

1 **SENATE FLOOR VERSION**

2 February 12, 2019

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 193

6 By: Pemberton

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 3-104.4, as last amended by Section 27,  
9 Chapter 42, O.S.L. 2017 (70 O.S. Supp. 2018, Section  
10 3-104.4), which relates to standards for  
11 accreditation of schools; modifying circumstances  
12 under which accreditation cannot be withdrawn or  
13 denied for failure to meet certain media program  
14 standards; directing certain prohibition to cease  
15 once per-pupil expenditures are equal to or more than  
16 certain regional average expenditure as reported by  
17 the National Center for Education Statistics;  
18 directing the State Board of Education to report  
19 whether expenditures have reached certain level by  
20 certain date; modifying circumstances under which the  
21 State Board of Education cannot assess certain  
22 penalties; directing certain prohibition to cease  
23 once per-pupil expenditures are equal to or more than  
24 certain regional average expenditure as reported by  
the National Center for Education Statistics;  
directing the State Board of Education to report  
whether expenditures have reached certain level by  
certain date; amending 70 O.S. 2011, Section 3-167,  
as last amended by Section 2, Chapter 253, O.S.L.  
2016 (70 O.S. Supp. 2018, Section 3-167), which  
relates to advisory councils; modifying circumstances  
under which school districts are exempt from certain  
advisory council requirements; directing certain  
prohibition to cease once per-pupil expenditures are  
equal to or more than certain regional average  
expenditure as reported by the National Center for  
Education Statistics; directing the State Board of  
Education to report whether expenditures have reached  
certain level by certain date; amending 70 O.S. 2011,  
Section 16-111, as last amended by Section 3, Chapter  
253, O.S.L. 2016 (70 O.S. Supp. 2018, Section 16-

1 111), which relates to textbook adoption; modifying  
2 circumstances under which school districts are exempt  
3 from certain textbook adoption requirements;  
4 directing certain prohibition to cease once per-pupil  
5 expenditures are equal to or more than certain  
6 regional average expenditure as reported by the  
7 National Center for Education Statistics; directing  
8 the State Board of Education to report whether  
9 expenditures have reached certain level by certain  
10 date; providing an effective date; and declaring an  
11 emergency.

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104.4, as  
14 last amended by Section 27, Chapter 42, O.S.L. 2017 (70 O.S. Supp.  
15 2018, Section 3-104.4), is amended to read as follows:

16 Section 3-104.4. A. On or before February 1, 1991, the State  
17 Board of Education shall adopt standards for the accreditation of  
18 the public schools in this state according to the requirements of  
19 this act, to be effective as set forth in this act. The  
20 accreditation standards shall incorporate the curricular standards  
21 established pursuant to Section 11-103.6 of this title. The  
22 accreditation standards shall equal or exceed the accreditation  
23 standards for schools promulgated by the North Central Association  
24 of Colleges and Schools to the extent that the standards are  
consistent with an academic results oriented approach to  
accreditation, excluding those standards which deal with affective  
behavior to the extent the adoption of the standards does not

1 conflict with state statute. The accreditation adopted by the State  
2 Board shall encompass accreditation for elementary schools, middle  
3 schools, junior high schools, and high schools. The accreditation  
4 standards shall be made available for public inspection at the  
5 offices of the State Department of Education.

6 B. Standards for accreditation adopted by the State Board of  
7 Education shall include standards relating to the provision of  
8 school counselors to the public school children of this state. The  
9 State Board of Education shall require each local school district to  
10 provide information regarding the number of counselors serving each  
11 school site, the duties of all such counselors including all  
12 administrative duties, the number of students served by each  
13 counselor, and information regarding the number of counselors  
14 employed per elementary school, middle school, junior high school  
15 and high school.

16 C. Except as otherwise provided by subsection A of this section  
17 with regard to curricular standards, as a condition of receiving  
18 state accreditation pursuant to this act:

19 1. High schools shall meet the accreditation standards not  
20 later than June 30, 1995; and

21 2. Elementary, middle and junior high schools shall meet the  
22 accreditation standards not later than June 30, 1999.

23 Schools shall thereafter continue to meet the accreditation  
24 standards as a condition of continued accreditation. Nothing herein

1 shall be construed as preventing changes to the adopted standards by  
2 the State Board of Education pursuant to the Administrative  
3 Procedures Act.

4 D. If one or more school sites fails to receive accreditation  
5 as required pursuant to this section by the dates set forth in  
6 subsection C of this section or subsequently loses accreditation,  
7 the State Board of Education shall close the school and reassign the  
8 students to accredited schools within the district or shall annex  
9 the district to one or more other districts in which the students  
10 can be educated in accredited schools.

11 E. Standards for accreditation adopted by the State Board of  
12 Education shall include standards relating to the provision of  
13 educational services provided in partial hospitalization programs,  
14 day treatment programs, day hospital programs, residential treatment  
15 programs and emergency shelter programs for persons between the ages  
16 of three (3) and twenty-one (21) years of age. The accreditation  
17 standards shall apply to onsite and offsite educational services  
18 provided by public school districts or state-accredited private  
19 schools. The accreditation standards shall provide for warnings,  
20 probation or nonaccredited status for schools that fail to meet the  
21 standards. Each school which is providing or is required to provide  
22 educational services for students placed in a program as described  
23 in this subsection shall be actively monitored by the State  
24 Department of Education. The Department shall determine on an

1 ongoing basis if the educational program and services are in  
2 compliance with the accreditation standards. The Department shall  
3 investigate a complaint of failure to provide educational services  
4 within ten (10) days of receiving the complaint. If the Department  
5 determines that a school has failed to comply with the accreditation  
6 standards the Department shall report the recommended warning,  
7 probation or nonaccredited accreditation status to the State Board  
8 of Education within sixty (60) days. If a school does not take  
9 action to comply with the accreditation standards within ninety (90)  
10 days after a report is filed by the Department, the Board shall  
11 withdraw accreditation for the school.

12 F. State Board accreditation regulations shall provide for  
13 warnings and for assistance to schools and school districts whenever  
14 there is reason to believe a school is in danger of losing its state  
15 accreditation.

16 G. The State Board shall provide assistance to districts in  
17 considering the possibility of meeting accreditation requirements  
18 through the use of nontraditional means of instruction. The State  
19 Board shall also assist districts in forming cooperatives and making  
20 arrangements for the use of satellite instruction or other  
21 instructional technologies to the extent that use of such  
22 instructional means meets accreditation standards.

23 H. 1. Accreditation shall not be withdrawn from or denied nor  
24 shall a penalty be assessed against a school or school district for

1 failing to meet the media materials and equipment standards and  
2 media program expenditure standards as set forth in the  
3 accreditation standards adopted by the Board.

4 2. The provisions of paragraph 1 of this subsection shall cease  
5 to be effective ~~during a fiscal year immediately following a fiscal~~  
6 ~~year that the state financial support of public schools provides an~~  
7 ~~amount~~ once state per-pupil expenditures are equal to or more than  
8 ~~Three Thousand Two Hundred Ninety-one Dollars and sixty cents~~  
9 ~~(\$3,291.60) per weighted average daily membership as calculated~~  
10 ~~pursuant to Section 18-200.1 of this title and reported to school~~  
11 ~~districts by the State Department of Education on the initial~~  
12 ~~tentative State Aid allocation notice~~ the regional average per-pupil  
13 expenditure as defined by Section 1-124 of this title in public  
14 elementary and secondary schools for the most current year for which  
15 data is available, as reported by the National Center for Education  
16 Statistics annually and funds are provided. For purposes of this  
17 subsection, the regional average expenditure shall consist of the  
18 current per-pupil expenditures as defined by Section 1-124 of this  
19 title in public elementary and secondary schools in unadjusted  
20 dollars for each of the following states: Arkansas, Colorado,  
21 Kansas, Missouri, New Mexico and Texas. By February 1 of each year,  
22 the State Board of Education shall report whether the expenditure  
23 level has been reached based on information reported annually by the  
24 National Center for Education Statistics.

1       ~~3. If the amount set and calculated as provided for in~~  
2 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~  
3 ~~more as reported to school districts by the Department on the~~  
4 ~~initial tentative State Aid allocation notice for the following~~  
5 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~  
6 ~~cease to be effective and the provisions of paragraph 1 of this~~  
7 ~~subsection shall continue to be effective.~~

8       I. 1. The State Board shall not assess a financial penalty  
9 against any school district which is given a deficiency in  
10 accreditation status during any fiscal year as provided for in this  
11 subsection.

12       2. The provisions of paragraph 1 of this subsection shall cease  
13 to be effective ~~during a fiscal year immediately following a fiscal~~  
14 ~~year that the state financial support of public schools provides an~~  
15 ~~amount~~ once state per-pupil expenditures are equal to or more than  
16 ~~Three Thousand Two Hundred Ninety-one Dollars and sixty cents~~  
17 ~~(\$3,291.60) per weighted average daily membership as calculated~~  
18 ~~pursuant to Section 18-200.1 of this title and reported to school~~  
19 ~~districts by the State Department of Education on the initial~~  
20 ~~tentative State Aid allocation notice~~ the regional average per-pupil  
21 expenditure as defined by Section 1-124 of this title in public  
22 elementary and secondary schools for the most current year for which  
23 data is available, as reported by the National Center for Education  
24 Statistics annually and funds are provided. For purposes of this

1 subsection, the regional average expenditure shall consist of the  
2 current per-pupil expenditures as defined by Section 1-124 of this  
3 title in public elementary and secondary schools in unadjusted  
4 dollars for each of the following states: Arkansas, Colorado,  
5 Kansas, Missouri, New Mexico and Texas. By February 1 of each year,  
6 the State Board of Education shall report whether the expenditure  
7 level has been reached based on information reported annually by the  
8 National Center for Education Statistics.

9 ~~3. If the amount set and calculated as provided for in~~  
10 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~  
11 ~~more as reported to school districts by the Department on the~~  
12 ~~initial tentative State Aid allocation notice for the following~~  
13 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~  
14 ~~cease to be effective and the provisions of paragraph 1 of this~~  
15 ~~subsection shall continue to be effective.~~

16 J. Accreditation shall not be withdrawn from or denied, nor  
17 shall a penalty be assessed against, a school district for complying  
18 with this section.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-167, as  
20 last amended by Section 2, Chapter 253, O.S.L. 2016 (70 O.S. Supp.  
21 2018, Section 3-167), is amended to read as follows:

22 Section 3-167. A. 1. The State Board of Education shall  
23 exempt all school districts from or waive any policy, rule or law  
24 which requires school districts to form, convene, or participate in



1 any advisory council or committee, including but not limited to the  
2 requirement to convene an advisory council when preparing the school  
3 improvement plan as set forth in Section 5-117.4 of this title.

4 2. The provisions of paragraph 1 of this subsection shall cease  
5 to be effective ~~during a fiscal year immediately following a fiscal~~  
6 ~~year that the state financial support of public schools provides an~~  
7 ~~amount~~ once state per-pupil expenditures are equal to or more than  
8 ~~Three Thousand Two Hundred Ninety-one Dollars and sixty cents~~  
9 ~~(\$3,291.60) per weighted average daily membership as calculated~~  
10 ~~pursuant to Section 18-200.1 of this title and reported to school~~  
11 ~~districts by the State Department of Education on the initial~~  
12 ~~tentative State Aid allocation notice~~ the regional average per-pupil  
13 expenditure as defined by Section 1-124 of this title in public  
14 elementary and secondary schools for the most current year for which  
15 data is available, as reported by the National Center for Education  
16 Statistics annually and funds are provided. For purposes of this  
17 subsection, the regional average expenditure shall consist of the  
18 current per-pupil expenditures as defined by Section 1-124 of this  
19 title in public elementary and secondary schools in unadjusted  
20 dollars for each of the following states: Arkansas, Colorado,  
21 Kansas, Missouri, New Mexico and Texas. By February 1 of each year,  
22 the State Board of Education shall report whether the expenditure  
23 level has been reached based on information reported annually by the  
24 National Center for Education Statistics.

1       ~~3. If the amount set and calculated as provided for in~~  
2 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~  
3 ~~more as reported to school districts by the Department on the~~  
4 ~~initial tentative State Aid allocation notice for the following~~  
5 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~  
6 ~~cease to be effective and the provisions of paragraph 1 of this~~  
7 ~~subsection shall continue to be effective.~~

8       B. School districts shall not be exempted from forming,  
9 convening or participating in an advisory council or committee if  
10 required by federal law or regulation.

11       SECTION 3.       AMENDATORY       70 O.S. 2011, Section 16-111, as  
12 last amended by Section 3, Chapter 253, O.S.L. 2016 (70 O.S. Supp.  
13 2018, Section 16-111), is amended to read as follows:

14       Section 16-111. A. Except as otherwise provided for in  
15 subsection E of this section, the superintendent of schools of each  
16 school district in the state shall appoint a local textbook  
17 committee consisting of not fewer than three nor more than nine  
18 members. Each committee shall have one lay member, with the  
19 remainder of the members being teachers employed in the public  
20 schools of the district, a majority of whom shall be classroom  
21 teachers. The superintendent of schools or a designee who shall be  
22 a principal or a curriculum specialist shall serve as chairperson of  
23 the local textbook committee.

1 B. Upon the written request of any duly appointed local  
2 textbook coordinator, the publisher of a textbook selected by the  
3 State Textbook Committee shall furnish at least one examination copy  
4 of the textbook and the teacher edition of the textbook, if one is  
5 published, and a copy of software for purposes of complete  
6 demonstration and review, if available, to the school district so  
7 that the local textbook committee may examine any or all new  
8 adoptions in the subjects taught or to be taught in schools in the  
9 district.

10 C. Except as otherwise provided for in subsection E of this  
11 section, on or before a date to be fixed by the State Board of  
12 Education, each local textbook committee shall adopt textbooks from  
13 the multiple list selected by the State Textbook Committee in a  
14 manner as shall be prescribed by the State Board of Education. Each  
15 local textbook committee shall serve without compensation and shall  
16 cease to exist when local adoptions have been completed and shall be  
17 replaced by another local textbook committee appointed in the same  
18 manner as provided for in this section.

19 D. Except as otherwise provided for in subsection E of this  
20 section, on or before a date to be fixed by the State Board of  
21 Education, the superintendent of each school district shall submit  
22 to the State Board of Education a textbook plan outlining the  
23 estimated number of textbooks needed by the school district and the  
24 total amount of money to be expended by the district for textbooks

1 including the allocated funds and any additional supplemental funds  
2 to be expended. The superintendent or textbook coordinator  
3 appointed by the superintendent, shall place orders from the proper  
4 depository or depositories for all of the textbooks needed as  
5 outlined in the textbook plan by the district for the ensuing year.  
6 The superintendent of a school district or textbook coordinator may  
7 order any textbooks placed on the official multiple textbook list.  
8 If the order exceeds the allocation for each school district as  
9 provided in Section 16-114a of this title any additional funds  
10 expended shall be reported on the statement of expenditures for the  
11 district.

12 E. 1. If a school district makes the election as provided for  
13 in subsection B of Section 16-114a of this title, the district shall  
14 not be required to appoint a local textbook committee, adopt  
15 textbooks, submit a textbook plan, or expend money on the purchase  
16 of textbooks during any fiscal year as provided for in this  
17 subsection.

18 2. The provisions of paragraph 1 of this subsection shall cease  
19 to be effective ~~during a fiscal year immediately following a fiscal~~  
20 ~~year that the state financial support of public schools provides an~~  
21 ~~amount~~ once state per-pupil expenditures are equal to or more than  
22 ~~Three Thousand Two Hundred Ninety-one Dollars and sixty cents~~  
23 ~~(\$3,291.60) per weighted average daily membership as calculated~~  
24 ~~pursuant to Section 18-200.1 of this title and reported to school~~

1 ~~districts by the State Department of Education on the initial~~  
2 ~~tentative State Aid allocation notice~~ the regional average per-pupil  
3 expenditure as defined by Section 1-124 of this title in public  
4 elementary and secondary schools for the most current year for which  
5 data is available, as reported by the National Center for Education  
6 Statistics annually and funds are provided. For purposes of this  
7 subsection, the regional average expenditure shall consist of the  
8 current per-pupil expenditures as defined by Section 1-124 of this  
9 title in public elementary and secondary schools in unadjusted  
10 dollars for each of the following states: Arkansas, Colorado,  
11 Kansas, Missouri, New Mexico and Texas. By February 1 of each year,  
12 the State Board of Education shall report whether the expenditure  
13 level has been reached based on information reported annually by the  
14 National Center for Education Statistics.

15 ~~3. If the amount set and calculated as provided for in~~  
16 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~  
17 ~~more as reported to school districts by the Department on the~~  
18 ~~initial tentative State Aid allocation notice for the following~~  
19 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~  
20 ~~cease to be effective and the provisions of paragraph 1 of this~~  
21 ~~subsection shall continue to be effective.~~

22 SECTION 4. This act shall become effective July 1, 2019.

23 SECTION 5. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
4 February 12, 2019 - DO PASS AS AMENDED  
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