 15, at 3:41 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 12th
day of May, 20 15, at 4:31 o'clock P. M.
By: Ch. Benge



RE: S.B. 20
SUBJECT: Teacher Certification

Senate Bill 20 becomes effective July 1, 2015. This bill would allow for the State Board of Education to award a teaching certificate to an individual with a valid out-of-state certificate.

- Section 1(F): Allows the State Board of Education to issue a teaching certification to a person who holds a valid out-of-state certificate for those subject areas and grade levels that most closely align with the out-of-state certificate.
 - An individual who has five or more years of successful teaching experience as a certified teacher in an accredited school is exempt from taking the competency examinations in those subject areas and grade levels recognized on the out-of-state certificate.
 - The individual must have an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation (OSBI) on file, as well as a national criminal history record check. Once the State Board of Education has received the Oklahoma criminal history record check, they *may* issue a temporary certificate until receipt of the national fingerprint-based criminal history record check. The applicant is still responsible for the cost of the background checks.

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. 6-190
Helpful Statutory References: 74 O.S. 150.9

An Act

ENROLLED SENATE
BILL NO. 20

By: Sharp of the Senate

and

Henke, Kern, Derby, and
Condit of the House

An Act relating to teacher certification; amending 70 O.S. 2011, Section 6-190, as amended by Section 17, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-190), which relates to qualifications for certification; directing the State Board of Education to issue a certificate to teach to persons with out-of-state certificates who meet certain requirements; exempting such persons from certain examinations; requiring such persons to submit certain criminal history records; providing an effective date; and declaring an emergency.

SUBJECT: Teacher certification

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-190, as amended by Section 17, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-190), is amended to read as follows:

Section 6-190. A. The board of education of each school district shall employ and contract in writing, as required in Section 6-101 of this title, only with persons certified to teach by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except as otherwise provided for by Section 6-101 of this title and by other law.

B. The Board shall issue a certificate to teach to any person who:

1. Has successfully completed the teacher education program required by the Oklahoma Commission for Teacher Preparation;

2. Has graduated from an accredited institution of higher education that has approval or accreditation for teacher education;

3. Has met all other requirements as may be established by the Board;

4. Has made the necessary application and paid the competency examination fee in an amount and as prescribed by the Commission;

5. Has successfully completed the competency examination required in Section 6-187 of this title; and

6. Beginning November 1, 2001, has on file with the Board a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a certificate shall be responsible for the cost of the criminal history records.

C. The Board shall issue a certificate to teach to any person who:

1. Holds an out-of-state certificate and meets ~~standards set by the Board~~ the requirements set forth in subsection F of this section; or

2. Holds certification from the National Board for Professional Teaching Standards.

D. Beginning July 1, 2004, any person applying for initial Oklahoma certification shall have on file with the Board a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as

defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a certificate shall be responsible for the cost of the criminal history records.

E. Any person holding a valid certificate, issued prior to January 1, 1997, shall be a certified teacher for purposes of the Oklahoma Teacher Preparation Act, subject to any professional development requirements prescribed by the Oklahoma Teacher Preparation Act or by the State Board of Education.

F. 1. The Board shall issue a certificate to teach to a person who holds a valid out-of-state certificate. The certificate to teach shall only be for those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-state certificate.

2. A person who meets the requirements of paragraph 1 of this subsection and who has five (5) years of successful teaching experience as a certified teacher in an accredited school shall not be required to take any competency examinations in those subject areas and grade levels most closely aligned to the subject areas and grade levels recognized on the out-of-state certificate.

3. A person who meets the requirements of paragraph 1 of this subsection shall have on file with the Board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon receipt of the Oklahoma criminal history record check, the Board may issue a temporary certificate which shall be effective until receipt of the national fingerprint-based criminal history record check. The person applying for a certificate shall be responsible for the cost of the criminal history record checks.

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 25th day of February, 2015.

Eveline Fiala
Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2015.

[Signature]
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th
day of April, 20 15, at 3:25 o'clock P M.

By: Audrey Fedwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 2:03 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. Benz



RE: S.B. 29
SUBJECT: Teacher Certification

Senate Bill 29 becomes effective July 1, 2015. This bill specifies the process for renewing expired licenses and certificates issued by the State Board of Education.

- Section 1(A): Directs the State Department of Education to notify, in writing, individuals who hold a license or certificate issued by the State Board of Education that has expired on June 30 of that year. Notice is to be sent to the last-known address of the individual and the last-known school district where they were employed.
- Section 1(B): For individuals renewing their license or certificate by December 31 of the year it expired, the effective date will be July 1 of that year.
- Section 1(C): For individuals renewing their license or certificate after December 31 of the year it expired, the effective date will be date on which it was renewed, according to State Department of Education rules.
- Section 1(D): Caps processing fees for late renewals of licenses and certificates submitted by December 31 of the expiration year at 150% of the standard renewal fee for applications, and 200% of the standard renewal fee for applications submitted after December 31 of the expiration year.

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.

New Law at: 70 O.S. 6-108.1

An Act

ENROLLED SENATE
BILL NO. 29

By: Brecheen of the Senate

and

Denney of the House

An Act relating to teacher certification; directing the State Department of Education to provide certain written notice to individuals whose license or certificate expired on certain date; providing for renewal of expired licenses and certificates if application is submitted by certain date; providing for effective dates of renewal applications; providing for processing fees for renewal applications on expired licenses and certificates; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Teacher certification

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 6-108.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. No later than October 1 of each year, the State Department of Education shall provide written notice to the last-known address of any individual who held any license or certificate issued by the State Board of Education which expired on June 30 of the same year. Notice shall also be provided to the last-known district which employed any such individual.

B. If any individual whose license or certificate issued by the State Board of Education has expired submits a renewal application and processing fee by December 31 of the year in which the license or certificate has expired, such license or certificate shall be renewed with an effective date of July 1 of the year in which the license or certificate has expired, unless other statutory basis exists for denying such renewal.

C. If any individual whose license or certificate issued by the State Board of Education has expired submits a renewal application and processing fee after December 31 of the year in which the license or certificate has expired, such license or certificate shall be renewed with an effective date in accordance with State Department of Education rules, unless another statutory basis exists for denying such renewal.

D. The processing fee for late renewal of a license or certificate shall not exceed one hundred fifty percent (150%) of the standard renewal processing fee for renewal applications submitted by December 31 of the year in which the license or certificate has expired, or two hundred percent (200%) of the standard renewal processing fee for renewal applications submitted after December 31 of the year in which the license or certificate has expired.

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 5th day of May, 2015.

Atty Sy/ce
Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2015.

Jed Shuman
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 6th

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

By: Audrey Reedwell

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

day of May, 20 15, at 3:34 o'clock P M.

Mary Fallis
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: Ch. Benz



H.B. 1034

RE: H.B. 1034

SUBJECT: Oklahoma Charter Schools Act

House Bill 1034 becomes effective November 1, 2015. This bill amends the Oklahoma Charter Schools Act to allow for Indian tribes to sponsor charter schools.

- Current law specifically lists a variety of entities that are eligible to sponsor a charter school under the Oklahoma Charter Schools Act.
- Section 1(A)(8): Adds to the list authorized to sponsor a charter school, federally recognized Indian tribes, as long as the charter school is located within the former reservation or treaty area boundaries of the tribe on property held in trust by the Bureau of Indian Affairs.

Note: H.B. 1034 and S.B. 782 both amend the same portion of law, 70 O.S. 3-132, and as such, should be read together.

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

Amendment to: 70 O.S. 3-132

An Act

ENROLLED HOUSE
BILL NO. 1034

By: Kirby, Denney and Billy of
the House

and

Loveless and Pittman of the
Senate

An Act relating to schools; amending 70 O.S. 2011, Section 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-132), which relates to the Oklahoma Charter Schools Act; authorizing sponsorship of charter schools by federally recognized Indian tribes on certain property; and providing an effective date.

SUBJECT: Oklahoma Charter Schools Act

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-132), is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall be sponsored only as follows:

1. By a school district with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

2. By a school district which has a school site that has been identified as in need of improvement by the State Board of Education

pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

3. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

4. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

5. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

6. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

7. By a federally recognized Indian tribe, operating a high school under the authority of the Bureau of Indian Affairs as of November 1, 2010, if the charter school is for the purpose of demonstrating native language immersion instruction, and is located

within its former reservation or treaty area boundaries. For purposes of this paragraph, native language immersion instruction shall require that educational instruction and other activities conducted at the school site are primarily conducted in the native language; ~~or~~

8. By a federally recognized Indian tribe only when the charter school is located within the former reservation or treaty area boundaries of the tribe on property held in trust by the Bureau of Indian Affairs of the United States Department of the Interior for the benefit of the tribe; or

9. By the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs or the applicant has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service and the charter school is for the purpose of providing education services to youth in the custody or supervision of the state. Not more than two charter schools shall be sponsored by the Board as provided for in this paragraph during the period of time beginning July 1, 2010, through July 1, 2016.

B. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district, an area vocational-technical school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

C. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.

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

Passed the House of Representatives the 12th day of February, 2015.

Lee L. Dancy, Jr.
Presiding Officer of the House
of Representatives

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

Nathan Dahm
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of April, 20 15, at 2:35 o'clock P M.
By: Audrey Reedwell

Approved by the Governor of the State of Oklahoma this 1st
day of May, 20 15, at 11:41 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 1st
day of May, 20 15, at 2:25 o'clock P M.
By: Jean Ann McNaughton-Hayes



S.B. 505

RE: S.B. 505

SUBJECT: Charter Schools

Senate Bill 505 becomes effective August 20, 2015. This bill creates the “Statewide Virtual Charter School Board Revolving Fund.”

- Section 1: Creates a revolving fund for the Statewide Virtual Charter School Board in the State Treasury. It is to consist of all monies received by the Board from State Aid or any other state appropriation. Monies accruing to the fund may be budgeted and expended by the Statewide Virtual Charter School Board for the purpose of supporting their mission.

Should you have any questions related to this bill, please contact Ms. Mathangi Shankar, Chief Financial Officer, at (405) 522-0162 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

New Law at: 70 O.S. 3-145.7

Helpful Statutory References: 70 O.S. 3-145.3

An Act

ENROLLED SENATE
BILL NO. 505

By: Stanislawski of the Senate

and

Nelson of the House

An Act relating to the Statewide Virtual Charter School Board; creating the Statewide Virtual Charter School Board Revolving Fund; specifying sources of fund; providing for expenditures; and providing for codification.

SUBJECT: Charter schools

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Statewide Virtual Charter School Board to be designated the "Statewide Virtual Charter School Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Statewide Virtual Charter School Board from State Aid pursuant to Section 3-145.3 of Title 70 of the Oklahoma Statutes or any other state appropriation. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Statewide Virtual Charter School Board for the purpose of supporting the mission of the Statewide Virtual Charter School Board. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Passed the Senate the 3rd day of March, 2015.

Nathan Dahm
Presiding Officer of the Senate

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

Joe R. Donnell
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 28th
day of April, 20 15, at 3:35 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 1st
day of May, 20 15, at 12:00 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 1st
day of May, 20 15, at 2:25 o'clock P. M.

By: Jeanne McNaughton-Hayles



S.B. 782

RE: S.B. 782

SUBJECT: Charter Schools

Senate Bill 782 becomes effective August 20, 2015. This bill amends portions of the Oklahoma Charter Schools Act to allow for school districts across the state to sponsor charter schools.

- Current law allows for certain entities to sponsor a charter school, and the Oklahoma Charter Schools Act applies to those charter schools formed and operated under the act.

Section 1: Eligible Sponsors

- Section 1(A)(1): Eliminates the portion of current law that limits the capability to charter to those school districts with average daily membership (ADM) of 5,000 or more that is located in a county with a population of 500,000 or more. Instead, any school district in the state may now sponsor a charter within their geographical district boundaries. Other changes to those currently allowed to sponsor (Note: This is not a comprehensive listing of allowed sponsors):
 - Section 1(A)(2): The ability for a school district with a site that is identified as in need of improvement by the State Board of Education under the Elementary and Secondary Education Act (ESEA) is eliminated.
 - Section 1(A)(3): Technology center school districts may sponsor a charter if the charter is located in a district served by the technology center school district in which all or part of the district is in a county with a population of more than 500,000, eliminating the requirement that they also be in a school district that has an ADM of 5,000 or more.
 - Section 1(A)(4): Comprehensive and regional institutions of higher education now must be accredited in order to sponsor. Additionally, community colleges may charter if the charter school is located in a school district in which all or part of the school district is located in a county with a population of more than 500,000. The requirement that they also be in a school district that has an ADM of 5,000 or more is eliminated for both comprehensive/regional institutions and community colleges. Previously, only institutions with teacher education programs could sponsor, but that restriction is eliminated.

- Section 1(A)(8): Creates a new ability for the State Board of Education to sponsor a charter school in cases where the applicant has been denied by the local school district. Restricts the State Board to sponsoring no more than five charters per year each year for the first five years after August 20, 2015 in counties with a population of fewer than 500,000, and no more than one per school district per year. In order to supersede the local school district's decision the State Board must find evidence of all of the following:
 - There is a thorough and high quality charter school application according to Section 2 of this act.
 - There is a clear demonstration of community support for the charter school.
 - The basis for the denial by the school district is not supported by the greater weight of evidence and strength of the applicant.
- Section 1(B): Eligible non-school district sponsors are directed to give priority to charters that serve at-risk students or students in low-performing traditional schools.
- Section 1(C): Eligible non-school district sponsors are directed to give priority to applicants that have a record of operating a school or program with demonstrated academic success, organizational viability, and that have previously served students similar to those in the proposed application. Sponsors must consider the following factors:
 - Evidence of a strong, reliable record of academic success based primarily on student performance data, as well as financial and operational success,
 - A sound, detailed, well-supported growth plan,
 - Evidence of the ability to transfer successful practices, including cultural, organizational and instructional characteristics,
 - Evidence the program has the capacity to successfully replicate without putting its current operations at risk, and
 - A financial structure that ensures funds remain with and are used to the benefit of that school.
- Section 1(D-E): Allows for a conversion charter school under the Oklahoma Charter Schools Act, defined as a charter school created by converting all or any part of a traditional public school into a charter school, which may be operated by the school district board of education or by an independent operating board elected by and accountable to the school district board of education.

Section 2: Application Process

- Section 2(B): Adds several new requirements to be included in the application for ALL charter school applicants, not just those to be sponsored by a school district. New requirements include (Note: This is not a comprehensive list of the application requirements):
 - Description that includes background information
 - A five-year financial plan, instead of a three-year plan
 - Description of minimum and maximum enrollment planned each year for the term of the contract
 - The proposed school calendar and sample daily schedule
 - **Description of the academic program aligned with state standards, unless otherwise exempt by state law**
 - Description of instructional design (learning environment, class size, curriculum overview, methodology)
 - **Plan for assessments to measure and report student progress and performance required by Section 3**
 - **Plans for identifying and serving students with disabilities, English language learners, and struggling students**
 - Description, funding and delivery of co-curricular and extracurricular programs
 - Plans and timelines for student recruitment and enrollment
 - Student discipline policies, including policies for special education students
 - **Organizational chart that includes lines of authority and reporting between governing board, staff and other related bodies that will play a role in management**
 - Descriptions and responsibilities of the governing board, leadership and management teams, and other entities on the organizational chart
 - Leadership and teacher employment policies
 - Proposed governing bylaws
 - Explanation of partnerships central to the operations and mission
 - Plans for transportation, food service and other significant operational services
 - Opportunities and expectations for parental involvement
 - Detailed start-up plan
 - Financial plan and policies including controls and audit requirements
 - Insurance coverage
 - Start-up and first-year budgets with clearly stated assumptions
 - Start-up and first-year cash-flow projections
 - Evidence of anticipated fundraising contributions
 - Sound facilities plan, and contingency plan

- **Requirement that the governing board meet at least quarterly in the state, and for those in counties with a population of fewer than 500,000, that a majority of members live in the geographic boundary of the sponsoring entity**
 - Requirement that the charter school will follow the Open Meeting and Open Records Acts.
- Section 2(D): Requires the physical location of a charter school sponsored by the State Board to be located within the original school district where the applicant applied.
 - Section 2(E): Applicants that are rejected by the local school district may appeal to the State Board for reconsideration, and the State Board must hear the appeal within 60 days.
 - Section 2(G): Those charter school applicants that have been rejected by a sponsor other than a school district may proceed to binding arbitration with the costs borne by the sponsor. Those charter school applicants rejected by a school district *may not* proceed to binding arbitration, but instead may be sponsored by the State Board.
 - Section 2(I): Sponsors have oversight of charter school operations through annual performance reviews and reauthorization. They may also solicit and evaluate applications, approve quality charters meeting identified educational needs and promoting diversity of educational choices, decline weak or inadequate applications, negotiate sound contracts, monitor performance and legal compliance as dictated by the contract, and determine whether the contract merits renewal, nonrenewal or revocation.
 - Section 2(K): Sponsors must develop and maintain policies and procedures for chartering consistent with recognized principles and standards for quality charters as established by the State Board of Education.
 - Section 2(L): Sponsors acting in their official capacity are exempt from civil and criminal liability for activities related to the charter.

Section 3: Contractual Requirements

- Section 3(A): Contracts between charter schools and sponsors must contain a variety of items including (Note: This is not a comprehensive list of requirements):
 - Management and administration of the school, including that a majority of governing board members are residents of the State of Oklahoma and will meet at least quarterly in a public meeting within the school district boundaries, or within the State if the sponsor has multiple charter locations,
 - Description of the high standards of expectations and rigor, and assurance that the charter plans meet those standards at minimum,
 - Policies that require the school to be as equally free and open to all students as traditional public schools,

- Procedures that require enrolled students to be selected by lottery to ensure fairness if more students apply than there is capacity,
 - Policies that require the charter to be subject to the same academic standards as existing public schools, and
 - Description of requirements and procedures for the charter to receive funding in accordance with statutory requirements and guidelines for existing public schools.
- Section 3(B): Charter schools must execute a contract with a sponsor and have it approved in an open meeting in order to begin serving students. The sponsor has authority to establish pre-opening requirements and ability to monitor start-up progress.
 - Section 3(C): The sponsor is to monitor and evaluate the performance of the charter schools, and submit the data from Section 3(A) to the State Department of Education in the same format as is required for all public schools. The performance framework for each charter school must include:
 - Student academic proficiency, student academic growth, achievement gaps, student attendance, recurrent enrollment, graduation rates, postsecondary readiness, financial performance and sustainability, and governing board performance and stewardship.
 - Section 3(D): The sponsor cannot request any metric or data from a charter that it does not require of all school sites in its district or under its sponsorship, unless it is unique to the charter.
 - Section 3(E): A charter contract may include more than one school under the same sponsor, provided each school is a separate and distinct entity.

Section 4: Termination and Non-renewal

- Section 4 (A-F): Charter contracts will be for five years, and may be renewed for another five years as determined by the sponsor. The sponsor may grant the renewal based on specific conditions for improvement that must be met.
 - The sponsor must issue a charter school performance report and renewal application guidance to the charter school board at the beginning of the fourth year of operation that includes the performance record as is required by the Charter Schools Act and by the contract, and provide notice of any concerns that may jeopardize its renewal status. The school will have 45 days to respond to the performance report.

- The application guidance must allow for the charter school to present additional evidence for renewal, describe improvements undertaken or planned, and detail the plan for the next charter term. It also must refer explicitly to the criteria that will be used to guide the renewal decision, which must be based on the performance framework and consistent with the contract and requirements of state statute.
- When considering renewal, the sponsor must consider the evidence of the performance in conjunction with the percentage of at-risk students enrolled, grant renewal to schools that have achieved the expectations of the contract and applicable law, ensure the data used in the decision is made available to the school and public, and provide a public report summarizing the reasoning for the decision.
- If renewal is denied, or the sponsor decides to terminate the contract, binding arbitration may be pursued according to Section 2.
- Section 4(G): Beginning with the 2016-2017 school year, the State Board of Education is directed to identify those charter schools ranked in the bottom 5% of all public schools according to the annual performance reports published by the State Board under the Oklahoma School Testing Program.
 - At the time of charter renewal, a sponsor may choose to close a charter school if the site is identified as being among the bottom 5% of all public schools based on an average of the current year and the two prior operating years.
 - If there is a change in the score of the charter site that would result in the site not being ranked in the bottom 5%, then the sponsor is to use the higher of the two rankings.
 - If a sponsor chooses to not close a site that is in the bottom 5% of all public schools per Section 4(G), then the sponsor must appear before the State Board to explain its decision. The State Board may vote to uphold or overturn the decision of the sponsor. If overturned, the State Board may transfer the sponsorship, order the closure of the school at the end of the school year, or order the reduction of the administrative fee collected by the sponsor effective at the beginning of the month following the hearing.
 - A charter school that is closed by the State Board may not be granted a charter by any other sponsor.
 - A school designed by the State Department of Education to implement an alternative education program may not be closed.

- In consideration of closing a charter school, the State Board must consider the enrollment of students with special challenges, including drug and alcohol addiction, prior withdrawal from school, prior incarceration and other special circumstances; if the purpose of the charter is to serve a high-mobility population; annual improvement of the students enrolled compared with the performance of students enrolled the previous year; and if the result of closure would likely send a majority of students back to public schools with lower academic achievement.
- If the State Board has closed or transferred sponsorship of at least 25% of the charter schools under one sponsor, the authority of that sponsor may be suspended, until the State Board determines otherwise.
- Section 4(H): If a sponsor terminates a contract or the charter is closed, the following protocol is to be followed:
 - The sponsor must meet with the governing board and leadership within two calendar weeks to establish a transition team that will attend to the closure of the school including, the transfer of students, student records and remaining funds,
 - The sponsor and transition team must:
 - Communicate regularly and effectively with families and staff regarding their options and risks,
 - Ensure the current instruction of students enrolled continues for the remainder of the school year, and
 - Ensure all necessary notifications are sent to agencies, employees, insurers, contractors, creditors, debtors and management organizations.
 - The governing board must continue to meet as necessary to wind down school operations.
- Section 4(I): Sponsors must develop revocation and nonrenewal processes to include timely notification of the prospect of revocation or nonrenewal, and the reasons for possible closure, allow a reasonable amount of time for response, provide an opportunity to submit documents and give testimony in a public hearing to challenge the closure, allow the charter to access representation, permit recording of the proceedings, allow time for deliberation and require a final determination to be made in writing to the school.
- Section 4(J): If a sponsor revokes or does not renew a charter, they must adopt a clearly stated resolution as to the reasons for their decision.

- Section 4(K): Before a sponsor can issue a charter to a governing body that has had its charter terminated or not renewed, the sponsor must request to have the proposal reviewed by the State Board at a hearing. The sponsor must present information that the new proposal is substantively different in the areas of deficiency identified by the previous sponsor. The State Board will either approve or deny the proposal. If denied, no sponsor may issue a charter to that governing body in the future.

Section 5: Enrollment

- Section 5(E): A sponsor may not restrict the number of students a charter can enroll. The governing body will annually determine the capacity of the charter school based on the ability to facilitate academic success and achieve the other objectives specified in the contract to not exceed the capacity of the facility.

Section 6: Funding

- Section 6(D): A charter may reserve ANY unexpended funds, including state and local funds, for future purposes. Governing bodies of charter schools cannot levy taxes or issue bonds; however, they may enter into private contracts to borrow money. The charter school is solely responsible for paying those debts, and neither the state nor sponsor is in any way responsible for the debt.

Note: S.B. 782 and H.B. 1034 both amend the same portion of law, 70 O.S. 3-132, and as such, should be read together.

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

Amendment to: 70 O.S. 3-132, 3-134, 3-135, 3-137, 3-140, 3-142
Helpful Statutory References: 70 O.S 1210.545

An Act

ENROLLED SENATE
BILL NO. 782

By: Jolley, Loveless and
Griffin of the Senate

and

Denney and Jordan of the
House

An Act relating to charter schools; amending 70 O.S. 2011, Sections 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013, 3-134, 3-135, 3-137, 3-140, as last amended by Section 2, Chapter 212, O.S.L. 2013 and 3-142, as amended by Section 3, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Sections 3-132, 3-140 and 3-142), which relate to the Oklahoma Charter Schools Act; modifying list of authorized sponsors of charter schools; deleting certain conditions on certain sponsors; allowing the State Board of Education to sponsor charter schools under certain conditions; mandating that priority be given to certain charter schools serving certain students; mandating that priority be given to charter school applicants that meet certain conditions; listing factors for approving a new site or school; modifying definition; adding definition; adding information to be included in the charter school application; limiting location of certain charter schools; allowing for an appeal of a rejected application to the State Board of Education; deleting mediation and arbitration criteria; providing for certain type of binding arbitration for certain applicants; stating powers and duties of a sponsor; directing sponsors to establish procedures for accepting, approving and disapproving applications; requiring sponsors to develop and maintain chartering policies and practices that are consistent with certain principles and standards; limiting liability of sponsors; adding

provisions required in the charter contract; prohibiting a charter school from serving students without a contract; allowing sponsors to establish preopening requirements and conditions; specifying basis for performance provisions of a contract; allowing submission of data in certain format; listing performance framework categories; limiting requests for metric or data; allowing applicants and sponsors to have multiple contracts or one contract for multiple schools; allowing for renewal for successive terms; requiring sponsors to issue performance reports and application renewal guidance before a certain time; specifying contents of performance reports; listing steps to be allowed under the application renewal guidance; requiring the application renewal guidance to include certain criteria; requiring charter renewal decisions to include certain criteria and actions; deleting certain mediation option; directing the State Board of Education to identify certain charter schools by school grades; allowing closure of a charter school identified at bottom of ranking; providing process for ranking under certain conditions; providing for review of sponsor's decision by the State Board of Education and implementation of certain options; prohibiting charters by other sponsors for certain closed charter schools; exempting certain charter schools from closure requirements; listing considerations for closure; providing for suspension of certain charter school authorization; providing protocol for closing a charter school; directing sponsors to develop revocation and nonrenewal processes; requiring sponsors to state reasons for revocation or nonrenewal in a resolution; requiring review of certain charter school proposal by the Board; updating statutory language; prohibiting the sponsor of a charter school from restricting the number of students enrolled in a charter school; requiring the governing body of the charter school to determine capacity; specifying considerations; modifying type of funds that may be reserved; prohibiting charter schools from levying taxes or

issuing bonds; allowing a charter school to enter into private contracts for certain purposes; and establishing responsibility for debt.

SUBJECT: Charter schools

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-132), is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall be sponsored only as follows:

1. By a any school district ~~with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census in the State of Oklahoma, provided such charter school shall only be located within the geographical boundaries of the sponsoring district and subject to the restrictions of Section 3-145.6 of this title;~~

2. ~~By a school district which has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;~~

3. ~~By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has an average daily membership of five thousand (5,000) or more and~~ in which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;

~~4.~~ 3. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

~~5.~~ 4. By ~~a~~ an accredited comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education or a community college if the charter school is located in a school district ~~that has an average daily membership of five thousand (5,000) or more and~~ in which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census. ~~In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;~~

~~6.~~ 5. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located in the State of Oklahoma;

~~7.~~ 6. By a federally recognized Indian tribe, operating a high school under the authority of the Bureau of Indian Affairs as of November 1, 2010, if the charter school is for the purpose of demonstrating native language immersion instruction, and is located within its former reservation or treaty area boundaries. For purposes of this paragraph, native language immersion instruction shall require that educational instruction and other activities conducted at the school site are primarily conducted in the native language; ~~or~~

~~8.~~ 7. By the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs or the applicant

has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service and the charter school is for the purpose of providing education services to youth in the custody or supervision of the state. Not more than two charter schools shall be sponsored by the Board as provided for in this paragraph during the period of time beginning July 1, 2010, through July 1, 2016; or

8. By the State Board of Education when the applicant has first been denied a charter by the local school district in which it seeks to operate. In counties with fewer than five hundred thousand (500,000) population, according to the latest Federal Decennial Census, the State Board of Education shall not sponsor more than five charter schools per year each year for the first five (5) years after the effective date of this act, with not more than one charter school sponsored in a single school district per year. In order to authorize a charter school under this section, the State Board of Education shall find evidence of all of the following:

- a. a thorough and high-quality charter school application from the applicant based on the authorizing standards in subsection B of Section 3-134 of this title,
- b. a clear demonstration of community support for the charter school, and
- c. the grounds and basis of objection by the school district for denying the operation of the charter are not supported by the greater weight of evidence and the strength of the application.

B. An eligible non-school-district sponsor shall give priority to opening charter schools that serve at-risk student populations or students from low-performing traditional public schools.

C. An eligible non-school-district sponsor shall give priority to applicants that have demonstrated a record of operating at least one school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed charter school seeks to serve. In assessing the potential for quality replication of a charter school, a sponsor

shall consider the following factors before approving a new site or school:

1. Evidence of a strong and reliable record of academic success based primarily on student performance data, as well as other viable indicators, including financial and operational success;

2. A sound, detailed, and well-supported growth plan;

3. Evidence of the ability to transfer successful practices to a potentially different context that includes reproducing critical cultural, organizational and instructional characteristics;

4. Any management organization involved in a potential replication is fully vetted, and the academic, financial and operational records of the schools it operates are found to be satisfactory;

5. Evidence the program seeking to be replicated has the capacity to do so successfully without diminishing or putting at risk its current operations; and

6. A financial structure that ensures that funds attributable to each charter school within a network and required by law to be utilized by a school remain with and are used to benefit that school.

D. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district, a conversion charter school, an area vocational-technical school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

~~E.~~ E. For the purposes of the Oklahoma Charter Schools Act, "conversion charter school" means a charter school created by converting all or any part of a traditional public school into a charter school which may be operated by the school district board of education or by an independent operating board elected by and accountable to the school district board of education.

F. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-134, is amended to read as follows:

Section 3-134. A. For written applications filed after January 1, 2008, prior to submission of the application to a proposed sponsor seeking to establish a charter school, the applicant shall be required to complete training which shall not exceed ten (10) hours provided by the State Department of Education on the process and requirements for establishing a charter school. The Department shall develop and implement the training by January 1, 2008. The Department may provide the training in any format and manner that the Department determines to be efficient and effective including, but not limited to, web-based training.

B. Except as otherwise provided for in Section 3-137 of this title, an applicant seeking to establish a charter school shall submit a written application to the proposed sponsor as prescribed in subsection E of this section. The application shall include:

1. A mission statement for the charter school;
2. A description including, but not limited to, background information of the organizational structure and the governing body of the charter school;
3. A financial plan for the first ~~three (3)~~ five (5) years of operation of the charter school and a description of the treasurer or other officers or persons who shall have primary responsibility for the finances of the charter school. Such person shall have demonstrated experience in school finance or the equivalent thereof;
4. A description of the hiring policy of the charter school;
5. The name of the applicant or applicants and requested sponsor;

6. A description of the facility and location of the charter school;
7. A description of the grades being served;
8. An outline of criteria designed to measure the effectiveness of the charter school;
9. A demonstration of support for the charter school from residents of the school district which may include but is not limited to a survey of the school district residents or a petition signed by residents of the school district; ~~and~~
10. Documentation that the applicants completed charter school training as set forth in subsection A of this section;
11. A description of the minimum and maximum enrollment planned per year for each term of the charter contract;
12. The proposed calendar for the charter school and sample daily schedule;
13. Unless otherwise authorized by law or regulation, a description of the academic program aligned with state standards;
14. A description of the instructional design of the charter school, including the type of learning environment, class size and structure, curriculum overview and teaching methods;
15. The plan for using internal and external assessments to measure and report student progress on the performance framework developed by the applicant in accordance with subsection C of Section 3-135 of this title;
16. The plans for identifying and successfully serving students with disabilities, students who are English language learners and students who are academically behind;
17. A description of cocurricular or extracurricular programs and how they will be funded and delivered;

18. Plans and time lines for student recruitment and enrollment, including lottery procedures;
19. The student discipline policies for the charter school, including those for special education students;
20. An organizational chart that clearly presents the organizational structure of the charter school, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils and any external organizations that will play a role in managing the school;
21. A clear description of the roles and responsibilities for the governing board, the leadership and management team for the charter school and any other entities shown in the organizational chart;
22. The leadership and teacher employment policies for the charter school;
23. Proposed governing bylaws;
24. Explanations of any partnerships or contractual partnerships central to the operations or mission of the charter school;
25. The plans for providing transportation, food service and all other significant operational or ancillary services;
26. Opportunities and expectations for parental involvement;
27. A detailed school start-up plan that identifies tasks, time lines and responsible individuals;
28. A description of the financial plan and policies for the charter school, including financial controls and audit requirements;
29. A description of the insurance coverage the charter school will obtain;