

OKLAHOMA STATUTES
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A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after November 1, 2010, shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs.181

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A. For purposes of funding, a charter school sponsored by a board of education of a school district shall be considered a site within the school district in which the charter school is located. The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the charter school and the school district shall be used to determine the total State Aid allocation for the district in which the charter school

is located. A charter school shall receive from the sponsoring school district, the State Aid allocation and any other state-appropriated revenue generated by its students for the applicable year, less up to five percent (5%) of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered. For charter schools sponsored by the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe and for statewide virtual charter schools sponsored by the Statewide Virtual Charter School Board, the State Aid allocation for the charter school shall be distributed by the State Board of Education and not more than five percent (5%) of the State Aid allocation may be charged by the sponsor as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school. The fee for administrative services as authorized in this subsection shall only be assessed on the State Aid allocation amount and shall not be assessed on any other appropriated amounts.....183

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- §70-1. Repealed by Laws 1941, p. 416, § 8.
- §70-1-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
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- §70-1-15. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-1-17. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1-18. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1-19. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1-20. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1-21. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1-101. Oklahoma School Code.

This act shall be known as the Oklahoma School Code.

Added by Laws 1971, c. 281, § 1-101, eff. July 2, 1971.

§70-1-102. Purpose of act.

The purpose of the Oklahoma School Code is to provide for a state system of public school education and for the establishment, organization, operation and support of such state system.

Added by Laws 1971, c. 281, § 1-102, eff. July 2, 1971.

§70-1-103. Act to be liberally construed.

If any section or part of the Oklahoma School Code is found to be ambiguous or otherwise subject to more than one interpretation, such section shall be liberally construed to the extent that the general purpose of the entire Code and of public education may be advanced.

Added by Laws 1971, c. 281, § 1-103, eff. July 2, 1971.

§70-1-104. Act not to repeal or modify tax laws unless specifically provided.

Nothing in the Oklahoma School Code shall be interpreted as repealing or modifying any law in effect in the State of Oklahoma relative to the collection of any taxes unless specifically provided for herein, and all appropriations existing at the time this Code becomes effective shall be subject to all provisions of said appropriations at the time of their enactment and no omission of or reference to any appropriations shall be construed as repealing any such appropriation or part thereof.

Added by Laws 1971, c. 281, § 1-104, eff. July 2, 1971.

§70-1-105. State Department of Education - State Board of Education - State Superintendent of Public Instruction - Definitions.

A. The State Department of Education is that department of the state government in which the agencies created or authorized by the Constitution and Legislature are placed and charged with the

responsibility of determining the policies and directing the administration and supervision of the public school system of the state. These agencies are the State Board of Education, the State Superintendent of Public Instruction and any divisions and positions as may be established by law, by the State Board of Education or by the State Superintendent of Public Instruction.

B. The State Board of Education is that agency in the State Department of Education which shall be the governing board of the public school system of the state.

C. The State Superintendent of Public Instruction is the official provided for in Section 1 of Article VI of the Oklahoma Constitution who shall be the executive officer of the State Board of Education and have control of and direct the State Department of Education.

Added by Laws 1971, c. 281, § 1-105, eff. July 2, 1971. Amended by Laws 1990, c. 293, § 6, eff. Sept. 1, 1990; Laws 2011, c. 31, § 1.

§70-1-106. Public schools - Definition - What included.

The public schools of Oklahoma shall consist of all free schools supported by public taxation and shall include nurseries, kindergartens, elementary, which may include either K-6 or K-8, secondary schools and technology center schools, not to exceed two (2) years of junior college work, night schools, adult and other special classes, vocational and technical instruction and such other school classes and instruction as may be supported by public taxation or otherwise authorized by laws which are now in effect or which may hereafter be enacted.

Added by Laws 1971, c. 281, § 1-106, eff. July 2, 1971. Amended by Laws 2001, c. 33, § 64, eff. July 1, 2001.

§70-1-107. Educational services - Enumeration.

Either in conjunction with public schools or otherwise under the control and supervision of school agencies and officials provided by law for the control and supervision of public schools, other educational services may include health activities, school lunch programs, audiovisual education, safety education, vocational rehabilitation, education of exceptional and handicapped children, playground and physical education activities and such other special services, functions, and activities as may be authorized by law or by regulation of the State Board of Education.

Laws 1971, c. 281, § 1-107, eff. July 2, 1971.

§70-1-107.1. Technology - Generally defined for educational and governmental purposes.

A. Unless otherwise specifically defined, technology is applied knowledge. For educational and governmental purposes, technology shall include but not be limited to information technology,

telecommunications technology and implemental technology. Information technology shall include but not be limited to computers, computer hardware, scanners, multimedia material, facsimile, e-mail, computer software, CD ROM material or other magnetic media, computer simulations, video, the World Wide Web (WWW) or Internet, Listservs, multiuser domains and other technology used in distance learning or distance education. Telecommunications technology shall include but not be limited to local area networks and wide area networks. Implemental technology shall include but not be limited to implements, equipment, instruments or devices that promote the technology education process and are employed in the science or study of the practical, industrial, or mechanical arts or applied sciences.

B. The provisions of subsection A of this section shall apply when related to the expenditure of public funds by educational and governmental entities.

Added by Laws 1998, c. 90, § 1, emerg. eff. April 9, 1998.

§70-1-108. School district - Definition.

A school district is defined as any area or territory comprising a legal entity, whose primary purpose is that of providing free school education, whose boundary lines are a matter of public record, and the area of which constitutes a complete tax unit.

Added by Laws 1971, c. 281, § 1-108, eff. July 2, 1971.

§70-1-109. Length of school year - School for less than full year - Extended-day schedule - Closure for inclement weather.

A. For all public schools in Oklahoma, school shall actually be in session and classroom instruction offered:

1. For not less than one hundred eighty (180) days; or
2. For not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year; or
3. Beginning with the 2021-2022 school year, for not less than one thousand eighty (1,080) hours with a minimum of one hundred sixty-five (165) days of instruction each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year; or
4. Beginning with the 2021-2022 school year, for not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy, notifies the State Board of Education prior to October 15 of the applicable school year and meets the requirements established by the State Board of Education pursuant to subsection H of this section.

B. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional

meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required in subsection A of this section.

C. Teachers off contract with an employing district shall not be required by the employing school district to attend professional meetings unless the teacher is paid additional compensation for the additional time. Teachers may be paid additional compensation for attending professional meetings in excess of their contract term. Subject to district board of education policy or collective bargaining agreement, additional paid professional days may be granted for individual teachers to attend or participate in professional meetings, staff development training, or National Board certification portfolio development as provided for in Section 6-204.2 of this title.

D. A school district may authorize parent-teacher conferences to be held during a regular school day. If authorized by the school district, parent-teacher conferences shall be counted as classroom instruction time for no more than six (6) hours per semester, for a total of twelve (12) hours per school year.

E. A school district may maintain school for less than a full school year only when conditions beyond the control of school authorities make the maintenance of the term impossible and the State Board of Education has been apprised and has expressed concurrence in writing.

F. The State Board of Education shall establish criteria for an extended-day schedule for schools subject to paragraph 1 of subsection A of this section. The criteria shall:

1. Prescribe a lengthened school day within limits determined not to be detrimental to quality instruction;
2. Ensure that the schedule is equivalent in annual hours of instruction to the one-hundred-eighty-day school year specified in paragraph 1 of subsection A of this section; and
3. Be consistent with the provisions of this section and Sections 1-111 and 1-112 of this title, but may result in fewer annual days of instruction.

G. Notwithstanding the provisions of subsection F of this section, a school district board of education subject to paragraph 1 of subsection A of this section may adopt and implement an extended-day schedule subject to the following requirements:

1. The annual number of hours of instruction shall equal or exceed one thousand eighty (1,080) hours, which is the equivalent of one hundred eighty (180) days of instruction as specified in subsection A of this section for six (6) hours each day as specified in Section 1-111 of this title;
2. The annual number of days of instruction shall equal or exceed one hundred eighty (180) days as specified in subsection A of this section;

3. The schedule adopted shall be consistent with the provisions of Sections 1-111 and 1-112 of this title, except that for not more than one (1) day per week, a school day shall consist of not less than five (5) hours devoted to academic instruction in a regular classroom setting;

4. The district shall hold a public hearing prior to the adoption of an extended-day schedule authorized pursuant to this subsection; and

5. The district shall document the impact on student achievement as determined by the academic performance data score and any other relevant factors that are a result of implementation of an extended-day schedule authorized pursuant to this subsection and provide an annual report to the State Board of Education of the results. If improvement in student achievement cannot be documented in the report, the district board of education shall revoke authorization as provided by this subsection. If the district does not revoke authorization after student achievement is not documented in the report, the State Board of Education may deny accreditation of any school in violation of this subsection.

H. Beginning with the 2021-2022 school year, a school district board of education may adopt a school-hours policy as provided for by paragraph 4 of subsection A of this section only if it meets or exceeds the minimum guidelines for student performance and school district cost savings established by the State Board of Education. The State Board of Education shall promulgate rules, subject to approval by the Legislature, establishing the minimum guidelines for student performance and school district cost savings.

I. If subject to paragraph 2 of subsection A of this section, a district board of education or designee may elect to close a school during the school day for inclement weather purposes. In such an event, the number of hours incurred in classroom instruction time prior to school closure shall be counted toward the one thousand eighty (1,080) hours per year requirement.

J. Nothing in this section shall be construed as affecting the right of an employing school district to require teachers as defined in Section 6-101.3 of this title to work in excess of the one thousand eighty (1,080) hours required for student instruction. In addition, nothing in this section shall be construed to affect the Fair Labor Standards Act status of any school district employee.

K. The provisions of this section shall not prohibit the Oklahoma School for the Blind or the Oklahoma School for the Deaf from adopting an alternative school-hours policy if the Oklahoma School for the Blind or the Oklahoma School for the Deaf notifies and receives approval from the State Board of Education prior to October 15 of the applicable school year.

Added by Laws 1971, c. 281, § 1-109, eff. July 2, 1971. Amended by Laws 1978, c. 22, § 1, emerg. eff. March 10, 1978; Laws 1979, c. 1, §

1, emerg. eff. March 8, 1979; Laws 1981, c. 290, § 1, eff. July 1, 1981; Laws 1982, c. 13, § 1, emerg. eff. March 17, 1982; Laws 1983, c. 330, § 39, operative July 1, 1983; Laws 1984, c. 296, § 36, operative July 1, 1984; Laws 1985, c. 143, § 1, eff. July 1, 1985; Laws 1992, c. 324, § 4, eff. July 1, 1992; Laws 1998, c. 350, § 2, emerg. eff. June 5, 1998; Laws 2002, c. 236, § 1, eff. July 1, 2002; Laws 2006, c. 250, § 1, eff. July 1, 2006; Laws 2009, c. 103, § 1, emerg. eff. April 24, 2009; Laws 2013, c. 83, § 1, eff. July 1, 2013; Laws 2013, c. 242, § 1, eff. Nov. 1, 2013; Laws 2016, c. 6, § 1, eff. July 1, 2016; Laws 2019, c. 490, § 1, eff. Sept. 1, 2019.
NOTE: Laws 1981, c. 81, § 1 repealed by Laws 1982, c. 13, § 2, emerg. eff. March 17, 1982.

§70-1-109.1. Optional Extended School Year Program.

A. School districts shall have the option of establishing and offering an extended school year according to the provisions of this section. The Optional Extended School Year Program provided in paragraph 15 of subsection A of Section 109 of this act means those programs which school districts may provide at the district, site or class level. For the purposes of this program, a school year shall consist of either eleven (11) or twelve (12) months in which school is offered in excess of two hundred (200) days of at least six (6) hours each day. The purpose of the program shall be to improve academic achievement of students participating in the extended school year. The program shall be funded by means of the pupil category weight to be determined by the State Board of Education based upon an amount of funding specified in the State Board of Education's annual appropriation and the level of participation.

B. The State Board of Education shall establish criteria for participation in the program which shall include:

1. A competitive application process based upon requests for proposals;

2. A plan for determining measurable results in terms of academic achievement, pupil retention and other indicators of educational success, including the remediation needs of the district's students;

3. Diversified participation by school district size and geographic location and by amount of school district budget. At least one school district in each of the following categories shall be included: General Fund of less than One Million Dollars (\$1,000,000.00); General Fund of from One Million Dollars (\$1,000,000.00) to Five Million Dollars (\$5,000,000.00); General Fund of from Five Million Dollars (\$5,000,000.00) to Ten Million Dollars (\$10,000,000.00); and General Fund of Ten Million Dollars (\$10,000,000.00) or more. Provided, participation in one of the above categories may be disallowed if no district meeting such fund requirements makes application for the program.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 18, operative July 1, 1990.

§70-1-110. Repealed by Laws 2009, c. 103, § 6, emerg. eff. April 24, 2009.

§70-1-111. School day - Six hours - Exceptions.

A. Except as otherwise provided for by law, a school day shall consist of not less than six (6) hours devoted to school activities. A district board of education may elect to extend the length of one (1) or more school days to more than six (6) hours and reduce the number of school days as long as the total amount of classroom instruction time is not less than one thousand eighty (1,080) hours per year as required pursuant to Section 1-109 of this title.

B. A school day for nursery, early childhood education, kindergarten, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Except as otherwise provided for in this subsection, not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period. Two (2) school days, each consisting of not less than six (6) hours, may be counted for attendance purposes in any twenty-four-hour period only if one of the school days is for the purpose of parent-teacher conferences held as provided for in Section 1-109 of this title.

C. Students absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty or to participate in an online course approved by the district board of education. The State Board of Education shall adopt rules to provide for the implementation of supplemental online courses which shall include, but not be limited to, provisions addressing the following:

1. Criteria for student admissions eligibility;

2. A student admission process administered through the district of residence, which provides the ability for the student to enroll in individual courses;

3. A process by which students are not denied the opportunity to enroll in educationally appropriate courses by school districts. For the purposes of this section, "educationally appropriate" means any instruction that is not substantially a repeat of a course or portion of a course that the student has successfully completed, regardless of the grade of the student, and regardless of whether a course is similar to or identical to the instruction that is currently offered in the school district;

4. Creation of a system which provides ongoing enrollment access for students throughout the school year;

5. A grace period of fifteen (15) calendar days from the first day of an online course for student withdrawal from an online course without academic penalty;

6. Mastery of competencies for course completion rather than Carnegie units;

7. Student participation in extracurricular activities in accordance with school district eligibility rules and policies and any rules and policies of a private organization or association which provides the coordination, supervision, and regulation of the interscholastic activities and contests of schools;

8. Parent authorization for release of state test results to online course providers, on a form developed by the State Department of Education; and

9. A review process to identify and certify online course providers and a uniform payment processing system.

D. Each district board of education shall adopt policies and procedures that conform to rules for online courses as adopted by the State Board. Such policies shall include criteria for approval of the course, the appropriateness of the course for a particular student, authorization for full-time students to enroll in online courses, and establishing fees or charges. No district shall be liable for payment of any fees or charges for any online course for a student who has not complied with the district's policies and procedures. School districts shall not deny students the opportunity to enroll in educationally appropriate courses and shall provide an admissions process which includes input from the student, the parent or guardian of the student, and school faculty.

E. Districts shall require students enrolled in online courses to participate in the Oklahoma School Testing Program Act. Students participating in online courses from a remote site will be responsible for providing their own equipment and Internet access, unless the district chooses to provide the equipment. Credit may not be granted for such courses except upon approval of the State Board of Education and the district board of education.

F. The school day for kindergarten may consist of six (6) hours devoted to school activities.

Added by Laws 1971, c. 281, § 1-111, eff. July 2, 1971. Amended by Laws 1989, c. 335, § 5, eff. July 1, 1989; Laws 1989, 1st Ex. Sess., c. 2, § 32, emerg. eff. April 25, 1990; Laws 1992, c. 324, § 5, eff. July 1, 1992; Laws 1994, c. 290, § 68, eff. July 1, 1994; Laws 2001, c. 427, § 1, emerg. eff. June 5, 2001; Laws 2002, c. 453, § 1, eff. July 1, 2002; Laws 2003, c. 169, § 1, eff. July 1, 2003; Laws 2004, c. 5, § 81, emerg. eff. March 1, 2004; Laws 2009, c. 103, § 2, emerg. eff. April 24, 2009; Laws 2010, c. 352, § 1; Laws 2011, c. 368, § 1, eff. July 1, 2011; Laws 2012, c. 24, § 1, eff. July 1, 2012; Laws 2013, c. 203, § 1, eff. July 1, 2013; Laws 2016, c. 135, § 1, eff. July 1, 2016.

NOTE: Laws 2003, c. 40, § 1 repealed by Laws 2004, c. 5, § 82, emerg. eff. March 1, 2004.

§70-1-112. School taught on Saturday.

School taught on Saturday shall not be counted for attendance purposes in meeting the school year requirements as set forth in Section 1-109 of this title. School taught on Saturday may be substituted for regular school days during which school has been or will be closed upon approval of the State Board of Education. Added by Laws 1971, c. 281, § 1-112, eff. July 2, 1971. Amended by Laws 2009, c. 103, § 3, emerg. eff. April 24, 2009.

§70-1-113. School district residency.

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

1. The legal residence of the parents, guardian, or person having legal custody.

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

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

a. by the person or agency having legal custody of the child pursuant to a court order, or

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

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

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

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

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

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

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

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

8. A state-licensed children's emergency resource center or state-operated emergency shelter.

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

C. For the purpose of ensuring that a child placed in a therapeutic foster family home, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, receives an appropriate education, no receiving school district shall be required to enroll such a child if the enrollment would cause the proportion of students in therapeutic foster family homes as compared to the average daily

membership of the receiving district for the preceding school year to exceed two percent (2%). Children served by Head Start may not be counted for the purpose of this paragraph unless the child is on an individualized education program provided by the school district. Any school district may enroll such students who are outside the student's resident district in therapeutic foster family home placements which exceed this limit if the school determines it possesses the ability to provide such child an appropriate education.

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

1. A residential facility;
2. A treatment program or center, including the facility operated pursuant to Section 485.1 of Title 63 of the Oklahoma Statutes;
3. A therapeutic foster family home as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;
4. A specialized foster home, which is a specialized foster home or an agency-contracted home under the supervision of and certified as meeting the standards set by the Department of Human Services and is funded through the Department of Human Services Home and Community-Based Waiver Services Program; or
5. An acute psychiatric care facility, the entity shall, if the child contends he or she resides in a school district other than the district where the entity is located, within eleven (11) days of admittance, notify the school district in which the entity is located of the admittance.

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

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

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

E. The governing body of any state institution for children operated pursuant to the provisions of Title 10A of the Oklahoma Statutes or Section 3-101 of Title 43A of the Oklahoma Statutes and the board of education of the school district in which the institution is located or any other school district in the state willing to provide necessary educational services may enter into a contract whereby the district will maintain a school for the children of the institution, in which event the residence of the children for

school purposes will be considered as being in the district maintaining the school; provided, however, that upon release from the school, a child shall be considered as a resident of the originating school district for school purposes. The governing body of the state institutions specified in this subsection shall pay the costs for educating students placed in the state institution less any amount of funds received for the students by the school district contracting with the state institution to provide necessary educational services.

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

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

3. Educational services provided shall meet or exceed state accreditation standards. No school district shall be responsible for any expenses for students in an entity described in subsection D of this section which are not directly related to the provision of educational services. A school district shall not be obligated for expenses of those students in an entity in the current school year for whom educational services are requested after the first nine (9) weeks of the current school year for the district if educational services are requested for twelve or more students than were served in the first nine (9) weeks, unless the school district chooses to provide educational services for the current school year. Contracts and agreements for provision of educational services may allow for the use of public and private sources of support which are available

to share the costs of educational services and of therapies, treatments, or support services. Otherwise valid obligations to provide or pay for such services, such as Medicaid, shall remain in effect for children who are eligible for the services from sources other than the school district.

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

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

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

Added by Laws 1971, c. 281, § 1-113, eff. July 2, 1971. Amended by Laws 1983, c. 150, § 1, operative July 1, 1983; Laws 1984, c. 182, § 1, emerg. eff. May 7, 1984; Laws 1985, c. 336, § 1, operative July 1, 1985; Laws 1986, c. 102, § 1, operative July 1, 1986; Laws 1987, c. 122, § 1, eff. July 1, 1987; Laws 1989, c. 250, § 2, operative July 1, 1989; Laws 1992, c. 262, § 3, emerg. eff. May 22, 1992; Laws 1994, c. 168, § 1, eff. July 1, 1994; Laws 1995, c. 231, § 8, eff. Nov. 1, 1995; Laws 1996, c. 319, § 1, eff. July 1, 1996; Laws 1997, c. 343, § 1, eff. July 1, 1997; Laws 1998, c. 362, § 1, eff. July 1, 1998; Laws 2002, c. 453, § 2, eff. July 1, 2002; Laws 2009, c. 234, § 154, emerg. eff. May 21, 2009; Laws 2014, c. 90, § 1, eff. July 1, 2014; Laws 2015, c. 54, § 27, emerg. eff. April 10, 2015; Laws 2015, c. 363, § 1, eff. July 1, 2015; Laws 2017, c. 254, § 5, eff. Nov. 1, 2017.

NOTE: Laws 2014, c. 150, § 1 repealed by Laws 2015, c. 54, § 28, emerg. eff. April 10, 2015.

§70-1-114. Free attendance - Admission to early childhood programs - Enrollment in kindergarten and first grade - Nonresident tuition fee.

A. All children between the ages of five (5) years on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside.

B. All children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend half-day or full-day early childhood programs at any public school in the state where such programs are offered; provided, no child shall be required to attend any early childhood education program. The following paragraphs shall govern early childhood programs:

1. Children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 shall be entitled to attend either half-day or full-day early childhood programs in their district of residence free of charge as long as the district has the physical facilities and teaching personnel to accommodate the child. For purposes of calculation of State Aid, children in an early childhood education program shall be included in the average daily membership of the district providing the program;

2. A child who has not reached the age of five (5) years on or before September 1 and who resides in a district which does not offer an early childhood program shall be eligible for transfer to a district where an early childhood program is offered if the district that offers the early childhood program agrees to the transfer. A district offering early childhood programs may refuse to accept a nonresident child if the district does not have the physical facilities or teaching personnel to accommodate the child in an early childhood education class. If the child requesting the transfer has not reached the age of four (4) years on or before September 1, the district may refuse to accept the nonresident child if the district determines the child is not ready for an early childhood program. Children who are accepted in a program outside their district of residence as provided in this paragraph shall be included in the average daily membership of the district providing the program for State Aid funding subject to the State Aid formula weight limitations set forth in paragraph 1 of this subsection; and

3. The State Board of Education shall promulgate rules that create exemptions relating to the maximum age at which a child may attend half-day or full-day early childhood programs.

C. No child shall be enrolled in kindergarten unless he or she will have reached the age of five (5) years on or before September 1 of the school year. No child shall be enrolled in the first grade

unless he or she will have reached the age of six (6) years on or before September 1 of the school year.

D. No nonresident and nontransferred pupil shall be allowed to attend school in any school district unless a tuition fee equal to the per capita cost of education for a similar period in such district during the preceding year has been paid to the receiving district in advance yearly or by semester as determined by the district board of education of the receiving district. If the State Board of Education discovers that such attendance has been allowed without prior payment of the tuition fee in advance as required, no further payment of any State Aid Funds shall be made to the district until such district has shown to the satisfaction of the State Board of Education that all such tuition fees have been paid or that such tuition pupil will no longer be allowed to attend school until the required tuition fee has been paid.

E. Any parent, guardian, person or institution having care and custody of a child who pays ad valorem tax on real property in any other school district other than that in which that person resides may, with the approval of the receiving board, enroll the child in any school district in which ad valorem tax is paid and receive a credit on the nonresident tuition fee equal to the amount of the ad valorem tax paid for school district purposes in the school district in which the child is enrolled. Provided, the credit shall not exceed the total amount required for the tuition payment.

Added by Laws 1971, c. 281, § 1-114, eff. July 2, 1971. Amended by Laws 1972, c. 93, § 1; Laws 1974, c. 21, § 1; Laws 1979, c. 114, § 1; Laws 1979, c. 204, § 1, eff. July 1, 1979; Laws 1989, c. 335, § 6, eff. July 1, 1989; Laws 1989, 1st Ex. Sess., c. 2, § 15, emerg. eff. April 25, 1990; Laws 1990, c. 263, § 61, operative July 1, 1990; Laws 1992, c. 262, § 4, emerg. eff. May 22, 1992; Laws 1993, c. 333, § 1, eff. July 1, 1993; Laws 1994, c. 220, § 1, eff. July 1, 1994; Laws 1998, c. 204, § 1, eff. July 1, 1998; Laws 2016, c. 4, § 1, eff. Nov. 1, 2016.

§70-1-114.1. Foreign exchange students - Guidelines for acceptance.

Unless otherwise prohibited by federal law, school districts may:

1. Only have to accept exchange students on J-1 visas, issued pursuant to paragraph (a) (15) (J) of Section 1101 of Title 8 of the United States Code, which hold the sponsoring organization responsible;

2. Not have to accept exchange students on M-1 visas, issued pursuant to paragraph (a) (15) (M) of Section 1101 of Title 8 of the United States Code, which are for vocational or nonacademic students or F-1 visas, issued pursuant to paragraph (a) (15) (F) of Section 1101 of Title 8 of the United States Code, which hold the school responsible;

3. Use the governing regulations set by the United States Information Agency (USIA) for Exchange Visitor Programs as guidelines and standards for local schools;

4. Have the right to accept or reject any exchange student or sponsoring organization not adhering to the USIA regulations; and

5. Have the right to reject any exchange student if the student, legal custodian, or legal guardian is not a resident of the district. Added by Laws 1994, c. 212, § 1, eff. July 1, 1994.

§70-1-114.2. Operation as grantee of a federal Head Start program - Calculation of state aid.

Any school district is hereby authorized to operate as a grantee of a federal Head Start program. For purposes of calculating state aid a school district may not count any child enrolled in or teacher employed by a Head Start program operated by the district for the portion of the day federal Head Start funds or state funds appropriated for Head Start programs are received.

Added by Laws 2002, c. 437, § 5, eff. July 1, 2002.

§70-1-115. Public school system - Administration.

The public school system in Oklahoma shall be administered by the State Department of Education, State Superintendent of Public Instruction, boards of education of school districts, and superintendents of school districts.

Added by Laws 1971, c. 281, § 1-115, eff. July 2, 1971. Amended by Laws 2011, c. 31, § 2.

§70-1-116. Positions in school system - Definitions.

As used in this title:

1. "Teacher" means any person who is employed to serve as district superintendent, principal, supervisor, a counselor, librarian, school nurse or classroom teacher or in any other instructional, supervisory or administrative capacity. The person shall not be deemed qualified unless the person holds a valid certificate issued by and in accordance with the rules of the State Board of Education or the rules of the State Board of Career and Technology Education, to perform the particular services for which the person is employed;

2. "Superintendent" or "superintendent of schools" means the executive officer of the board of education and the administrative head of the school system of a district maintaining an accredited school, provided the person holds an administrator's certificate recognized by the State Board of Education;

3. "Principal" means any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal shall be a principal who devotes at

least one-half (1/2) the time school is in session to classroom teaching. Teaching principals shall be required to hold administrative certificates;

4. "Teachers" means, for purposes of complying with the State Aid Law and other statutes, but not any other provision of law, which apportion money on the basis of teaching units or the number of teachers employed or qualified, all persons holding proper certificates and connected in any capacity with the instruction of pupils;

5. "Inductee" means any certified teacher who is employed in a local school to serve as a classroom teacher under the guidance and assistance of a mentor teacher or teachers;

6. "Student teacher" means any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by the institution of higher learning and a board of education of a school district to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving an internship under the supervision of a certified teacher, shall be accorded the same protection of the laws as that accorded the certified teacher;

7. "School nurse" means a person employed full time by a board of education who is a registered nurse licensed by the Oklahoma State Board of Nurse Registration and Nursing Education and is certified the same as a teacher by the State Board of Education. Provided, that any person who is employed as a full-time school nurse in any school district in Oklahoma who is not registered on the effective date of this act may continue to serve in the same capacity; however, such person shall, under rules adopted by the State Board of Education, attend classes in nursing and prepare to become registered.

A school nurse employed by a board of education shall be accorded the same protection of laws and all other benefits accorded a certified teacher; and

8. "Support employee" means an employee who provides those services which are not performed by certified teachers, principals, superintendents or administrators and which are necessary for the efficient and satisfactory functioning of a school district. Added by Laws 1971, c. 281, § 1-116, eff. July 2, 1971. Amended by Laws 1973, c. 193, § 1, emerg. eff. May 17, 1973; Laws 1980, c. 284, § 15, emerg. eff. June 10, 1980; Laws 1989, 1st Ex. Sess., c. 2, § 58, emerg. eff. April 25, 1990; Laws 1993, c. 239, § 20, eff. July 1, 1993; Laws 1994, c. 345, § 1, eff. July 1, 1994; Laws 2014, c. 124, § 1, eff. July 1, 2014; Laws 2016, c. 360, § 1, eff. July 1, 2016; Laws 2017, c. 391, § 1, emerg. eff. June 8, 2017; Laws 2018, c. 165, § 1, eff. Nov. 1, 2018; Laws 2019, c. 273, § 1, emerg. eff. May 2, 2019.

§70-1-116.1. Teaching principal - Amount of time in classroom.

A teaching principal, as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, shall be permitted to devote less than one-half (1/2) the time school is in session to classroom teaching only when it has been determined by the State Board of Education that such action is necessary for the satisfactory completion of the school year. The State Board of Education shall adopt the necessary criteria to provide for such contingency.

Added by Laws 1982, c. 342, § 8, emerg. eff. June 2, 1982.

§70-1-116.2. Application of medicine or sunscreen to students - Vaccinations.

A. A school nurse, or in the absence of such nurse, an administrator or designated school employees, pursuant to the written authorization of the parent or guardian of the student, may:

1. Administer a nonprescription medicine;
2. Assist a student in applying sunscreen, a compound topically applied to prevent a sunburn; and
3. Administer a filled prescription medicine as that term is defined by Section 353.1 of Title 59 of the Oklahoma Statutes pursuant to the directions for the administration of the medicine listed on the label or as otherwise authorized by a licensed physician.

B. In addition to the persons authorized to administer nonprescription medicine and filled prescription medicine pursuant to the provisions of subsection A of this section, a nurse employed by a county health department and subject to an agreement made between the county health department and the school district for medical services, may administer nonprescription medicine and filled prescription medicine pursuant to the provisions of this section.

C. Each school in which any medicine is administered pursuant to the provisions of subsection A of this section shall keep a record of the name of the student to whom the medicine was administered, the date the medicine was administered, the name of the person who administered the medicine and the type or name of the medicine which was administered.

D. Medicine to be administered by the county or school nurse, administrator or the designated persons and which is stored at the school shall be properly stored and not readily accessible to persons other than the persons who will administer the medication.

E. 1. A public school shall permit a student to possess and self-apply sunscreen that is regulated by the Food and Drug Administration without the written authorization of a parent, legal guardian or physician.

2. As used in this subsection, "sunscreen" means a compound topically applied to prevent sunburn.

F. The school shall keep on file the written authorization of the parent or guardian of the student to administer medicine to the student or to apply sunscreen on the student.

G. As provided in the Parents' Bill of Rights, a student shall not be vaccinated at school or on school grounds or receive a vaccine as part of the mobile vaccination effort without prior written authorization, including the signature of the parent or legal guardian of the student for the vaccine or group of vaccines to be administered during a single visit.

H. A school nurse, county nurse, administrator or the designated school employees shall not be liable to the student or a parent or guardian of the student for civil damages for any personal injuries to the student which result from acts or omissions of the school or county nurse, administrator or designated school employees in administering any medicine pursuant to the provisions of this section. This immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence.

Added by Laws 1984, c. 192, 5, emerg. eff. May 14, 1984. Amended by Laws 2018, c. 192, § 1, eff. July 1, 2018; Laws 2019, c. 474, § 1, eff. Nov. 1, 2019.

§70-1-116.3. Self-administration of inhaled asthma or anaphylaxis medication - School board epinephrine injector policy.

A. Notwithstanding the provisions of Section 1-116.2 of this title, the board of education of each school district shall adopt a policy on or before September 1, 2008, that permits the self-administration of inhaled asthma medication by a student for treatment of asthma, the self-administration of anaphylaxis medication by a student for treatment of anaphylaxis and the self-administration of replacement pancreatic enzymes by a student for treatment of cystic fibrosis. The policy shall require:

1. The parent or guardian of the student to authorize in writing the student's self-administration of medication;

2. The parent or guardian of the student to provide to the school a written statement from the physician treating the student that the student has asthma, anaphylaxis or cystic fibrosis and is capable of, and has been instructed in the proper method of, self-administration of medication;

3. The parent or guardian of the student to provide to the school an emergency supply of the student's medication to be administered pursuant to the provisions of Section 1-116.2 of this title;

4. The school district to inform the parent or guardian of the student, in writing, that the school district and its employees and agents shall incur no liability as a result of any injury arising from the self-administration of medication by the student; and

5. The parent or guardian of the student to sign a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the student.

B. The school board of each school district that elects to stock Epinephrine injectors or inhalers shall amend the policy identified in subsection A of this section.

1. The amended policy for Epinephrine injectors shall require:
 - a. the school district to inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional or trained in correlation with the State Department of Health's Diabetes Management Annual School Training Program may administer, with parent or guardian permission but without a health care provider order, an Epinephrine injection to a student whom the school nurse or trained school employee in good faith believes is having an anaphylactic reaction,
 - b. a waiver of liability executed by a parent or guardian be on file with the school district prior to the administration of an Epinephrine injection pursuant to paragraph 1 of this subsection, and
 - c. the school district to designate the employee responsible for obtaining the Epinephrine injectors at each school site.
2. The amended policy for inhalers shall require:
 - a. the school district to inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional may administer an inhaler to a student whom the school nurse or trained school employee in good faith believes is having respiratory distress,
 - b. the school district to designate the employee responsible for obtaining the inhalers and spacers or holding chambers at each school site, and
 - c. the school district to notify the parent or guardian of a student after administration of an inhaler.

C. The school district and its employees and agents shall incur no liability as a result of any injury arising pursuant to the discharge or nondischarge of the powers provided for pursuant to subparagraph a of paragraphs 1 and 2 of subsection B of this section.

D. A licensed physician who has prescriptive authority may write a prescription for Epinephrine injectors and inhalers and spacers or holding chambers to the school district in the name of the district as a body corporate specified in Section 5-105 of this title which shall be maintained at each school site. Such physician shall incur no liability as a result of any injury arising from the use of the

Epinephrine injectors or the inhalers and spacers or holding chambers.

E. The school district may maintain at each school a minimum of two Epinephrine injectors and two inhalers with spacers or holding chambers in a secure location. Provided, however, that nothing in this section shall be construed as creating or imposing a duty on a school district to maintain Epinephrine injectors or inhalers with spacers or holding chambers at a school site or sites.

F. In the event a student is believed to be having an anaphylactic reaction or respiratory distress, a school employee shall contact 911 as soon as possible.

G. The State Board of Education, in consultation with the State Board of Health, shall develop model policies which school districts may use in compliance with this section.

H. The State Board of Education, in consultation with the State Board of Health, shall promulgate rules to implement this section.

I. As used in this section:

1. "Medication" means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, prescribed by a physician and having an individual label, an anaphylaxis medication used to treat anaphylaxis including but not limited to Epinephrine injectors prescribed by a physician and having an individual label, or replacement pancreatic enzymes prescribed by a physician and having an individual label; and

2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician.

3. "Respiratory distress" means the perceived or actual presence of coughing, wheezing or shortness of breath; and

4. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

J. The permission for self-administration of asthma, anaphylaxis or replacement pancreatic enzyme medication is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this section.

K. A student who is permitted to self-administer asthma, anaphylaxis or replacement pancreatic enzyme medication pursuant to this section shall be permitted to possess and use a prescribed inhaler, anaphylaxis medication including but not limited to an Epinephrine injector, or replacement pancreatic enzyme medication at all times.

Added by Laws 2003, c. 143, § 1, emerg. eff. April 28, 2003. Amended by Laws 2008, c. 271, § 1, emerg. eff. May 27, 2008; Laws 2013, c.

397, § 1, eff. Nov. 1, 2013; Laws 2019, c. 125, § 1, eff. July 1, 2019; Laws 2019, c. 276, § 1, eff. July 1, 2019.

§70-1-117. General fund - Capital and noncapital expenditures.

A. The general fund of any school district is hereby defined as a current expense fund and shall consist of all revenue or monies that can legally be expended within a certain specified fiscal year, but shall not be considered as including any money derived from a special building fund levy made in accordance with the provisions of Section 10 of Article X of the Oklahoma Constitution, nor shall it include any monies derived from the sale of bonds issued under the provisions of Section 26 of Article X of the Oklahoma Constitution. All monies derived from the proceeds of the school levies made pursuant to the provisions of Section 9 of Article X of the Oklahoma Constitution shall be placed in the general fund provided by this section. Expenditures from the general fund shall be noncapital in nature. All monies derived from state-dedicated revenue, state-appropriated revenue unless otherwise provided for by law, and county sources shall be placed in the general fund provided for by this section. Except as provided for in subsections K and L of this section, a district shall not be authorized to make capital expenditures as defined by this section from the general fund.

B. For purposes of this section, state-dedicated revenue shall be any registration or license fees, taxes, or penalties collected at the state level and distributed to common school districts. County sources shall be all funds collected by the county and distributed to common school districts but shall not include any funds derived from the building fund levy made in accordance with the provisions of Section 10 of Article X of the Oklahoma Constitution or funds derived from the sinking fund levy made in accordance with the provisions of Section 26 of Article X of the Oklahoma Constitution.

C. For the purposes of this section, a capital expenditure shall be an expenditure which results in the acquisition of fixed assets or additions to fixed assets. Capital expenditures shall include, but shall not be limited to, purchases of land or existing buildings, purchases of real property, improvements of grounds and sites for construction purposes, all expenditures for construction of buildings unless authorized by the State Board of Education or the State Board of Career and Technology Education upon application to the appropriate state board pursuant to subsection F of this section, additions to buildings, remodeling of buildings if such remodeling involves changes to roof structures or load-bearing walls, professional services, salaries and expenses of architects and engineers hired or assigned to capital projects except for such services, salaries and expenses as are applicable in preparation for a bond issue, expenditures for the initial installation and extension of service systems and built-in heat or air equipment to existing

buildings, expenditures for the replacement of a building which has been destroyed, installments and lease payments on property, including interest, that have a terminal date and result in the acquisition of property, and expenditures for preliminary studies made prior to the time that authority to proceed with a construction project is given if authority is received within the same fiscal year that the expenditure was made.

D. Noncapital expenditures shall include, but shall not be limited to expenditures for maintenance, repair and replacement of property and equipment, initial or additional purchases of furniture and equipment, direct expenses for maintenance of plant, including grounds, salaries for maintenance of plant, including salaries for the upkeep of grounds, and repair and replacement of building structures which do not add to existing facilities and which do not involve changes in roof structures or load-bearing walls and which are not classified as a capital expenditure by this section.

E. The State Board of Education shall adopt and amend regulations regarding the classification, definition and financial administration of funds, accounts and expenditures in accordance with the requirements of this section.

F. A school district shall be authorized to make capital expenditures from the general fund to defray the cost of rebuilding a school building only if a school building or facility has been destroyed by a fire or natural disaster, such as flood, tornado or other act of God, or by an act of a public enemy of the United States or this state and monies received by the district through insurance coverage, federal reimbursement, contributions and allocation from the State Board of Education from the State Public Common School Building Equalization Fund are insufficient to rebuild the facility. Capital expenditures from the general fund pursuant to this subsection shall be limited to an amount necessary to defray the cost of rebuilding the facility which exceeds monies received by the school district through insurance, federal reimbursement, contributions and state allocations.

G. Schools which receive gifts or donations or state-appropriated monies for the purpose of capital expenditures or projects shall place such monies in the building fund, as provided by Section 1-118 of this title, and not in the general fund. School districts which receive gifts, grants, or donations of monies for noncapital expenditures may place the monies in the general fund, and such monies shall not be required to be used during the year in which the money was received but may accumulate from year to year and shall not be considered a part of the general fund collections when calculating the general fund carryover as provided for in subsection G of Section 18-200.1 of this title.

H. School districts which receive monies from rental, sale, or lease of buildings, impact aid monies, or grants, gifts or donations

for capital purposes, whether from state, federal, or other sources, may place such monies in the building fund authorized by Section 1-118 of this title or the general fund authorized by this section.

I. Any construction of a building included as a capital expenditure from the general fund of a school district which is authorized and has had a contractual agreement concerning such construction executed prior to July 1, 1991, may be proceeded with and completed as authorized prior to July 1, 1991, as a capital expenditure from such general fund.

J. School districts receiving revenues authorized by Section 9B of Article X of the Oklahoma Constitution shall be authorized to make capital expenditures from the general revenue fund no greater than the amount levied by the incentive millage.

K. Upon the approval of the State Board of Education, a school district shall be authorized to make capital expenditures as defined in this section from its general fund if:

1. A bond issue has been rejected at an election by the school district electors voting on that question within the current school year, as certified by the secretary of the county election board; or
2. The school district has voted indebtedness at any time within the preceding three (3) school years through the issuance of bonds or through approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the current school year. The State Board of Education shall establish the rules to administer the provisions of this subsection which shall include, but not be limited to, specification of a maximum amount of general fund monies to be used for capital expenditures, the purposes for which such funds may be expended and the period of time in which such funds shall be encumbered.

L. Other provisions of this section notwithstanding, a school district shall be authorized to make capital expenditures from the general fund if the total assessed property valuation per average daily attendance is less than sixty percent (60%) of the state average total assessed property valuation per average daily attendance and if, for each year in which general fund revenue is used for capital expenditures, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney

General prior to April 1 of the school year. Provided, the maximum amount of general fund revenue used for capital expenditures pursuant to this subsection shall not exceed five percent (5%) of the total yearly revenue to the general fund. Said fund may not be used for capital expenditures for more than five (5) consecutive years and may only be utilized for remodeling or construction of classroom facilities and such ancillary facilities to said classrooms as may be necessary. Provided, further, the State Superintendent of Public Instruction shall certify in writing, prior to the expenditure of the funds for which provision is made in this subsection, that such expenditures are in compliance with the provisions of this subsection.

Added by Laws 1971, c. 281, § 1-117, eff. July 2, 1971. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 114, emerg. eff. April 25, 1990; Laws 1991, c. 209, § 2, eff. July 1, 1991; Laws 1992, c. 324, § 6, eff. July 1, 1992; Laws 1995, c. 153, § 2, emerg. eff. May 2, 1995; Laws 2001, c. 33, § 65, eff. July 1, 2001; Laws 2002, c. 89, § 1, eff. July 1, 2002; Laws 2003, c. 173, § 1, eff. July 1, 2003; Laws 2009, c. 250, § 1, eff. July 1, 2009.

§70-1-118. Building and operations fund - Definition.

The building and operations fund of any school district shall consist of all monies derived from the proceeds of a building and operations fund levy of not to exceed five (5) mills in any year, voted by the people of a school district pursuant to the provisions of Article X, Section 10, of the Oklahoma Constitution, monies appropriated by the state for the purpose of capital expenditures or projects, monies allocated to a school district by the State Board of Education from the State Public School Building Equalization Fund, and monies donated to a school district for the purpose of capital projects or improvements and may be used for purposes including, but not limited to, erecting, remodeling, repairing, or maintaining school buildings, for purchasing furniture, equipment and computer software to be used on or for school district property, for repairing and maintaining computer systems and equipment, for paying energy and utility costs, for purchasing telecommunications utilities and services, for paying fire and casualty insurance premiums for school facilities, for purchasing security systems, for paying salaries of security personnel, or for one or more, or all, of such purposes. Proceeds of such levies shall not be required to be used during the year for which a levy is made but may accumulate from year to year until adequate for the purposes intended. The building and operations fund hereinabove defined is hereby declared to be a current expense fund.

Added by Laws 1971, c. 281, § 1-118, eff. July 2, 1971. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 115, emerg. eff. April 25, 1990; Laws 1991, c. 209, § 3, eff. July 1, 1991; Laws 1994, c. 319, § 1,

eff. Sept. 1, 1994; Laws 2010, c. 297, § 1, emerg. eff. June 6, 2010; Laws 2018, c. 161, § 1.

NOTE: This section became effective upon passage of Senate Joint Resolution No. 70, State Question No. 801, Legislative Referendum No. 374, at election held on Nov. 6, 2018.

§70-1-118.1. Building fund - Technology center school districts.

The building fund of any technology center school district shall consist of all monies derived from the proceeds of a building fund levy not to exceed five (5) mills in any year, voted by the people of a school district pursuant to the provisions of Section 10 of Article X of the Oklahoma Constitution, monies appropriated by the state for the purpose of capital expenditures or projects, and monies donated to a school district for the purpose of capital projects or improvements and may be used for purchasing, providing, erecting, remodeling, repairing or maintaining any of the following: school buildings, furniture, computer systems and equipment, software for instructional and noninstructional purposes, energy and utility costs, telecommunications utilities and services, fire and casualty insurance premiums for school facilities, security, student transportation, grounds maintenance including parking lots and sidewalks, instructional and maintenance equipment, or for one or more, or all, of these purposes. Proceeds of the levies shall not be required to be used during the year for which a levy is made but may accumulate from year to year until adequate for the purposes intended. The building fund defined in this section is hereby declared to be a current expense fund, but shall not be considered a part of the general operating fund. No monies derived from the proceeds of the school levies made pursuant to the provisions of Section 9B of Article X of the Oklahoma Constitution may be placed in the building fund provided by this section.

Added by Laws 1994, c. 167, § 1, eff. July 1, 1994. Amended by Laws 1995, c. 257, § 1, emerg. eff. May 25, 1995; Laws 2001, c. 33, § 66, eff. July 1, 2001; Laws 2010, c. 297, § 2, emerg. eff. June 6, 2010; Laws 2012, c. 234, § 1, eff. July 1, 2012.

§70-1-119. Sinking fund - Definition.

The sinking fund of any district shall consist of all money derived from ad valorem taxes or otherwise as provided by law for the payment of bonds and judgments and interest thereon.

Added by Laws 1971, c. 281, § 1-119, eff. July 2, 1971.

§70-1-120. Repealed by Laws 1981, c. 347, § 50, emerg. eff. July 1, 1981.

§70-1-121. Conflicting provisions.

The provisions of this act shall control over any conflicting provisions in the laws of this state.

Laws 1976, Chapter 1, Section 2.

Laws 1976, c. 1, § 2.

§70-1-122. Contributions to Public School Classroom Support Revolving Fund - Tax forms.

A. Each individual taxpayer required to file a state income tax return and each corporation required to file a corporate tax return who desires to contribute to the Public School Classroom Support Revolving Fund created in Section 1-123 of this title may designate the contribution on the appropriate income or corporate tax form. The contribution may not increase or decrease the income or liability of the taxpayer and may be made by reducing the tax refund of a taxpayer by the amount designated or by accepting additional payment from the taxpayer by the amount designated, whichever is appropriate.

B. 1. The Oklahoma Tax Commission shall include on each state individual income or corporate tax return form for tax years beginning after December 31, 2011, an opportunity for the taxpayer to donate for the benefit of the Public School Classroom Support Revolving Fund. The instructions accompanying the tax form shall be provided to the Oklahoma Tax Commission by the State Superintendent of Public Instruction and shall contain a description of the purpose for which the Public School Classroom Support Revolving Fund was established and information on the use of monies from the tax contribution.

2. Taxpayers who are entitled to refunds shall have the refunds reduced by the amount designated by the taxpayer. The Oklahoma Tax Commission shall annually determine the total amount designated plus the amount received in excess payments and shall report the total amount to the Office of the State Treasurer. The State Treasurer shall credit the total amount to the Public School Classroom Support Revolving Fund created in Section 1-123 of this title at the earliest possible time.

C. The incremental cost of administration of contributions shall be paid out of the fund to the Oklahoma Tax Commission from amounts received pursuant to this section before funds are expended for the purposes of the fund.

D. Pursuant to Section 2368.18 of Title 68 of the Oklahoma Statutes, the income tax checkoff contained in this section is hereby reauthorized effective January 1, 2019.

Added by Laws 2011, c. 336, § 1, eff. July 1, 2011. Amended by Laws 2018, c. 93, § 1, eff. July 1, 2018.

§70-1-123. Public School Classroom Support Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Public

School Classroom Support Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Board of Education from the state income tax checkoff as provided for in Section 1-122 of this title, any state-appropriated funds, federal funds, donations, grants, contributions, and gifts from any public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purposes of providing grants to public school classroom teachers as provided for in subsection B of this section. 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.

B. Contingent upon the amount of funds available in the Public School Classroom Support Revolving Fund, the State Board of Education shall award one or more grants annually to classroom teachers. The grants shall be used by the classroom teacher for supplies, materials, or equipment for the class or classes taught by the teacher. The Board shall determine the criteria for and establish a process for the submission of grants applications. The applications shall be considered on a statewide competitive basis. The Board shall promulgate rules for the implementation of the grants issued pursuant to this section.

Added by Laws 2011, c. 336, § 2, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 587.

§70-1-124. Per-pupil expenditure defined - Expenditure categories.

A. Unless otherwise specifically defined, "per-pupil expenditure" shall mean the aggregate current expenditures of school districts, from all funding sources including federal funds, state funds and local funds, plus the direct support aggregate current expenditures of the state for the day-to-day operations of schools and school districts from all funding sources including federal funds, divided by the aggregate student membership number for the same fiscal year for which the expenditures are determined. The aggregate student membership number shall be the count of students enrolled on October 1 or the school day closest to October 1 to whom school districts in the state provide a public education. The aggregate current expenditures shall include without limitation the following categories of expenditures:

1. Instruction;
2. Support services for students;
3. Support services for instructional staff;
4. Support services for general administration;
5. Support services for school administration;
6. Support services for business;

7. Operation and maintenance of plant services;
8. Student transportation services;
9. Child nutrition services; and
10. Enterprise services.

B. Aggregate current expenditures shall not include expenditures for adult and community education, facilities acquisition and construction services, debt services, property and other expenditures not related to the day-to-day operations.

C. The provisions of subsection A of this section shall apply when related to the expenditure of public funds by educational and governmental entities. When reporting or publishing the per-pupil expenditure for any purpose, the State Department of Education shall also report or publish each category of expenditure as listed in subsection A of this section as well as the aggregate expenditure. Added by Laws 2017, c. 191, § 1, eff. Nov. 1, 2017.

§70-2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-2-101. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-102. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-103. Repealed by Laws 1980, c. 74, § 4, eff. Jan 1, 1981.

§70-2-104. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-105. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-106. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-107. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-108. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-109. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-2-110. Short title - Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act.

Sections 21 through 30 of this act shall be the provisions of the Local Government Campaign Finance and Financial Disclosure Act applicable to technology center districts and independent school districts and shall be known as the "Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act".

Added by Laws 2014, c. 313, § 21, eff. Jan. 1, 2015.

§70-2-111. Definitions.

A. Definitions of terms used in the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be the same as those terms are defined in Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, unless otherwise provided herein.

B. As used in the Technology Center District and Independent School District Campaign Finance and Disclosure Act:

1. "Campaign committee" means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to school district office, whose name as it will appear on the ballot shall appear in the name of the committee;

2. "School district" means a technology center district or an independent school district;

3. "School district office" means any elective school district office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Section 13A-105 of Title 26 of the Oklahoma Statutes; and

4. "School district political committee" means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for school district office but which is not required to register with the Ethics Commission or the Federal Election Commission.

Added by Laws 2014, c. 313, § 22, eff. Jan. 1, 2015.

§70-2-112. Applicability.

The Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall apply to all technology center districts and shall apply to all independent school districts.

Added by Laws 2014, c. 313, § 23, eff. Jan. 1, 2015.

§70-2-113. Campaign committee organization statements.

Each campaign committee shall file a statement of organization with the school district clerk subject to the same requirements as set forth for candidate committees for state office required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Added by Laws 2014, c. 313, § 24, eff. Jan. 1, 2015.

§70-2-114. School district political committee organization statements.

Every school district political committee shall file a statement of organization with the school district clerk subject to the same requirements as set forth for political committees required to file

statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Added by Laws 2014, c. 313, § 25, eff. Jan. 1, 2015.

§70-2-115. Contributions and expenditures reports.

Every campaign committee and every school district political committee shall file a report of contributions and expenditures with the school district clerk subject to the same requirements as set forth for candidate committees and political action committees, respectively, required to file reports of contributions and expenditures with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Added by Laws 2014, c. 313, § 26, eff. Jan. 1, 2015.

§70-2-116. Organization statements and contribution and expenditure reports - Public records.

Statements of organization and reports of contributions and expenditures required to be filed with the school district clerk under the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be public records. The school district clerk shall maintain statements of organization and reports of contributions and expenditures for four (4) years after the date on which they are filed, if not posted on the school district's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the school district clerk. If the school district in which the statements of organization and reports of contributions and expenditures are filed maintains an Internet website, the school district clerk may post on the website copies of statements of organization and reports of contributions and expenditures.

Added by Laws 2014, c. 313, § 27, eff. Jan. 1, 2015.

§70-2-117. Financial interest statements.

All candidates for school district office and all elected school district officers shall be required to file a statement of financial interests with the school district clerk subject to the same requirements as set forth for candidates for state office required to file statements of financial interests with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Added by Laws 2014, c. 313, § 28, eff. Jan. 1, 2015.

§70-2-118. Financial interest statements - Public records.

Statements of financial interests required to be filed with the school district clerk under the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be public records. The school district clerk shall maintain statements of financial interests for four (4) years after the date on which they are filed, if not posted on the school district's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the school district clerk. If the school district in which the statements of financial interests are filed maintains an Internet website, the school district clerk may post on the website copies of statements of financial interests.

Added by Laws 2014, c. 313, § 29, eff. Jan. 1, 2015.

§70-2-119. Enforcement.

The Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be enforced by the Ethics Commission in the same manner as Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution are enforced, including but not limited to acceptance of complaints, civil prosecutions, settlement agreements and any other compliance practices or requirements. Complaints may be received by the Ethics Commission alleging filing of statements or reports required to be filed under the Technology Center District and Independent School District Campaign Finance and Disclosure Act later than the prescribed time for filing. Such complaints shall be in the same form as other complaints. Upon receipt of such complaints of late filing, the Ethics Commission shall investigate whether the allegation or allegations are true and, if so, shall assess a late filing penalty of One Hundred Dollars (\$100.00) per day, not to exceed a maximum of One Thousand Dollars (\$1,000.00) for the filing of any statement or report. If the Ethics Commission determines the allegation or allegations are not true, it shall take no further action. Persons assessed a late filing fee may protest the assessment subject to provisions of the Administrative Procedures Act.

Added by Laws 2014, c. 313, § 30, eff. Jan. 1, 2015.

§70-2A-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2A-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2A-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2A-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2B-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2B-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2B-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2B-4. Repealed by Laws 1968, c. 60, § 2.

§70-3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-3-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-4.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-4.2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-3-101. State Board of Education - Members - Travel expenses.

A. The State Board of Education shall consist of seven (7) members. The State Superintendent of Public Instruction shall be a member and the chairperson of the Board. The remaining six members shall be appointed by the Governor by and with the advice and consent of the Senate. Except as otherwise provided for in subsection B of this section, upon assuming office each Governor shall appoint one member from each congressional district and one member from the state

at large. Each appointment shall be made to take effect on April 2. The term of each appointed member shall be four (4) years. Appointed members shall serve until a successor is appointed. Appointed members shall serve at the pleasure of the Governor. Upon the occurrence of a vacancy the same shall be filled by the Governor, subject to confirmation by the Senate at the next session of the Legislature. The appointment to fill a vacancy shall be made for the unexpired term.

B. On the effective date of this act, all appointed positions of the current State Board of Education shall be deemed vacant and the terms of persons serving on the Board shall be deemed terminated. The Governor shall make initial appointments pursuant to the provisions of this subsection within thirty (30) days of the effective date of this act, with one member appointed from each congressional district and one member appointed from the state at large. The appointments shall be subject to confirmation by the Senate at the next session of the Legislature. The terms for members appointed pursuant to this subsection shall terminate on April 2, 2015. Thereafter, members shall be appointed as provided for in subsection A of this section.

C. No person shall be eligible to be appointed to serve on the State Board unless the person has been awarded a high school diploma or certificate of high school equivalency. Any member appointed to the State Board shall complete the workshop requirements of a new school board member pursuant to Section 5-110 of this title within thirteen (13) months following or preceding the appointment of the member. Notwithstanding any provision of law to the contrary, the State Department of Education shall not charge any member of the State Board of Education a fee for any workshop provided by the Department for board members pursuant to Section 5-110 of this title and shall not pay a fee to any organization or institution of higher education on behalf of a member of the State Board of Education, or reimburse any member of the Board for a fee paid to any organization or institution of higher education, for attendance at a workshop or courses to satisfy the requirements of Section 5-110 of this title.

D. Members of the Board shall receive necessary traveling expenses while in the performance of their duties in accordance with the State Travel Reimbursement Act.

Added by Laws 1971, c. 281, § 3-101, eff. July 2, 1971. Amended by Laws 1985, c. 178, § 52, operative July 1, 1985; Laws 1989, 1st Ex.Sess., c. 2, § 40, emerg. eff. April 25, 1990; Laws 1992, c. 364, § 8, emerg. eff. June 4, 1992; Laws 1994, c. 210, § 1, emerg. eff. May 20, 1994; Laws 2002, c. 375, § 15, eff. Nov. 5, 2002; Laws 2011, c. 31, § 3; Laws 2011, c. 316, § 1.

§70-3-102. Meetings.

The State Board of Education shall meet in regular session once each month. Special meetings may be called by the president or by a majority of the members of the Board.

Laws 1971, c. 281, § 3-102, eff. July 2, 1971.

§70-3-103. Quorum.

A quorum of the State Board of Education shall consist of four members. No business may be transacted at any meeting unless a quorum is present and every act of said Board shall be approved by a majority of the membership of said Board.

Laws 1971, c. 281, § 3-103, eff. July 2, 1971.

§70-3-104. State Board of Education - Powers and duties.

The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Adopt policies and make rules for the operation of the public school system of the state;

2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

- a. State Aid to schools,
- b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and
- c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

4. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately

preceding the regular session of the Legislature. The report shall contain:

- a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
- b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,
- c. recommendations for the improvement of the public school system of the state,
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

6. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section 6-184 of this title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates:

- a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or

1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws,

- b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act;

7. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive

probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

8. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

9. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

10. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

11. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

12. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

13. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes;

15. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

16. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

17. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

18. Provide for the supervision of the transportation of pupils;

19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

20. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

21. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any monies as may be appropriated or designated by the Legislature, other than ad valorem taxes, any other funds identified by the State Department of Education, which may include, but not be limited to, grants-in-aid from the federal government for building purposes, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in the State Public Common School Building Equalization Fund. The fund shall be used to aid school districts and charter schools in acquiring buildings, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. It is hereby declared that the term "acquiring buildings" as used in Section 32 of Article X of the Oklahoma Constitution shall mean acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures, or equipment. For charter schools, the fund shall only be used to acquire buildings in which students enrolled in the charter school will be attending. It is hereby declared that the term "school districts" as used in Section 32 of Article X of the Oklahoma Constitution shall mean school districts and charter schools created pursuant to the provisions of the Oklahoma Charter Schools Act. If sufficient monies are available in the fund, the Board shall solicit proposals for grants from school districts and charter schools and shall determine the process for consideration of proposals. Grants shall be awarded only to school districts which have a total assessed property valuation per average daily membership that is less than the state average total assessed property valuation per average daily membership and, at the time of application, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution, and has voted indebtedness through the issuance of new bonds for at least fifty percent (50%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article

X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. Grants shall be awarded only to charter schools which have secured matching funds for the specific purpose of acquiring buildings in an amount of not less than ten percent (10%) of the total grant amount. The amount of each grant awarded by the Board each year shall not exceed Four Million Dollars (\$4,000,000.00). From the total amount available to provide grants to public schools and charter schools, charter schools shall be allocated the greater of ten percent (10%) of the total amount or the percent of students enrolled in charter schools that are not sponsored by the Statewide Virtual Charter School Board as compared to the student enrollment in school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state total assessed property valuation per average daily membership. The Board shall give priority consideration to school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state average total assessed property valuation per average daily membership. The Board is authorized to prorate grants awarded if monies are not sufficient in the fund to award grants to qualified districts and charter schools. The State Board of Education shall make available to eligible charter schools any unused grant funds that remain after the initial allocation to all eligible public school districts and charter schools of this state. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, the fund pursuant to the provisions of this paragraph, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to carry out the provisions of this paragraph. The cost of administering the fund shall be paid from monies appropriated to the State Board of Education for the operation of the State Department of Education;

22. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

23. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the

United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes.

Added by Laws 1971, c. 281, § 3-104, eff. July 2, 1971. Amended by Laws 1972, c. 241, § 1, emerg. eff. April 7, 1972; Laws 1973, c. 17, § 1, emerg. eff. March 27, 1973; Laws 1973, c. 46, § 6, operative July 1, 1973; Laws 1974, c. 146, § 1; Laws 1975, c. 344, § 1; Laws 1978, c. 85, § 1, eff. Jan. 8, 1979; Laws 1982, c. 369, § 1, eff. Oct. 1, 1982; Laws 1984, c. 296, § 42, operative July 1, 1984; Laws 1985, c. 13, § 1, eff. Nov. 1, 1985; Laws 1986, c. 105, § 2, emerg. eff. April 5, 1986; Laws 1991, c. 240, § 1, eff. Sept. 1, 1991; Laws 1993, c. 361, § 1, emerg. eff. June 11, 1993; Laws 1994, c. 2, § 26, emerg. eff. March 2, 1994; Laws 1994, c. 378, § 1, eff. July 1, 1994; Laws 1995, c. 1, § 25, emerg. eff. March 2, 1995; Laws 1995, c. 226, § 1, eff. July 1, 1995; Laws 1995, c. 322, § 23, eff. July 1, 1995; Laws 1998, c. 246, § 32, eff. Nov. 1, 1998; Laws 1999, c. 336, § 5, eff. Nov. 1, 1999; Laws 2009, c. 448, § 1, eff. Nov. 1, 2009; Laws 2010, c. 2, § 73, emerg. eff. March 3, 2010; Laws 2011, c. 31, § 4; Laws 2012, c. 354, § 1; Laws 2013, c. 271, § 1.

NOTE: Laws 1993, c. 239, § 21 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 344, § 1 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2009, c. 234, § 155 repealed by Laws 2010, c. 2, § 74, emerg. eff. March 3, 2010.

§70-3-104.1. Convicted felons not to receive certification for instructional, supervisory or administrative position.

No person shall receive a certificate for instructional, supervisory or administrative position in an accredited school of this state who has been convicted of a felony, any crime involving moral turpitude or a felony violation of the narcotic laws of the United States or the State of Oklahoma, provided the conviction was entered within the preceding ten-year period.

Laws 1979, c. 91, § 1.

§70-3-104.2. Repealed by Laws 2012, c. 354, § 10.

§70-3-104.3. Requirements for compliance with quality standards - Loss or denial of accreditation.

A. The Legislature, recognizing its obligation to the children of this state to ensure their opportunity to receive an excellent education, and recognizing its obligation to the taxpayers of this

state to ensure that schooling is accomplished in an efficient manner, hereby establishes requirements for compliance with quality standards which the public schools and school districts, within the limits of resources now or subsequently available, must meet.

B. State accreditation shall be withdrawn from or denied to schools or school districts that do not meet the requirements of Sections 2, 3, 6, 28, 29, 30, 44, 45, 46, 47, 48, and 49 of this act, and the State Board of Education shall take action as required by this act to ensure that students affected are enrolled in schools that are able to maintain state accreditation. Nothing herein shall be construed as prohibiting the withdrawing or denial of accreditation for failure to meet requirements as elsewhere provided by law.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 1, operative July 1, 1990.

§70-3-104.4. See the following versions:

OS 70-3-104.4v1 (SB 92, Laws 2019, c. 373, § 1).

OS 70-3-104.4v2 (SB 193, Laws 2019, c. 488, § 1).

§70-3-104.4v1. Standards for accreditation.

A. The State Board of Education shall adopt standards for the accreditation of the public schools in this state according to the requirements of Section 3-104.3 et seq. of this title, to be effective as set forth in Section 3-104.3 et seq. of this title. The accreditation standards shall incorporate the curricular standards established pursuant to Section 11-103.6 of this title. The accreditation standards shall equal or exceed nationally recognized accreditation standards to the extent that the standards are consistent with an academic results oriented approach to accreditation. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. The accreditation standards shall be made available for public inspection at the offices of the State Department of Education.

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

C. Except as otherwise provided, schools shall meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the

adopted standards by the State Board of Education pursuant to the Administrative Procedures Act. The accreditation standards shall provide for warnings, probation or nonaccredited status for schools that fail to meet the standards. The Department shall investigate a complaint of failure to provide educational services or failure to comply with accreditation standards within thirty (30) days of receiving the complaint. If the Department determines that a school has failed to comply with the accreditation standards, the Department shall report the recommended warning, probation or nonaccredited accreditation status to the State Board of Education within ninety (90) days. If a school does not take action to comply with the accreditation standards within ninety (90) days after a report is filed by the Department, the Board shall withdraw accreditation for the school. The State Board accreditation regulations shall provide for warnings and for assistance to schools and school districts whenever there is reason to believe a school is in danger of losing its state accreditation.

D. If one or more school sites fail to receive accreditation as required pursuant to this section or subsequently lose accreditation, the State Board of Education shall close the school and reassign the students to accredited schools within the district or shall annex the district to one or more other districts in which the students can be educated in accredited schools.

E. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of educational services provided in partial hospitalization programs, day treatment programs, day hospital programs, residential treatment programs and emergency shelter programs for persons between the ages of three (3) and twenty-one (21) years of age. The accreditation standards shall apply to onsite and offsite educational services provided by public school districts or state-accredited private schools. Each school which is providing or is required to provide educational services for students placed in a program as described in this subsection shall be actively monitored by the State Department of Education. The Department shall determine on an ongoing basis if the educational program and services are in compliance with the accreditation standards.

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

G. 1. Accreditation shall not be withdrawn from or denied nor shall a penalty be assessed against a school or school district for failing to meet the media materials and equipment standards and media

program expenditure standards as set forth in the accreditation standards adopted by the Board.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during a fiscal year immediately following a fiscal year that the state financial support of public schools provides an amount equal to or more than Three Thousand Two Hundred Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average daily membership as calculated pursuant to Section 18-200.1 of this title and reported to school districts by the State Department of Education on the initial tentative State Aid allocation notice.

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

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

2. The provisions of paragraph 1 of this subsection shall cease to be effective during a fiscal year immediately following a fiscal year that the state financial support of public schools provides an amount equal to or more than Three Thousand Two Hundred Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average daily membership as calculated pursuant to Section 18-200.1 of this title and reported to school districts by the State Department of Education on the initial tentative State Aid allocation notice.

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

I. Except as provided for in subsection J of this section, beginning with the 2019-2020 school year, evaluations of schools to determine whether they meet the accreditation standards set forth in accordance with this section shall occur once every four (4) years on a schedule adopted by the State Board of Education. The Board may interrupt the evaluation schedule provided in this subsection for reasons including a change in the superintendent of the school district; determination that one or more school district board members have not met the continuing education requirements as defined by this title; determination that the school district falsified information submitted to any public city, county, state or federal

official or agency; initiation of an investigation by the Board or a law enforcement agency; or other determination by the Board that standards for accreditation are not being met by the school district. The schedule adopted by the Board shall allow for school districts receiving no deficiencies for two (2) consecutive years to be reviewed for accreditation less than annually. Provided, however, that schools shall be evaluated annually for the purposes of:

1. Local, state and federal funding;
2. Health and safety;
3. Certification requirements for teachers, principals and superintendents;
4. School board governance, including instructional and continuing education requirements for school board members; and
5. Any other requirements under state or federal law.

J. Beginning with the 2019-2020 school year, if a public school receives a deficiency on its accreditation report, the public school shall be evaluated annually to determine if it meets the accreditation standards set forth in accordance with this section. If the public school receives no deficiencies for two (2) consecutive years, the public school shall be subject to the evaluation timeline established in subsection I of this section.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 2, emerg. eff. April 25, 1990. Amended by Laws 1995, c. 188, § 1, eff. July 1, 1995; Laws 2010, c. 457, § 1; Laws 2012, c. 236, § 1, eff. July 1, 2012; Laws 2014, c. 311, § 1, eff. July 1, 2014; Laws 2016, c. 253, § 1, eff. July 1, 2016; Laws 2017, c. 42, § 27; Laws 2019, c. 373, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2016, c. 205, § 1 repealed by Laws 2017, c. 42, § 28.

§70-3-104.4v2. Standards for accreditation.

A. On or before February 1, 1991, the State Board of Education shall adopt standards for the accreditation of the public schools in this state according to the requirements of this act, to be effective as set forth in this act. The accreditation standards shall incorporate the curricular standards established pursuant to Section 11-103.6 of this title. The accreditation standards shall equal or exceed the accreditation standards for schools promulgated by the North Central Association 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 conflict with state statute. The accreditation adopted by the State Board shall encompass accreditation for elementary schools, middle schools, junior high schools, and high schools. The accreditation standards shall be made available for public inspection at the offices of the State Department of Education.

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

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

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

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

Schools shall thereafter continue to meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the adopted standards by the State Board of Education pursuant to the Administrative Procedures Act.

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

E. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of educational services provided in partial hospitalization programs, day treatment programs, day hospital programs, residential treatment programs and emergency shelter programs for persons between the ages of three (3) and twenty-one (21) years of age. The accreditation standards shall apply to onsite and offsite educational services provided by public school districts or state-accredited private schools. The accreditation standards shall provide for warnings, probation or nonaccredited status for schools that fail to meet the standards. Each school which is providing or is required to provide educational services for students placed in a program as described in this subsection shall be actively monitored by the State Department of Education. The Department shall determine on an ongoing basis if the educational program and services are in compliance with the accreditation standards. The Department shall investigate a complaint of failure to provide educational services within ten (10) days of receiving the complaint. If the Department determines that a

school has failed to comply with the accreditation standards the Department shall report the recommended warning, probation or nonaccredited accreditation status to the State Board of Education within sixty (60) days. If a school does not take action to comply with the accreditation standards within ninety (90) days after a report is filed by the Department, the Board shall withdraw accreditation for the school.

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

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

H. 1. Accreditation shall not be withdrawn from or denied nor shall a penalty be assessed against a school or school district for failing to meet the media materials and equipment standards, media program expenditure standards and media personnel standards as set forth in the accreditation standards adopted by the Board.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during the fiscal year which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases. Accreditation shall not be withdrawn from or denied nor shall a penalty be assessed against a school or school district for failing to meet the media personnel standards as set forth in accreditation standards adopted by the Board.

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

2. Beginning with the fiscal year which begins July 1, 2021, if the amount of money appropriated to the State Board of Education for the financial support of public schools is at least One Hundred Million Dollars (\$100,000,000.00) greater than the amount of money

appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be assessed against any school districts that do not comply with the class size limitations for kindergarten as provided for in Section 18-113.2 of this title and class size limitations for grade one as provided for in subsection A of Section 18-113.1 of this title. Provided, the One Hundred Million Dollars (\$100,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.

3. The State Department of Education shall submit a report on statewide classroom sizes to the President Pro Tempore of the Oklahoma State Senate and the Speaker of the Oklahoma House of Representatives no later than January 1, 2022.

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

Added by Laws 1989, 1st Ex. Sess., c. 2, § 2, emerg. eff. April 25, 1990. Amended by Laws 1995, c. 188, § 1, eff. July 1, 1995; Laws 2010, c. 457, § 1; Laws 2012, c. 236, § 1, eff. July 1, 2012; Laws 2014, c. 311, § 1, eff. July 1, 2014; Laws 2016, c. 253, § 1, eff. July 1, 2016; Laws 2017, c. 42, § 27; Laws 2019, c. 488, § 1, eff. July 1, 2019.

NOTE: Laws 2016, c. 205, § 1 repealed by Laws 2017, c. 42, § 28.

§70-3-104.5. Plan of Educational Development and Improvement - Submission to State Board of Education - Rules - Approval or rejection of plan.

A. The board of education of every elementary school district and independent school district that has not filed notification with the State Board of Education by November 1, 1990, of intent to annex or consolidate shall submit a Plan of Educational Development and Improvement to the State Board of Education by May 1, 1991. Said plan shall be submitted in compliance with rules which shall be promulgated by the State Board by April 1, 1990, for the purpose of obtaining information the State Board will need to determine whether such district can be expected to make satisfactory progress toward meeting the requirements of this act with resources available and reasonably anticipated. To the greatest possible extent, said rules shall be written to enable districts to make use of materials prepared for submittal of the districts' four-year plans pursuant to Section 3-104.2 of Title 70 of the Oklahoma Statutes and of other plans or reports required by statutes or State Board regulations. Nothing herein shall be construed as prohibiting subsequent rule changes made pursuant to the requirements of the Oklahoma Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes.

B. The State Board shall approve each such plan submitted within three (3) months of receipt of the plan. If the board rejects the plan, it shall assist the district in revising its plan or reconsidering the decision not to file notification of intent to consolidate or annex. Approval shall mean that the State Board has no reasonable doubt that the district will achieve and maintain full compliance with all the provisions of this act on schedule. Plans approved shall be implemented by the local board.
Added by Laws 1989, 1st Ex.Sess., c. 2, § 13, emerg. eff. April 25, 1990; Laws 1991, c. 3, § 1, eff. July 1, 1991.

§70-3-104.6. Legislative membership or in Legislative Service Bureau as valid experience for renewal of Standard Teaching Certificate.

The State Board of Education shall recognize full time service as a member of the staff of the House of Representatives, the Senate, or the Legislative Service Bureau in an area related to education as valid experience for renewal of the Standard Teaching Certificate.
Added by Laws 1990, c. 260, § 52, operative July 1, 1990.

§70-3-104.7. Day treatment programs - Standards for on-site educational services.

A. For purposes of this act, partial hospitalization programs, day treatment programs and day hospital programs mean nonresidential settings in which school-age children are placed for psychiatric or psychological treatment which precludes their attendance at a regular public school.

B. No later than August 15, 1994, the State Board of Education shall establish standards for on-site educational services provided in partial hospitalization programs, day treatment programs, and day hospital programs for persons between the ages of three (3) and twenty-one (21) years of age. For minors who are persons requiring psychiatric treatment as defined by Title 43A of the Oklahoma Statutes, on-site educational services shall be provided beginning on the eleventh day of admission. The standards shall address all areas of education including teacher certification requirements, number of hours taught, adequacy of facilities, and educational plans including plans for transition into regular school setting.

C. No facility listed in subsection A of this section shall be licensed pursuant to the provisions of this act unless the facility meets the standards for educational services established by the State Board of Education.

D. The State Board of Education shall promulgate rules to implement the provisions of this act.
Added by Laws 1994, c. 378, § 2, eff. July 1, 1994. Amended by Laws 2014, c. 90, § 2, eff. July 1, 2014.

§70-3-104.8. Contracts with educators.

A. Subject to the availability of funds, the State Department of Education shall be authorized to directly contract with educators who are current or retired employees of Oklahoma public school districts, for services to assist the Department as may be necessary when such services require the expertise and qualifications of an Oklahoma certified educator.

B. The contract shall not:

1. Be subject to the competitive bidding requirements of the Oklahoma Central Purchasing Act; and

2. Be included in the calculation of the educator's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

Added by Laws 2017, c. 71, § 1, eff. July 1, 2017.

§70-3-104.9. Report listing wage, salary, benefit, job class changes.

Beginning in the 2018-2019 school year, the State Department of Education shall annually publish on its website within one click of the homepage a report listing all increases in wages, salaries, rates of pay or fringe benefits and any changes to job class, excluding job class changes that did not result in an increase in pay, for school district employees. The Department shall publish the information within sixty (60) days following the submission of personnel reports certified on July 15.

Added by Laws 2018, c. 275, § 1.

§70-3-105. Repealed by Laws 1980, c. 159, § 40, emerg. eff. April 2, 1980.

§70-3-106. Office - Books pertaining to office - Salary of Superintendent.

The State Superintendent of Public Instruction shall have an office at the seat of government where all books and papers pertaining to the office of the Superintendent shall be kept. The books and papers shall be kept and preserved in the office and delivered by the Superintendent of Public Instruction to a successor. The Superintendent shall file and carefully preserve in the office all official reports made to the Superintendent. The salary of the State Superintendent of Public Instruction shall be as provided for in Section 250.4 of Title 74 of the Oklahoma Statutes.

Added by Laws 1971, c. 281, § 3-106, eff. July 2, 1971. Amended by Laws 1973, c. 137, § 1, emerg. eff. May 10, 1973; Laws 1982, c. 287, § 35, operative July 1, 1982; Laws 2011, c. 31, § 5.

§70-3-107. Administrative and executive duties.

The State Superintendent of Public Instruction is hereby authorized to administer oaths. Upon proper request, the State Superintendent shall advise school district superintendents and technology center school district superintendents on questions as to the powers, duties and functions of school district officials, and each two (2) years shall cause to be compiled, published and distributed to boards of education and other public officials as deemed necessary the school laws in force. The school laws shall include court decisions, Attorney General's opinions and other informative matter relating to the school laws as deemed appropriate. The State Superintendent shall have control of and direct the State Department of Education and shall perform any other duties pertaining to the public school system as shall be prescribed by law or the State Board of Education. The State Superintendent may affiliate with the National Council of Chief State School Officers and any other national and state organizations as will be of service and benefit to the public school system of Oklahoma, and dues or assessments for membership therein shall be payable from any appropriation that is available for the payment of current operative expenses of the State Department of Education. Added by Laws 1971, c. 281, § 3-107, eff. July 2, 1971. Amended by Laws 2011, c. 31, § 6.

§70-3-107.1. State Superintendent of Public Instruction - Powers and duties.

The State Superintendent of Public Instruction shall have the control of and direct the State Department of Education. In addition to any other powers and duties as set forth by the Oklahoma Constitution or by law, the State Superintendent shall:

1. Give advice and make recommendations to the State Board of Education on all matters pertaining to the policies and administration of the public school system;
2. Adopt policies and make rules for the organization, operation and administration of the State Department of Education;
3. Organize and have control of the administration of the State Department of Education and any other supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the State Superintendent and the State Board of Education;
4. Have authority to require the coordination of all divisions of the State Department of Education and have general supervision of all employees of the Department;
5. Present all recommendations of the Department to the State Board and require employees of the Department to present specific matters directly to the State Board; and
6. Be responsible for interpretation of policy and rules set by the State Board.

Added by Laws 2011, c. 31, § 7.

§70-3-108. Repealed by Laws 1982, c. 287, § 50, operative July 1, 1982.

§70-3-109. Curriculum Materials Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education, to be designated the "Curriculum Materials Revolving Fund". The fund shall consist of curriculum guides fees paid to the Board pursuant to law. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the administrative authority of the State Board of Education. Expenditures from said fund shall be made for the purpose of maintaining the curriculum guides process and for any other purpose as designated by the Legislature. Warrants for expenditure shall be drawn by the State Treasurer on claims by an authorized employee of the State Board of Education and approved by the Director of the Office of Management and Enterprise Services.

Added by Laws 1982, c. 287, § 40, operative July 1, 1982. Amended by Laws 1993, c. 361, § 2, eff. July 1, 1993; Laws 2012, c. 304, § 588.

§70-3-110. Repealed by Laws 2014, c. 164, § 7, eff. July 1, 2014.

§70-3-110.1. Allocation of funds for adult education.

Funds appropriated to the State Board of Career and Technology Education for Adult Education Matching Funds shall be provided to school districts which offer courses leading to a high school equivalency diploma. The State Board of Career and Technology Education shall promulgate rules for the distribution of the funds.

Added by Laws 1995, c. 305, § 3, eff. July 1, 1995. Amended by Laws 2014, c. 164, § 1, eff. July 1, 2014; Laws 2015, c. 360, § 1, eff. July 1, 2015.

§70-3-111. Blank.

§70-3-112. Blank.

§70-3-113. Blank.

§70-3-114. Blank.

§70-3-115. School facility improvement program - Allocations from appropriations.

C. Of the Eighteen Million Three Hundred Sixty-five Thousand Four Hundred Two Dollars (\$18,365,402.00) scheduled for expenditure for Administrative and Support Functions of the State Department of

Education in Section 80, Chapter 204, O.S.L. 1987, from funds appropriated to the Department in Sections 71, 72 and 74, Chapter 204, O.S.L. 1987, the sum of Sixty-two Thousand Nine Hundred Sixty-seven Dollars (\$62,967.00) shall be expended for the school facility improvement program provided in this section.

D. The State Board of Education shall expend the sum of One Hundred Eighty-seven Thousand Thirty-three Dollars (\$187,033.00) from the State Public Common School Building Equalization Fund for the school facility improvement program provided in this section.

Added by Laws 1988, c. 320, § 67.

Subsections A and B were vetoed by the Governor.

§70-3-116. Repealed by Laws 2012, c. 223, § 16, eff. July 1, 2013.

§70-3-116.1. Educational Accountability Reform Act - Short title.

This act shall be known and may be cited as the "Educational Accountability Reform Act".

Added by Laws 2009, c. 456, § 1, eff. July 1, 2009.

§70-3-116.2. Commission for Educational Quality and Accountability.

A. Effective January 1, 2013, there is hereby created the Commission for Educational Quality and Accountability. The membership of the Commission shall consist of:

1. The Secretary of Education, who shall serve as the chair of the Commission;

2. One member appointed by the Governor, with the advice and consent of the Senate, representing business and industry from an Oklahoma employer with five hundred (500) or fewer employees;

3. One member, appointed by the Governor, with the advice and consent of the Senate, who is a parent of a child enrolled in a public school in this state; 4. One member, appointed by the Governor, with the advice and consent of the Senate, who is an administrator of a public school district;

5. One member, appointed by the Governor, with the advice and consent of the Senate, who shall represent higher education teacher education programs;

6. One member appointed by the Governor, with the advice and consent of the Senate, who shall be an active classroom teacher in kindergarten through grade six; and

7. One member appointed by the Governor, with the advice and consent of the Senate, who shall be an active classroom teacher in grades seven through twelve.

The terms of the initial appointed members shall commence on January 1, 2013, and shall end on June 30, 2014. The terms of subsequently appointed members shall commence on July 1 of each year following the election of the Governor thereafter and shall be for four (4) years. If a vacancy occurs, the vacancy shall be filled for

the unexpired term in the same manner as the office was previously filled. B. A quorum of the Commission, which shall consist of four members, shall be present in order for the Commission to transact any business. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

C. Prior to July 1, 2013, the Commission shall meet to organize and plan for the assumption of the powers and duties of the Education Oversight Board and the Oklahoma Commission for Teacher Preparation.

D. Beginning July 1, 2013, the Commission shall assume the following duties:

1. Oversee implementation of the provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature;

2. Implementation of the provisions of the Oklahoma Teacher Preparation Act as provided for in law;

3. Make recommendations to the Governor and Legislature on methods to achieve an aligned, seamless system from preschool through postsecondary education; and

4. Set performance levels and corresponding cut scores pursuant to the Oklahoma School Testing Program Act and as provided for in Section 1210.541 of Title 70 of the Oklahoma Statutes.

E. Beginning July 1, 2013, the Commission shall govern the operation of the Office of Educational Quality and Accountability created in Section 3-117 of Title 70 of the Oklahoma Statutes.

F. 1. Beginning July 1, 2014, the Commission shall assume the following duties of the Oklahoma Commission for Teacher Preparation according to the provisions of the Oklahoma Teacher Preparation Act:

a. approval and accreditation of teacher education programs, and

b. assessment of candidates for licensure and certification.

2. To implement the provisions of this subsection the Commission shall:

a. include the State Board of Education in the process,

b. review and assess approved, accredited and new programs of teacher education, and

c. encourage studies and research designed to improve teacher education.

Added by Laws 2012, c. 223, § 1, eff. Jan. 1, 2013.

§70-3-116.3. Technical corrections - References in statutes.

A. As of July 1, 2013, all references to the Education Oversight Board shall mean the Commission for Educational Quality and Accountability.

B. As of July 1, 2013, all references to the Office of Accountability shall mean the Office of Educational Quality and Accountability.

C. As of July 1, 2014, all references to the Oklahoma Commission for Teacher Preparation shall mean the Commission for Educational Quality and Accountability.

Added by Laws 2012, c. 223, § 2, eff. Jan. 1, 2013.

§70-3-116.4. Transfer of authority.

A. On July 1, 2014, the Oklahoma Commission for Teacher Preparation shall be placed under the authority of the Commission for Educational Quality and Accountability. Except as otherwise provided for in this section, the transfer shall include all real property, buildings, furniture, equipment, supplies, records, personnel, assets, current and future liabilities, fund balances, encumbrances, obligations, and indebtedness associated with the Oklahoma Commission for Teacher Preparation.

B. All employees of the Oklahoma Commission for Teacher Preparation on July 1, 2014, including related liabilities for sick leave, annual leave, holidays, unemployment benefits, and workers' compensation benefits accruing prior to July 1, 2014, to such personnel shall be transferred to the Commission for Educational Quality and Accountability as of July 1, 2014. It is the intent of the Legislature that, to the extent possible, the Commission ensure that the employees retain pay and benefits, as much as possible, including longevity, dependent insurance benefits, seniority, rights, and other privileges or benefits.

C. Appropriate conveyances and other documents shall be executed by January 1, 2015, to effectuate the transfer of property owned by the Oklahoma Commission for Teacher Preparation to the Commission for Educational Quality and Accountability.

D. Any monies donated or accruing to or in the name of the Oklahoma Commission for Teacher Preparation after July 1, 2014, shall be transferred to the Commission for Educational Quality and Accountability. Any other monies from appropriations, fees, licenses, fines, penalties, or other similar types of monies that accrue in any funds or accounts after July 1, 2014, in the name of the Oklahoma Commission for Teacher Preparation or maintained for the benefit of the Oklahoma Commission for Teacher Preparation are transferred to the Commission.

E. The Commission for Educational Quality and Accountability shall succeed to any contractual rights and responsibilities incurred by the Oklahoma Commission for Teacher Preparation.

F. The rules of the Oklahoma Commission for Teacher Preparation that are in effect on July 1, 2014, shall be enforceable by the Commission for Educational Quality and Accountability until the Commission establishes rules.

Added by Laws 2012, c. 223, § 3, eff. Jan. 1, 2013.

§70-3-117. Office of Educational Quality and Accountability.

There is hereby created the Office of Educational Quality and Accountability. The Office of Educational Quality and Accountability, its personnel, budget, and expenditure of funds shall be solely under the direction of the Commission for Educational Quality and Accountability. The Commission shall demonstrate a savings of fifteen percent (15%) by merging the former Office of Accountability into the Office of Educational Quality and Accountability.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 42, emerg. eff. April 25, 1990. Amended by Laws 1997, c. 191, § 2, eff. July 1, 1997; Laws 2003, c. 434, § 30; Laws 2012, c. 223, § 5, eff. July 1, 2013.

NOTE: Laws 2012, c. 304, § 590 repealed by Laws 2013, c. 15, § 95, eff. July 1, 2013.

§70-3-117.1. Short title - School Finance Review Commission Act.

This act shall be known and may be cited as the "School Finance Review Commission Act".

Added by Laws 2017, c. 379, § 1, eff. July 1, 2017.

§70-3-117.2. School Finance Review Commission - Creation.

A. There is hereby created the School Finance Review Commission consisting of:

1. A member appointed by and serving at the pleasure of the Governor whose term shall begin not later than March 1, 2021;

2. A member appointed by and serving at the pleasure of the Lieutenant Governor whose term shall begin not later than March 1, 2021;

3. A member appointed by and serving at the pleasure of the Speaker of the House of Representatives whose term shall begin not later than March 1, 2021;

4. A member appointed by and serving at the pleasure of the Minority Leader of the House of Representatives whose term shall begin not later than March 1, 2021;

5. A member appointed by and serving at the pleasure of the President Pro Tempore of the Senate whose term shall begin not later than March 1, 2021;

6. A member appointed by and serving at the pleasure of the Minority Leader of the Senate whose term shall begin not later than March 1, 2021;

7. The Executive Director of the Office of Educational Quality and Accountability or his or her designee who is an employee of the Office of Educational Quality and Accountability who shall be an ex officio and nonvoting member; and

8. The State Superintendent or his or her designee who is an employee of the State Department of Education who shall be an ex officio and nonvoting member.

B. Thereafter persons shall be appointed by the appointing authority for terms of four (4) years beginning on January 1, or until the Commission expires. Any vacancy shall be filled by the appointing authority for the remainder of the unexpired term.

C. No voting member shall be appointed to the Commission who at the time of his or her appointment is an elected official. Any person who is appointed to the Commission who subsequently becomes an elected official during his or her term on the Commission shall be required to vacate his or her position on the Commission.

D. The Educational Quality and Accountability Commission shall provide staff and administrative support to the School Finance Review Commission. The State Department of Education shall assist the Educational Quality and Accountability Commission as needed in providing staff and administrative support to the School Finance Review Commission.

E. The Commission shall hold its meetings in compliance with the Oklahoma Open Meeting Act.

F. No person appointed to the Commission shall be permitted to receive travel reimbursement or compensation.

Added by Laws 2017, c. 379, § 3, eff. July 1, 2017.

§70-3-117.3. School Finance Review Commission - Duties.

A. The School Finance Review Commission shall conduct a review of all matters related to school finance, including but not limited to teacher compensation, benefits and administration costs.

B. The Commission shall submit a report of its findings to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives no later than December 31, 2023, and every subsequent four (4) years by December 31.

Added by Laws 2017, c. 379, § 4, eff. July 1, 2017.

§70-3-118. Secretary of Education - Powers, duties and responsibilities.

The Secretary of Education shall:

1. Oversee the Office of Educational Quality and Accountability;
2. Employ necessary personnel according to procedures established for the employment of personnel by the Office of Management and Enterprise Services;

3. Monitor the efforts of the public school districts to comply with the provisions of this act and of Enrolled Senate Bill No. 183 of the 1st Session of the 42nd Oklahoma Legislature which relate to common education;

4. Identify districts not making satisfactory progress toward compliance with the provisions and recommend appropriate corrective

actions to the State Board of Education concerning each district so identified;

5. Have executive responsibility for the Oklahoma Educational Indicators Program and the annual report required pursuant to Section 1210.531 of this title;

6. Review and make periodic public comment on the progress and effectiveness of the State Board and State Department of Education, the Office of the State Superintendent of Public Instruction, other bodies created by this act, and the public schools of this state concerning the implementation of the provisions of this act and of Enrolled Senate Bill No. 183 of the 1st Session of the 42nd Oklahoma Legislature which relate to common education;

7. Analyze the revenues for all systems of education and the expenditure of common education revenue, giving close attention to expenditures for administrative expenses relating to the common schools;

8. Make reports to the public concerning these matters whenever appropriate; and

9. Submit recommendations regarding funding for education or statutory changes to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor whenever appropriate.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 43, emerg. eff. April 25, 1990. Amended by Laws 1997, c. 191, § 3, eff. July 1, 1997; Laws 2012, c. 223, § 6, eff. July 1, 2013; Laws 2012, c. 304, § 591.

§70-3-118.1. Budget and operations performance reviews.

A. The Office of Educational Quality and Accountability is hereby authorized to conduct a performance review program to determine the effectiveness and efficiency of the budget and operations of school districts that have:

1. Administrative service costs which are above the expenditure limits established for school districts in Section 18-124 of this title or have total expenditures in excess of the district's adopted budget;

2. A district academic performance data score, calculated pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized, that is below the state average academic performance data;

3. Had a request for a performance review submitted by the Governor or the State Superintendent of Public Instruction;

4. A district student eligibility rate for free or reduced-price meals under the National School Lunch Act that is above the state average; or

5. Submitted a request for a performance review subsequent to a majority vote of the district's board of education.

B. Funds appropriated by the Legislature to the Office of Educational Quality and Accountability may be expended to fulfill the provisions of this section. The Office of Educational Quality and Accountability may contract with an outside entity or hire personnel to assist in the development and design of the program. The Office of Educational Quality and Accountability may contract with outside entities to assist in conducting performance review programs. Such entities shall be chosen through a competitive bid process. Invitations to bid for the performance reviews shall be open to any public or private entity. Contracts for performance reviews shall not be done on a sole source basis.

C. 1. If a performance review is conducted as authorized pursuant to paragraphs 1 through 4 of subsection A of this section, the entire cost of the review shall be borne by the Office of Educational Quality and Accountability.

2. If a school district requests a performance review, as authorized pursuant to paragraph 5 of subsection A of this section, twenty-five percent (25%) of the entire cost of the review shall be borne by the school district and seventy-five percent (75%) of the cost of the review shall be borne by the Office of Educational Quality and Accountability.

3. Districts shall be selected for review by the Commission for Educational Quality and Accountability contingent upon the availability of funding.

D. The Office of Educational Quality and Accountability shall engage in follow-up, outreach and technical assistance to help school districts and others understand, interpret, and apply the recommendations and best practices resulting from performance reviews conducted pursuant to this section.

E. After a performance review of a school district is completed by the Office of Educational Quality and Accountability, the school district may implement all or part of the recommendations contained in the review.

F. If a school district experiences a cost savings that is directly attributable to implementation of performance review recommendations, the cost savings shall be expended by the school district for classroom expenses. Classroom expenses shall include but are not limited to teacher salaries and purchasing textbooks, teaching material, technology and other classroom equipment. Classroom expenditures shall not include administrative services as defined in Section 18-124 of this title or for equipment or materials for administrative staff.

Added by Laws 2001, c. 419, § 1, eff. July 1, 2001. Amended by Laws 2002, c. 446, § 1, emerg. eff. June 5, 2002; Laws 2005, c. 432, § 14, eff. July 1, 2005; Laws 2009, c. 161, § 1, eff. July 1, 2009; Laws 2012, c. 223, § 7, eff. July 1, 2013; Laws 2013, c. 83, § 2, eff. July 1, 2013.

§70-3-119. Allocation of funds for school lunch programs.

Funds appropriated to the State Board of Education for School Lunch Matching and School Lunch Programs shall be apportioned by the State Board of Education to each school district for the purpose of providing meals for children in compliance with the National School Lunch Act and the Child Nutrition Act of 1966 and Public Law 91-248, as they may hereafter be amended or supplemented.

Added by Laws 1995, c. 305, § 4, eff. July 1, 1995.

§70-3-120. Board approval of programs using state funds.

The funding of programs with state funds appropriated to the State Board of Education which are to be awarded through a competitive application process or on a contractual basis shall be subject to final approval of the State Board of Education. The Board shall be responsible for the review and evaluation of the programs throughout the term of the funding or contract. The Board shall ensure that all state funds are expended in an appropriate manner and for the purposes stated in the application or contract.

Added by Laws 1995, c. 305, § 5, eff. July 1, 1995.

§70-3-121. Apportionment of certain administrative and support function funds.

A portion of the funds appropriated to the State Board of Education for the Administrative and Support Functions of the State Department of Education shall be expended for:

1. The cost involved in administering, scoring, reporting and other incidental duties necessary to accomplish the provisions of the Oklahoma School Testing Program Act;
2. Preschool deaf education programs operated by the State Department of Education; and
3. Conducting training workshops for administrative personnel pursuant to the provisions of Section 6-101.10 of this title.

Added by Laws 1995, c. 305, § 6, eff. July 1, 1995.

§70-3-122. Funding for education of children with visual impairments.

A. A portion of the funds appropriated to the State Board of Education for Administrative and Support Functions of the State Department of Education shall be expended for the development and operation of a statewide network of services for the education of children with visual impairments. The network shall consist of itinerant services provided by qualified regional program specialists and certified orientation and mobility specialists.

B. The network of services to be provided shall include:

1. Assessment of visual function;
2. Consultation regarding assessment of academic performance;

3. Consultation regarding assessment of ophthalmological performance;
 4. Consultation regarding assessment of psychological performance;
 5. Consultation regarding assessment of vocational performance;
 6. Assistance in the development of individualized education plans for children with visual impairments; and
 7. Provisions of or consultation regarding the acquisition of special equipment for children with visual impairment.
- Added by Laws 1995, c. 305, § 7, eff. July 1, 1995.

§70-3-123. Allocation of funds for Oklahoma Education 2000 Challenge.

A portion of the funds appropriated for the Administrative and Support Functions of the State Department of Education shall be allocated for the purpose of implementing the reforms in the Oklahoma Education 2000 Challenge Act, enacted by Enrolled Senate Bill No. 183 of the 1st Session of the 42nd Oklahoma Legislature and Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature.

Added by Laws 1995, c. 305, § 8, eff. July 1, 1995.

§70-3-123.1. Review of legislative provisions for duplication or conflict in mandates.

The State Department of Education shall conduct a review of provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature as amended, Enrolled House Bill No. 1759 of the 1st Regular Session of the 47th Oklahoma Legislature as amended, and the federal Elementary and Secondary Education Act, P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, to determine if there is a duplication of or a conflict in the legislative mandates in each act. The Department shall submit a report of the review to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the chairs of the House of Representatives Education Committee, the Senate Education Committee, the House of Representatives Appropriation and Budget Education Subcommittee, and the Senate Appropriation and Budget Education Subcommittee for review by the House and Senate staff no later than September 1, 2003.

Added by Laws 2003, c. 434, § 1.

§70-3-124. Short title.

This act shall be known and may be cited as the "Educational Deregulation Act".

Added by Laws 1995, c. 307, § 1, eff. July 1, 1995.

§70-3-125. Purpose of act.

The purpose of this act is to ensure that local schools have the necessary freedom to innovate and improve education systems in order to maximize student learning and performance. Pursuant to this purpose, school districts shall be allowed to develop, make application for and implement educational improvement plans which would exempt the school district, a school site or any program, grade level, consortium of schools or school districts or other group within the district from the educational-related statutory regulations set forth in subsection D of Section 3 of this act and the State Board of Education rules. The plans submitted by school districts and approved by the State Board of Education should emphasize innovation, flexibility, and collaboration at the local school level, accountability at the state and local level, dissemination of results, and strict emphasis on improved student achievement.

Added by Laws 1995, c. 307, § 2, eff. July 1, 1995.

§70-3-126. Educational improvement plans - Components - Exemptions from statutory requirements and State Board of Education rules.

A. A school district may develop an educational improvement plan which includes exemption from the educational-related statutory requirements set forth in subsection C of this section and State Board of Education rules for the school district, a school site or any program, grade level, consortium of schools or school districts or other group within the school district. The board of education of the school district shall, through adoption of a resolution, approve the plan prior to application being made to the State Board of Education.

B. Each educational improvement plan approved by the State Board of Education shall include the following components:

1. A description of the educational benefits to be derived;
2. A definition of the standards of the plan;
3. Development of definitive work products, such as site improvement plans and progress reports;
4. Demonstration of collaboration by teachers, administrators, higher education representatives, students, parents/families, and the community;
5. Development and the use of an assessment mechanism to determine progress in meeting the goals and objectives of the plan;
6. Development of an in-service training plan to be provided to personnel at the site who will participate in the project;
7. Report on the results of the plan to the State Board of Education and provision of appropriate technical assistance to other school districts and the State Department of Education as required; and
8. Explanation of how the plan will affect other schools, programs or sites in the district.

C. Each educational improvement plan shall include a list of the specific educational-related statutory requirements and State Board of Education rules the school district is requesting an exemption from and why each exemption is necessary to success of the plan. The school district shall not be granted an exemption from federal educational-related requirements. A school district may request an exemption from any statutory requirement or State Board of Education rule not related to bilingual and special education programs, health and safety provisions, school finance, State Aid, pupil formula weights, teacher salary and teacher retirement, the Oklahoma School Testing Program, the Oklahoma Educational Indicators Program and the teacher preparation, examination, certification, residency and professional development system. The State Board of Education may grant district-wide exemptions from certification requirements for Library Media Specialists to districts experiencing a shortage in this area. The State Board of Education may grant an exemption from certification requirements for superintendents to any district with an unweighted average daily membership over twenty-five thousand (25,000).

Added by Laws 1995, c. 307, § 3, eff. July 1, 1995. Amended by Laws 1996, c. 343, § 1, eff. July 1, 1996; Laws 1999, c. 311, § 1, emerg. eff. June 4, 1999; Laws 2001, c. 24, § 1, emerg. eff. April 3, 2001; Laws 2014, c. 124, § 2, eff. July 1, 2014.

§70-3-127. Approval by State Board of Education.

A. Prior to the adoption of a resolution by the local board of education as required in subsection A of Section 3-126 of this title, the local board of education shall provide for a period of public review and comment on the proposed educational improvement plan and shall notify and allow comment from the district bargaining agent of the plan. If no bargaining agent exists for that district, the teachers directly effected shall be notified and allowed to make comments. All comments, recommendations and objections made by the bargaining agent and others to the local board of education shall be forwarded to the State Board of Education for consideration prior to review of the plan.

B. Each educational improvement plan shall be approved by the State Board of Education before implementation.

C. Approval of a plan shall be for no longer than three (3) years. If a plan is approved, the school district shall be required to submit an annual report and the Board shall provide for an annual assessment of the plan.

D. The Board shall notify the Speaker of the House of Representatives and the President Pro Tempore of the Senate of the approval of plans on a quarterly basis and shall provide the Speaker and the President Pro Tempore with copies of the annual reports and assessments.

E. If the Board determines through the annual assessment process that the school district is not complying with the requirements of the Educational Deregulation Act or is not meeting the goals of the plan, it shall first provide notice to the district of its findings. If the school district does not come into compliance or take action to meet the goals of the plan, the Board shall withdraw approval and terminate the plan.

Added by Laws 1995, c. 307, § 4, eff. July 1, 1995. Amended by Laws 1996, c. 343, § 2, eff. July 1, 1996.

§70-3-128. Rules.

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

Added by Laws 1995, c. 307, § 6, eff. July 1, 1995.

§70-3-129.1. Short title.

This act shall be known and may be cited as the "Empowered Schools and School Districts Act".

Added by Laws 2010, c. 353, § 1.

§70-3-129.2. Definitions.

As used in the Empowered Schools and School Districts Act:

1. "Empowered school" means a school in which a school district board of education implements an empowerment plan pursuant to Section 3 of this act;

2. "Empowered school zone" means a group of schools of a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education and in which a school district board of education implements an empowerment plan pursuant to Section 3 of this act;

3. "Empowered district" means a school district in which all schools of a school district are included in an empowerment plan implemented by the school district board of education pursuant to Section 3 of this act; and

4. "State Board" means the State Board of Education.

Added by Laws 2010, c. 353, § 2.

§70-3-129.3. Public school, zone, or district empowerment plan.

A. 1. A public school, zone, or district may submit to its school district board of education an empowerment plan as described in subsection C of this section.

2. A school district board of education shall receive and review each empowerment plan submitted pursuant to paragraph 1 of this subsection. The school district board of education shall either approve or disapprove the empowerment plan within sixty (60) days after receiving the plan.

3. If the school district board of education rejects the plan, it shall provide to the public school, zone, or district that submitted the plan a written explanation of the basis for its decision. A public school, zone, or district may resubmit an amended empowerment plan at any time after denial.

4. If the school district board of education approves the plan, it shall proceed to seek approval of the school, zone, or district as an empowered school, zone, or district pursuant to Section 6 of this act.

B. A school district board of education may initiate and collaborate with one or more public schools of the school district to create one or more empowerment plans, as described in subsection C of this section. In creating an empowerment plan the school district board of education shall ensure that each public school that would be affected by the plan has the opportunity to participate in the creation of the plan.

C. Each empowerment plan shall include the following information:

1. A statement of the mission of the school, zone, or district and why designation as an empowered school, zone, or district would enhance the ability of the school, zone, or district to achieve its mission;

2. A description of the innovations the school, zone, or district would implement, which may include, but not be limited to, innovations in school staffing, curriculum and assessment, class scheduling, use of financial and other resources, and faculty recruitment, employment, evaluation, and compensation;

3. A listing of the programs, policies, or operational documents within the school, zone, or district that would be affected by the innovations identified by the school, zone, or district and the manner in which they would be affected. The programs, policies, or operational documents may include, but not be limited to:

- a. the research-based educational program to be implemented,
- b. the length of school day and school year,
- c. the student promotion and graduation policies to be implemented,
- d. the assessment plan,
- e. the proposed budget, and
- f. the proposed staffing plan;

4. A description of any statutory, regulatory, or district policy requirements that would need to be waived for the school, zone, or district to implement the identified innovations;

5. A description of any provision of the collective bargaining agreement in effect for the personnel at the school, zone, or district that would need to be waived for the school, zone, or district to implement its identified innovation;

6. An identification of the improvements in academic performance that the school, zone, or district expects to achieve in implementing the innovations;

7. An estimate of the cost savings and increased efficiencies, if any, the school, zone, or district expects to achieve in implementing the identified innovations;

8. Evidence that both a majority of the administrators and a majority of the teachers employed at the school, zone, or district approve the empowerment plan and consent to the designation as an empowered school, zone, or district. The determination of approval and consent of the plan shall be obtained by means of a secret ballot vote;

9. A statement of the level of support for designation as an empowered school, zone, or district demonstrated by the other persons employed at the school, zone, or district, the students and parents of students enrolled in the school, zone, or district, and the community surrounding the school, zone, or district; and

10. Any additional information required by the school district board of education of the school district in which the empowerment plan would be implemented.

D. Each plan for creating an empowered school zone or district whether submitted by a group of public schools or created by a school district board of education through collaboration with a group of public schools, shall also include the following additional information:

1. A description of how innovations in the schools in the empowered school zone or district would be integrated to achieve results that would be less likely to be accomplished by each school working alone; and

2. An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the empowered school zone or district.

E. No employee of a school, zone, or district shall be discriminated against by the school district board of education, the superintendent of the school district, or any other administrative officer of the school district or by any employee organization, an officer of the organization, or a member of the organization for exercising or not exercising the rights provided for under the Empowered Schools and School Districts Act. An employee of a school district or an officer or member of an employee organization shall be prohibited from impeding, restraining or coercing an employee of a school, zone or district from exercising the rights provided for under the act or causing an employer to impede, restrain or coerce an employee from exercising the rights provided for under the act. Added by Laws 2010, c. 353, § 3.

§70-3-129.4. Empowerment plan considerations.

In considering or creating an empowerment plan each school district board of education is encouraged to consider innovations in the following areas:

1. Curriculum and academic standards and assessments;
2. Accountability measures, including, but not limited to, expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted may include, but not be limited to:
 - a. use of graduation or exit examinations,
 - b. use of end-of-course examinations,
 - c. use of formative assessments which measure student growth over time,
 - d. use of the Explore and Plan assessments,
 - e. measuring the percentage of students continuing into higher education, and
 - f. measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate;
3. Provision of services, including, but not limited to, special education services, services for gifted and talented students, services for limited English proficient students, educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the Department of Human Services or county social services agencies;
4. Teacher recruitment, training, preparation, and professional development;
5. Teacher employment;
6. Performance expectations and evaluation procedures for teachers and principals;
7. Compensation for teachers, principals, and other school building personnel, including, but not limited to, performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits;
8. School governance and the roles, responsibilities, and expectations of principals in empowered schools or schools within an empowered school zone; and
9. Preparation and counseling of students for transition to postsecondary education or the workforce.

Added by Laws 2010, c. 353, § 4.

§70-3-129.5. Acceptance of gifts, grants, and donations.

Each public school and each school district board of education may seek and accept public and private gifts, grants, and donations to offset the costs of developing and implementing empowerment plans. Added by Laws 2010, c. 353, § 5.

§70-3-129.6. Submitting approved empowerment plan to the State Board of Education.

A. Each school district board of education shall submit approved school, zone, or district empowerment plans to the State Board of Education.

B. 1. Within sixty (60) days after receiving an empowerment plan for a school, zone, or district, the State Board shall approve the empowerment plan unless the State Board concludes that the submitted plan:

- a. is likely to result in a decrease in academic achievement in the empowered school, zone, or district, or
- b. is not fiscally feasible.

2. If the State Board does not approve the empowerment plan, it shall provide to the school district board of education a written explanation of the basis for its decision. The school district board of education may resubmit an amended empowerment plan and seek approval of the empowerment plan at any time after denial.

Added by Laws 2010, c. 353, § 6.

§70-3-129.7. Waiving statutes or rules.

A. Upon approval of an empowerment plan for a school, zone, or district, the State Board of Education shall waive any statutes or rules specified in the approved empowerment plan as they pertain to the empowered school, zone, or district; except that the State Board shall not waive requirements for the following:

1. School district employee participation in the Teachers' Retirement System of Oklahoma;
2. The Oklahoma School Testing Program Act;
3. The requirement for students enrolled in the school district to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes;
4. The accountability system as set forth in Section 1210.541 of Title 70 of the Oklahoma Statutes; and
5. The federal "No Child Left Behind Act of 2001", 20 U.S.C., Section 6301 et seq.

B. Except as otherwise provided in this subsection, the State Board of Education shall not waive any statute or rules specified in the approved empowerment plan for an empowered school, zone or district if the statute or rule relates to the implementation of or requirements for any program or grant for which the school district is receiving funds appropriated for the support of public school activities. The State Board of Education may waive any statute or rule that relates to the implementation of or requirements for any program or grant only if the funding for the program or grant is no longer allocated to the school district.

C. Designation as an empowered school, zone, or district shall not affect the allocation of State Aid funding for the school district as calculated pursuant to Section 18-200.1 of Title 70 of the Oklahoma Statutes.

D. 1. If the school district board of education for an empowered school, zone, or district revises an empowerment plan as provided in Section 9 of this act, the school district board of education may request, and the State Board shall grant, additional waivers or changes to existing waivers as necessary to accommodate the revisions to the empowerment plan unless the State Board concludes that the waivers or changes to existing waivers would:

- a. be likely to result in a decrease in academic achievement in the empowered school, zone, or district, or
- b. not be fiscally feasible.

In requesting a new waiver or a change to an existing waiver, the school district board of education shall demonstrate the consent of a majority of the teachers and a majority of the administrators employed at each school that is affected by the new or changed waiver.

2. Except as otherwise provided in paragraph 1 of this subsection, a waiver that is granted pursuant to this section shall continue to apply to a school, zone, or district as long as the school, zone, or district continues to be designated as an empowered school, zone, or district.

Added by Laws 2010, c. 353, § 7.

§70-3-129.8. Waiver of provisions in collective bargaining agreement.

A. 1. On and after the date on which the State Board of Education approves a school, zone, or district as an empowered school, zone, or district, any collective bargaining agreement of the empowered school, zone, or district shall include a provision that allows each empowered school, zone, or district to waive any provisions of the collective bargaining agreement identified in the empowerment plan as needing to be waived for the empowered school, zone, or district to implement its identified innovations.

2. For an empowered school, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining the approval, by means of a secret ballot vote, of at least sixty percent (60%) of the members of the collective bargaining unit who are employed at the empowered school.

3. For an empowered school zone or district, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining, at each school included in the empowered school zone or district, the approval, by means of a secret ballot vote, of at least sixty percent (60%) of the members of the

collective bargaining unit who are employed in the zone or district. The school district board of education for the empowered zone or district may choose to revise the plan for creating an empowered zone or district to remove from the zone or district any school in which at least sixty percent (60%) of the members of the collective bargaining unit employed at the school do not vote to waive the identified provisions of the collective bargaining agreement.

4. If a school district board of education, in collaboration with the empowered school, zone, or district, revises the empowerment plan, as provided in Section 9 of this act, and the revisions include changes to the identified provisions of the collective bargaining agreement that need to be waived to implement the innovations that are included in the empowerment plan, the school district board of education shall seek such additional waivers or revision or revocation of the existing waivers of provisions of the collective bargaining agreement as are necessary to implement the revised empowerment plan. Any changes to waivers, or additional waivers, of the identified provisions of the collective bargaining agreement shall be subject to approval in the same manner as provided in paragraphs 2 and 3 of this subsection for the initial approval of waivers of provisions of the collective bargaining agreement.

5. Except as otherwise provided in paragraph 4 of this subsection, waiver of identified provisions of a collective bargaining agreement for an empowered school, zone, or district pursuant to this subsection shall continue as long as the school, zone, or district remains an empowered school, zone, or district. A waiver approved pursuant to this subsection shall continue to apply to any substantially similar provision that is included in a new or renewed collective bargaining agreement for the schools of the empowered school, zone, or district.

B. A person who is a member of the collective bargaining unit and is employed at an empowered school or zone may request a transfer to another public school in the district. The school district board of education shall make every reasonable effort to accommodate the request of the person.

Added by Laws 2010, c. 353, § 8.

§70-3-129.9. Performance review.

A. Three (3) years after the State Board of Education approves an empowerment plan for a school, zone, or district, and every three (3) years thereafter, the school district board of education shall review the level of performance of the empowered school, zone, or district and determine whether the empowered school, zone, or district is achieving or making adequate progress toward achieving the academic performance results identified in the empowerment plan of the school, zone, or district. The school district board of education, in collaboration with the empowered school, zone, or

district, may revise the empowerment plan as necessary to improve or continue to improve academic performance at the empowered school, zone, or district. Any revisions to the empowerment plan shall require the consent of a majority of the teachers and a majority of the administrators employed at each affected public school.

B. 1. Following review of an empowered school's performance, if a school district board of education finds that the academic performance of students enrolled in the empowered school is not improving at a sufficient rate, the district school board may revoke the empowered status of the school.

2. Following review of the performance of an empowered school zone or district, if a school district board of education finds that the academic performance of students enrolled in one or more of the public schools included in the empowered school zone or district is not improving at a sufficient rate, the school district board of education may remove the underperforming public school or schools from the empowered school zone or district or may revoke the designation of the empowered school zone or district.

Added by Laws 2010, c. 353, § 9.

§70-3-129.10. Annual report.

A. By March 1, 2011, and each year thereafter, the State Board of Education shall submit to the Governor, the President Pro Tempore of the State Senate, the Speaker of the House of Representatives, and to the members of the education committees of the Senate and the House of Representatives, or any successor committees, a report concerning the empowered districts. At a minimum, the report shall include:

1. The number of school districts designated as empowered districts in the preceding academic year and the total number of empowered districts in the state;

2. The number of empowered schools and the number of empowered school zones, including the number of schools in the zone, in each empowered district and the number of students served in the empowered schools and empowered school zones, expressed as a total number and as a percentage of the students enrolled in the empowered district;

3. An overview of the innovations implemented in each empowered school, zone, and district;

4. An overview of the academic performance of the students served in empowered schools, zones, and districts, including a comparison between the academic performance of the students before and since implementation of the innovations;

5. Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of school district boards of education to implement innovations; and

6. Any additional information requested by the Governor or a member of the Legislature.

B. The State Superintendent of Public Instruction shall ensure that the annual report submitted pursuant to this section is promptly posted on the State Department of Education website.
Added by Laws 2010, c. 353, § 10.

§70-3-129.11. School District Empowerment Program.

A. There is hereby established the School District Empowerment Program which shall be administered by the State Board of Education. The purpose of the program is to empower locally elected school board members to govern school districts and make decisions based on the needs of their students and circumstances.

B. 1. Subject to the provisions of this section, a school district shall be allowed to submit a request to the State Board of Education for an exemption from all statutory requirements and State Board of Education rules from which charter schools are exempt, as provided for in the Oklahoma Charter Schools Act. Any request for exemption shall include a plan which outlines the goals sought to be achieved at a minimum, include the educational and fiscal benefits and the anticipated impacts or outcomes the plan will have in the district.

2. Within ninety (90) days after receiving the request and plan, the State Board shall approve or disapprove the request. If the State Board does not approve the request, it shall provide to the school district a written explanation of the basis for its decision. The school district may resubmit an amended request at any time after the denial. The request shall be approved by the State Board before implementation by the school district. An approved request and plan shall be for no longer than three (3) years. Prior to the beginning of the third year, the school district may apply for renewal of the approved request and plan. The school district shall be required to submit an annual report and the State Board shall annually assess the academic achievement and fiscal status of the school district.

C. Nothing in this section shall prevent a school district board of education from choosing to follow any or all state laws, rules or regulations from which a charter school is exempt. A school district which has been granted approval by the State Board for exemption as set forth in subsection B of this section shall have the option to adopt policies to implement any requirement for the school district that is consistent with any statutory requirement or mandate or State Board rule, but a participating school shall comply with the following requirements:

1. Students who reside in the school district shall be entitled to attend school in the district as set forth in Section 1-114 of this title;

2. School districts shall comply with the requirements of the minimum salary schedule for teachers as set forth in Section 18-114.12 of this title;

3. Employees of school districts shall continue to participate as members of the Teachers' Retirement System of Oklahoma as set forth in Section 17-101 et seq. of this title;

4. School districts shall comply with the requirement to provide a health insurance plan for school district employees as set forth in Section 5-117.5 of this title and to establish or make available to school district employees a cafeteria plan as set forth in Section 26-104 of this title;

5. School districts shall require any person employed by the school district to file with the district 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. Each district shall adopt a policy regarding criminal history record checks as set forth in Section 5-142 of this title;

6. School districts shall comply with the requirement to evaluate teachers and to train personnel designated to conduct personnel evaluations as set forth in Sections 6-101.10 and 6-101.11 of this title, the dismissal and due process procedures for administrators as set forth in Sections 6-101.13 through 6-101.15 of this title and the due process procedures for teachers as set forth in Sections 6-101.21 through 6-101.26 of this title;

7. School districts shall comply with the requirement to make payroll deductions for either or both professional organization dues and political contributions upon the request of an employee as set forth in Section 5-139 of this title;

8. School districts shall comply with the dismissal and due process procedures for education support employees as set forth in Sections 6-101.40 through 6-101.47 of this title;

9. School districts shall employ as teachers, counselors, librarians, school nurses, superintendents, principals, supervisors or any other instructional, supervisory or administrative employee only those persons who are certified by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except for persons exempt from the certification requirements as otherwise provided by law;

10. School districts shall provide for negotiations between school employees and school districts as set forth in Sections 509.1 through 509.11 of this title;

11. School districts shall be required to offer and students enrolled in the school district shall be required to complete the curriculum requirements as set forth in Section 11-103.6 of this title;

12. Students enrolled in the school district shall be required to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of this title; and

13. Members of the school district board of education shall be required to satisfy the instruction and continuing education requirements as set forth in Sections 5-110, 5-110.1 and 5-110.2 of this title.

Added by Laws 2013, c. 312, § 1. Amended by Laws 2014, c. 124, § 3, eff. July 1, 2014.

§70-3-130. Short title.

Sections 6 through 18 of this act shall be known and may be cited as the "Oklahoma Charter Schools Act".

Added by Laws 1999, c. 320, § 5, eff. July 1, 1999.

§70-3-131. Purpose.

A. The purpose of the Oklahoma Charter Schools Act is to:

1. Improve student learning;
2. Increase learning opportunities for students;
3. Encourage the use of different and innovative teaching methods;
4. Provide additional academic choices for parents and students;
5. Require the measurement of student learning and create different and innovative forms of measuring student learning;
6. Establish new forms of accountability for schools; and
7. Create new professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site.

B. The purpose of the Oklahoma Charter Schools Act is not to provide a means by which to keep open a school that may otherwise be closed. Applicants applying for a charter for a school which is to be otherwise closed shall be required to prove that conversion to a charter school fulfills the purposes of the act independent of closing the school. Nothing in this section shall be interpreted to preclude a school designated as a "high challenge school" from becoming a charter school.

Added by Laws 1999, c. 320, § 6, eff. July 1, 1999.

§70-3-132. Application of act – Charter schools – Sponsorship – Limitation on establishment of new schools – Conversion school.

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 any school district located 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 technology center school district if the charter school is located in a school district served by the technology center school district 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;

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;

4. By 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 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;

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;

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;

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;

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 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, 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. 1. For the purposes of the Oklahoma Charter Schools Act, "conversion school" means a school created by converting all or any part of a traditional public school in order to access any or all flexibilities afforded to a charter school.

2. Prior to the board of education of a school district converting all or any part of a traditional public school to a conversion school, the board shall prepare a conversion plan. The conversion plan shall include documentation that demonstrates and complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 34 and 35 of subsection B of Section 3-134 of this title. The conversion plan and all documents shall be in writing and shall be available to the public pursuant to the requirements of the Oklahoma Open Records Act. All votes by the board of education of a school district to approve a conversion plan shall be held in an open public session. If the board of education of a school district votes to approve a conversion plan, the board shall notify the State Board of Education within sixty (60) days after the vote. The notification shall include a copy of the minutes for the board meeting at which the conversion plan was approved.

3. A conversion school shall comply with all the same accountability measures as are required of a charter school as defined in subsection D of this section. The provisions of Sections 3-140 and 3-142 of this title shall not apply to a conversion school. Conversion schools shall comply with the same laws and State Board of Education rules relating to student enrollment which apply to traditional public schools. Conversion schools shall be funded by the board of education of the school district as a school site within the school district and funding shall not be affected by the conversion of the school.

4. The board of education of a school district may vote to revert a conversion school back to a traditional public school at any time; provided, the change shall only occur during a break between school years.

5. Unless otherwise provided for in this subsection, a conversion school shall retain the characteristics of a traditional public school.

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.

Added by Laws 1999, c. 320, § 7, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 5, eff. July 1, 2000; Laws 2001, c. 33, § 67, eff. July 1, 2001; Laws 2007, c. 257, § 1; Laws 2010, c. 290, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 34, emerg. eff. March 18, 2011; Laws 2011, c. 367, § 1; Laws 2012, c. 367, § 1, eff. July 1, 2012; Laws 2013, c. 83, § 3, eff. July 1, 2013; Laws 2013, c. 212, § 1, eff. Sept. 1, 2013; Laws 2015, c. 170, § 1; Laws 2016, c. 27, § 1, eff. July 1, 2016; Laws 2016, c. 210, § 41, emerg. eff. April 26, 2016; Laws 2017, c. 42, § 29.

NOTE: Laws 2010, c. 288, § 1 repealed by Laws 2011, c. 1, § 35, emerg. eff. March 18, 2011. Laws 2015, c. 205, § 1 repealed by Laws 2016, c. 210, § 42, emerg. eff. April 26, 2016.

§70-3-133. Repealed by Laws 2007, c. 257, § 5.

§70-3-134. Applications - Presubmission training - Contents - Procedures.

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 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;
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;
30. Start-up and five-year budgets with clearly stated assumptions;
31. Start-up and first-year cash-flow projections with clearly stated assumptions;
32. Evidence of anticipated fundraising contributions, if claimed in the application;
33. A sound facilities plan, including backup or contingency plans if appropriate;
34. A requirement that the charter school governing board meet at a minimum quarterly in the state and that for those charter schools outside of counties with a population of five hundred thousand (500,000) or more, that a majority of members are residents within the geographic boundary of the sponsoring entity; and
35. A requirement that the charter school follow the requirements of the Oklahoma Open Meeting Act and Oklahoma Open Records Act.

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

D. The sponsor of a charter school is the board of education of a school district, the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe which meets the criteria established in Section 3-132 of this title. Any board of education of a school district in the state may sponsor one or more charter schools. The physical location of a charter school sponsored by a board of education of a school district or a technology center school district shall be within the boundaries of the sponsoring school district. The physical location of a charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall be where an Office of Juvenile Affairs facility for youth is located. The physical location of a charter school otherwise sponsored by the State Board of Education pursuant to paragraph 8 of subsection A of Section 3-132 of this title shall be in the school district in which the application originated.

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

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

G. Applicants for charter schools proposed to be sponsored by an entity other than a school district pursuant to paragraph 1 of subsection A of Section 3-132 of this title may, upon rejection of the revised application, proceed to binding arbitration under the commercial rules of the American Arbitration Association with costs of the arbitration to be borne by the proposed sponsor. Applicants for charter schools proposed to be sponsored by school districts pursuant to paragraph 1 of subsection A of Section 3-132 of this title may not proceed to binding arbitration but may be sponsored by the State Board of Education as provided in paragraph 8 of subsection A of Section 3-132 of this title.

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

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

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

3. Approve quality charter applications that meet identified educational needs and promote a diversity of educational choices;
4. Decline to approve weak or inadequate charter applications;
5. Negotiate and execute sound charter contracts with each approved public charter school;
6. Monitor, in accordance with charter contract terms, the performance and legal compliance of charter schools; and
7. Determine whether each charter contract merits renewal, nonrenewal or revocation.

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

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

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

Added by Laws 1999, c. 320, § 9, eff. July 1, 1999. Amended by Laws 2001, c. 33, § 69, eff. July 1, 2001; Laws 2007, c. 257, § 2; Laws 2010, c. 288, § 2, eff. Nov. 1, 2010; Laws 2011, c. 1, § 36, emerg. eff. March 18, 2011; Laws 2011, c. 367, § 2; Laws 2015, c. 170, § 2. NOTE: Laws 2010, c. 290, § 2 repealed by Laws 2011, c. 1, § 37, emerg. eff. March 18, 2011.

§70-3-135. Sponsor to contract with governing board - Contents of contract.

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

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

2. Admission policies and procedures;

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

4. Requirements and procedures for program and financial audits;
5. A description of how the charter school will comply with the charter requirements set forth in the Oklahoma Charter Schools Act;
6. Assumption of liability by the charter school;
7. The term of the contract;
8. A description of the high standards of expectation and rigor for charter school plans and assurance that charter school plans adopted meet at least those standards;
9. Policies that require that the charter school be as equally free and open to all students as traditional public schools;
10. Procedures that require students enrolled in the charter school to be selected by lottery to ensure fairness if more students apply than a school has the capacity to accommodate;
11. Policies that require the charter school to be subject to the same academic standards and expectations as existing public schools; and
12. A description of the requirements and procedures for the charter school to receive funding in accordance with statutory requirements and guidelines for existing public schools.

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

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

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

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

1. Student academic proficiency;
2. Student academic growth;
3. Achievement gaps in both proficiency and growth between major student subgroups;
4. Student attendance;
5. Recurrent enrollment from year to year as determined by the methodology used for public schools in Oklahoma;
6. In the case of high schools, graduation rates as determined by the methodology used for public schools in Oklahoma;
7. In the case of high schools, postsecondary readiness;
8. Financial performance and sustainability; and
9. Governing board performance and stewardship, including compliance with all applicable laws, regulations and terms of the charter contract.

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

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

Added by Laws 1999, c. 320, § 10, eff. July 1, 1999. Amended by Laws 2015, c. 170, § 3.

§70-3-136. Rules and standards to be incorporated into charter.

A. A charter school shall adopt a charter which will ensure compliance with the following:

1. A charter school shall comply with all federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance. By January 1, 2000, the State Department

of Education shall prepare a list of relevant rules and statutes which a charter school must comply with as required by this paragraph and shall annually provide an update to the list;

2. A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution;

3. The charter school may provide a comprehensive program of instruction for a prekindergarten program, a kindergarten program or any grade between grades one and twelve. Instruction may be provided to all persons between the ages of four (4) and twenty-one (21) years. A charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts, or foreign language. The charter of a charter school which offers grades nine through twelve shall specifically address whether the charter school will comply with the graduation requirements established in Section 11-103.6 of this title. No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf;

4. A charter school shall participate in the testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district. A charter school shall also provide any necessary data to the Office of Accountability;

5. Except as provided for in the Oklahoma Charter Schools Act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts;

6. A charter school, to the extent possible, shall be subject to the same reporting requirements, financial audits, audit procedures, and audit requirements as a school district. The State Department of Education or State Auditor and Inspector may conduct financial, program, or compliance audits. A charter school shall use the Oklahoma Cost Accounting System to report financial transactions to the sponsoring school district;

7. A charter school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district;

8. A charter school shall provide for a governing body for the school which shall be responsible for the policies and operational decisions of the charter school;

9. A charter school shall not be used as a method of generating revenue for students who are being home schooled and are not being educated at an organized charter school site;

10. A charter school may not charge tuition or fees;

11. A charter school shall provide instruction each year for at least the number of days required in Section 1-109 of this title;

12. A charter school shall comply with the student suspension requirements provided for in Section 24-101.3 of this title;

13. A charter school shall be considered a school district for purposes of tort liability under The Governmental Tort Claims Act;

14. Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes and rules if otherwise allowed pursuant to law;

15. A charter school may participate in all health and related insurance programs available to the employees of the sponsor of the charter school;

16. A charter school shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act;

17. The governing body of a charter school shall be subject to the same conflict of interest requirements as a member of a local school board; and

18. No later than September 1 each year, the governing board of each charter school formed pursuant to the Oklahoma Charter Schools Act shall prepare a statement of actual income and expenditures for the charter school for the fiscal year that ended on the preceding June 30, in a manner compliant with Section 5-135 of this title. The statement of expenditures shall include functional categories as defined in rules adopted by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-145 of this title. Charter schools shall not be permitted to submit estimates of expenditures or prorated amounts to fulfill the requirements of this paragraph.

B. The charter of a charter school shall include a description of the personnel policies, personnel qualifications, and method of school governance, and the specific role and duties of the sponsor of the charter school.

C. The charter of a charter school may be amended at the request of the governing body of the charter school and upon the approval of the sponsor.

D. A charter school may enter into contracts and sue and be sued.

E. The governing body of a charter school may not levy taxes or issue bonds.

F. The charter of a charter school shall include a provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school upon expiration or termination of the charter or failure of the charter school to continue operations. Except as otherwise provided, any real or personal property purchased with state or local funds shall be retained by the sponsoring school district. If a charter school that

was previously sponsored by the board of education of a school district continues operation within the school district under a new charter sponsored by an entity authorized pursuant to Section 3-132 of this title, the charter school may retain any personal property purchased with state or local funds for use in the operation of the charter school until termination of the new charter or failure of the charter school to continue operations.

Added by Laws 1999, c. 320, § 11, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 7, eff. July 1, 2000; Laws 2008, c. 439, § 1, eff. July 1, 2008; Laws 2014, c. 277, § 1, eff. July 1, 2014.

§70-3-137. Duration of contract--Performance report--Renewal--Termination--School closure.

A. An approved contract for a charter school shall be effective for five (5) years from the first day of operation. A charter contract may be renewed for successive five-year terms of duration, although the sponsor may vary the term based on the performance, demonstrated capacities and particular circumstances of each charter school. A sponsor may grant renewal with specific conditions for necessary improvements to a charter school.

B. Prior to the beginning of the fourth year of operation of a charter school, the sponsor shall issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the performance record to date of the charter school, based on the data required by the Oklahoma Charter Schools Act and the charter contract and taking into consideration the percentage of at-risk students enrolled in the school, and shall provide notice of any weaknesses or concerns perceived by the sponsor concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five (45) days to respond to the performance report and submit any corrections or clarifications for the report.

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

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

2. The renewal application guidance shall include or refer explicitly to the criteria that will guide the renewal decisions of the sponsor, which shall be based on the performance framework set

forth in the charter contract and consistent with the Oklahoma Charter Schools Act.

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

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

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

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

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

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

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

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

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

using the percentage ranking for each year divided by three, as determined by this subsection.

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

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

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

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

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

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

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

achievement, as demonstrated pursuant to Section 1210.545 of this title.

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

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

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

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

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

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

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

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

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

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

3. Provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the

school at an orderly proceeding held for that purpose and prior to taking any final nonrenewal or revocation decision related to the school;

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

5. Permit the recording of the proceedings; and

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

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

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

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

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

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

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

Added by Laws 1999, c. 320, § 12, eff. July 1, 1999. Amended by Laws 2003, c. 434, § 6; Laws 2004, c. 472, § 1, emerg. eff. June 7, 2004; Laws 2007, c. 257, § 3; Laws 2015, c. 170, § 4; Laws 2016, c. 42, § 1, eff. July 1, 2016.

§70-3-138. Reprisal against school employee seeking to establish charter school.

A board of education of a school district or an employee of the district who has control over personnel actions shall not take unlawful reprisal action against an employee of the school district for the reason that the employee is directly or indirectly involved in an application to establish a charter school. As used in this section, "unlawful reprisal" means an action that is taken by a board of education or a school district employee as a direct result of a

lawful application to establish a charter school and that is adverse to an employee or an education program.

Added by Laws 1999, c. 320, § 13, eff. July 1, 1999.

§70-3-139. Status of teacher returning to public school from charter school.

A. A sponsoring school district shall determine whether a teacher who is employed by or teaching at a charter school and who was previously employed as a teacher at the sponsoring public school district shall not lose any right of salary status or any other benefit provided by law due to teaching at a charter school upon returning to the sponsoring public school district to teach.

B. A teacher who is employed by or teaching at a charter school and who submits an employment application to the school district where the teacher was employed immediately before employment by or at a charter school shall be given employment preference by the school district if:

1. The teacher submits an employment application to the school district no later than three (3) years after ceasing employment with the school district; and

2. A suitable position is available at the school district.

Added by Laws 1999, c. 320, § 14, eff. July 1, 1999.

§70-3-140. Student eligibility - Districts - Preferences - Discrimination.

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

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

unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

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

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

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

Added by Laws 1999, c. 320, § 15, eff. July 1, 1999. Amended by Laws 2010, c. 288, § 3, eff. Nov. 1, 2010; Laws 2011, c. 185, § 1; Laws 2011, c. 367, § 3; Laws 2012, c. 367, § 2, eff. July 1, 2012; Laws 2013, c. 83, § 4, eff. July 1, 2013; Laws 2013, c. 212, § 2, eff. Sept. 1, 2013; Laws 2015, c. 170, § 5.

NOTE: Laws 2010, c. 290, § 3 repealed by Laws 2011, c. 1, § 38, emerg. eff. March 18, 2011.

§70-3-141. Transportation.

A. Transportation shall be provided by the charter school in accordance with Sections 9-101 through 9-118 of Title 70 of the Oklahoma Statutes and only within the transportation boundaries of the school district in which the charter school is located.

B. A charter school shall provide the parent or guardian information regarding transportation at the time the student enrolls in the charter school.

Added by Laws 1999, c. 320, § 16, eff. July 1, 1999.

§70-3-142. Funding.

A. For purposes of funding, a charter school sponsored by a board of education of a school district shall be considered a site within the school district in which the charter school is located. The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the charter school and the school district shall be used to determine the total State Aid allocation for the district in which the charter school is located. A charter school shall receive from the sponsoring school district, the State Aid allocation and any other state-appropriated revenue generated by its students for the applicable year, less up to five percent (5%) of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered. For charter schools sponsored by the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe and for statewide virtual charter schools sponsored by the Statewide Virtual Charter School Board, the State Aid allocation for the charter school shall be distributed by the State Board of Education and not more than five percent (5%) of the State Aid allocation may be charged by the sponsor as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school. The fee for administrative services as authorized in this subsection shall only be assessed on the State Aid allocation amount and shall not be assessed on any other appropriated amounts.

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

for the charter school shall be adjusted using the first quarter weighted average daily membership for the charter school calculated pursuant to subsection A of this section.

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

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

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

E. Any charter school which chooses to lease property shall be eligible to receive current government lease rates.
Added by Laws 1999, c. 320, § 17, eff. July 1, 1999. Amended by Laws 2004, c. 472, § 2, emerg. eff. June 7, 2004; Laws 2006, c. 278, § 1, eff. July 1, 2006; Laws 2007, c. 257, § 4; Laws 2010, c. 204, § 1; Laws 2010, c. 288, § 4, eff. Nov. 1, 2010; Laws 2011, c. 1, § 39, emerg. eff. March 18, 2011; Laws 2011, c. 184, § 1; Laws 2013, c. 212, § 3, eff. Sept. 1, 2013; Laws 2015, c. 170, § 6.
NOTE: Laws 2010, c. 290, § 4 repealed by Laws 2011, c. 1, § 40, emerg. eff. March 18, 2011.

§70-3-143. Reports.

The State Board of Education shall issue an annual report to the Legislature and the Governor outlining the status of charter schools in the state. Each charter school shall annually file a report with the Office of Accountability. The report shall include such information as requested by the Office of Accountability, including but not limited to information on enrollment, testing, curriculum, finances and employees.

Added by Laws 1999, c. 320, § 18, eff. July 1, 1999.

§70-3-144. Charter Schools Incentive Fund.

A. There is hereby created in the State Treasury a fund to be designated the "Charter Schools Incentive Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated by the Legislature, gifts, grants, devises and donations from any public or private source. The State Department of Education shall administer the fund for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures for use by a charter school. The State Department of Education is authorized to allocate funds on a per-pupil basis for purposes of providing matching funds for the federal State Charter School Facilities Incentive Grants Program created pursuant to the No Child Left Behind Act, 20 USCA, Section 7221d.

B. The State Board of Education shall adopt rules to implement the provisions of this section, including application and notification requirements.

Added by Laws 1999, c. 351, § 16, emerg. eff. June 8, 1999. Amended by Laws 2004, c. 472, § 3, emerg. eff. June 7, 2004.

§70-3-145.1. Statewide Virtual Charter School Board.

A. There is hereby created the Statewide Virtual Charter School Board. The Board shall have the sole authority to authorize and sponsor statewide virtual charter schools in this state. The Board shall be composed of five (5) voting members as follows:

1. One member appointed by the Governor, who shall be a resident and elector of the Fifth Congressional District;

2. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a resident and elector of the First Congressional District and one of whom shall be a resident and elector of the Third Congressional District;

3. Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident and elector of the Second Congressional District and one of whom shall be a resident and elector of the Fourth Congressional District; and

4. The State Superintendent of Public Instruction and the Secretary of Education or their designees shall serve as ex officio nonvoting members, and shall not be counted toward a quorum.

B. Initial appointments shall be made by August 1, 2012. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member for one (1) year and one member for three (3) years. The Governor shall appoint one member for two (2) years. Members shall serve until their successors are duly appointed for a term of three (3) years. Appointments shall be made by and take effect on November 1 of the year in which the appointment is made. Annually by December 30 the Board shall elect from its membership a chair and vice-chair.

C. A member may be removed from the Board by the appointing authority for cause which shall include, but not be limited to:

1. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;
2. Being found guilty of malfeasance, misfeasance or nonfeasance in relation to Board duties;
3. Being found mentally incompetent by a court of competent jurisdiction; or
4. Failing to attend three successive meetings of the Board without just cause, as determined by the Board.

D. Vacancies shall be filled by the appointing authority.

E. No member of the Senate or House of Representatives may be appointed to the Board while serving as a member of the Legislature, or for two (2) full years following the expiration of the term of office.

F. The State Department of Education shall provide staff support to the Board until December 31, 2014, and thereafter the Department shall provide office space for the operation of the Board.

Added by Laws 2012, c. 367, § 3, eff. July 1, 2012. Amended by Laws 2013, c. 212, § 4, eff. Sept. 1, 2013.

§70-3-145.2. Meetings - Reimbursement.

A. The Statewide Virtual Charter School Board shall meet at the call of the chair. The first meeting of the Board shall be held no later than sixty (60) days after the effective date of this act.

B. Three members of the Board shall constitute a quorum and an affirmative vote of at least three members shall be required in order for the Board to take any final action.

C. Members of the Board shall receive necessary traveling expenses while in the performance of their duties in accordance with the State Travel Reimbursement Act. Members shall receive reimbursement from the State Department of Education.

Added by Laws 2012, c. 367, § 4, eff. July 1, 2012.

§70-3-145.3. Powers and duties.

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

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

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

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

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

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

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

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

funding any other charter school is eligible for as provided for in Section 3-142 of this title. Each statewide virtual charter school shall be considered a separate local education agency for purposes of reporting and accountability.

E. A virtual charter school shall be subject to the same reporting requirements, financial audits, audit procedures and audit requirements as a school district. The State Department of Education or State Auditor and Inspector may conduct financial, program or compliance audits. A virtual charter school shall use the Oklahoma Cost Accounting System (OCAS) to report financial transactions to the State Department of Education.

F. A virtual charter school governing body shall be responsible for the policies that govern the operational decisions of the virtual charter school. The governing body of a virtual charter school shall be subject to the same conflict of interest requirements as a member of a local school board including, but not limited to, Sections 5-113 and 5-124 of this title. Members appointed to the governing body of a virtual charter school after July 1, 2019, shall be subject to the same instruction and continuing education requirements as a member of a local school board and pursuant to Section 5-110 of this title, complete twelve (12) hours of instruction within fifteen (15) months of appointment to the governing body, and pursuant to Section 5-110.1 of this title, attend continuing education.

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

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

Added by Laws 2012, c. 367, § 5, eff. July 1, 2012. Amended by Laws 2013, c. 212, § 5, eff. Sept. 1, 2013; Laws 2015, c. 293, § 1; Laws 2019, c. 272, § 1, emerg. eff. May 2, 2019.

§70-3-145.4. Authority to promulgate rules.

Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Statewide Virtual Charter School

Board shall promulgate rules as may be necessary to implement the provisions of this act.

Added by Laws 2012, c. 367, § 6, eff. July 1, 2012. Amended by Laws 2013, c. 212, § 6, eff. Sept. 1, 2013.

§70-3-145.5. Students outside the district - Succession to contractual rights.

A. Notwithstanding any other provision of law, beginning July 1, 2014, no school district shall offer full-time virtual education to students who are not residents of the school district or enter into a virtual charter school contract with a provider to provide full-time virtual education to students who do not reside within the school district boundaries.

B. Effective July 1, 2014, the Statewide Virtual Charter School Board shall succeed to any contractual rights and responsibilities incurred by a school district in a virtual charter school contract executed prior to January 1, 2014, with a provider to provide full-time virtual education to students who do not reside within the school district boundaries. All property, equipment, supplies, records, assets, current and future liability, encumbrances, obligations and indebtedness associated with the contract shall be transferred to the Statewide Virtual Charter School Board. Appropriate conveyances and other documents shall be executed to effectuate the transfer of any property associated with the contract. Upon succession of the contract, the Board shall assume sponsorship of the virtual charter school for the remainder of the term of the contract. Prior to the end of the current term of the contract, the Board shall allow the provider of the virtual charter school to apply for renewal of the contract with the Board in accordance with the renewal procedures established pursuant to Section 3-145.3 of this title.

Added by Laws 2012, c. 367, § 7, eff. July 1, 2012. Amended by Laws 2013, c. 212, § 7, eff. Sept. 1, 2013.

§70-3-145.6. Full time virtual education site - Performance data of nonresidents.

A. A virtual education provider that offers full-time virtual education to students who are not residents of the school district with which the provider is contracted shall be considered a site within each school district with which the provider contracts and subject to the accountability system established pursuant to Section 1210.545 of this title.

B. The virtual education provider and the school district with which it contracts are hereby directed to identify those students who are full-time virtual students and do not live in the physical boundaries of the district. The district and provider shall submit in electronic format as necessary to the State Department of

Education detailed data on the performance of nonresident students who are receiving full-time instruction.

Added by Laws 2013, c. 108, § 1, eff. July 1, 2013. Amended by Laws 2014, c. 277, § 2, eff. July 1, 2014.

§70-3-145.7. Statewide Virtual Charter School Board Revolving Fund.

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.

Added by Laws 2015, c. 225, § 1.

§70-3-145.8. Records of attendance.

A. It shall be the duty of each virtual charter school approved and sponsored by the Statewide Virtual School Board pursuant to the provisions of Section 3-145.3 of Title 70 of the Oklahoma Statutes to keep a full and complete record of the attendance of all students enrolled in the virtual charter school in one of the student information systems approved by the State Department of Education and locally selected by the virtual school from the approved list.

B. By July 1, 2018, the governing body of each virtual charter school shall adopt an attendance policy. The policy may allow attendance to be a proportional amount of the required attendance policy provisions based upon the date of enrollment of the student. The attendance policy shall include the following provisions:

1. A student who attends a virtual charter school shall be considered in attendance for a quarter if the student:

- a. completes instructional activities on no less than ninety percent (90%) of the days within the quarter,

- b. is on pace for on-time completion of the course as defined by the governing board of the virtual charter school, or
- c. completes no less than forty instructional activities within the quarter of the academic year.

2. For a student who does not meet any of the criteria set forth in paragraph 1 of this subsection, the amount of attendance recorded shall be the greater of:

- a. the number of school days during which the student completed the instructional activities during the quarter,
- b. the number of school days proportional to the percentage of the course that has been completed, or
- c. the number of school days proportional to the percentage of the required minimum number of completed instructional activities during the quarter.

C. For the purposes of this section, "instructional activities" shall include but not be limited to online logins to curriculum or programs offered by the virtual charter school, offline activities, completed assignments, testing, face-to-face communications with virtual charter school staff or service providers or meetings with virtual charter school staff or service providers via teleconference, videoconference, email, text or phone.

D. The virtual charter school shall submit a notification to the parent or legal guardian of a student who has been withdrawn for truancy or is approaching truancy.

E. The Statewide Virtual Charter School Board may promulgate rules to implement the provisions of this section.

Added by Laws 2017, c. 247, § 1, eff. Jan. 1, 2018.

§70-3-150. Repealed by Laws 2013, c. 83, § 21, eff. July 1, 2013, without reference to amendment by Laws 2013, c. 74, § 1, eff. July 1, 2013, which read as follows:

A. The State Board of Education shall develop an Academic Performance Index (API) to be used to measure performance of schools, including the academic performance of students. The index shall consist of a variety of indicators including, but not limited to:

- 1. Attendance rates for students;
- 2. Dropout rates;
- 3. Results of the Oklahoma School Testing Program administered pursuant to Section 1210.508 of this title;
- 4. Advanced Placement participation;
- 5. Graduation rates for secondary school students;
- 6. Scores of the American College Test (ACT); and
- 7. College remediation rates.

B. The data collected for the API shall be disaggregated, when available, by socioeconomic status and ethnic group. Oklahoma School Testing Program results shall constitute no less than sixty percent (60%) of the value of the index.

C. Based on the API, the State Board of Education shall adopt expected annual percentage growth targets for the state level, school districts, and all school sites based on their API baseline score. The minimum percentage growth target shall be five percent (5%) annually. However, the State Board of Education may set differential growth targets based on grade level of instruction.

D. 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 Academic Performance Index of the school district or charter school.

§70-3-151. Repealed by Laws 2013, c. 83, § 21, eff. July 1, 2013.

§70-3-151.1. Adjusted cohort graduation rate - Academic performance index.

A. For purposes of establishing a uniform and accurate definition of high school graduation rate for school districts and secondary schools in the state, the State Board of Education shall adopt and implement a four-year adjusted cohort graduation rate and an extended-year adjusted cohort graduation rate. The Board shall utilize and report the four-year adjusted cohort graduation rate and the extended-year adjusted cohort graduation rate at the secondary school site, the school district and the state level, and the graduation rates shall be reported in the aggregate as well as disaggregated by subgroups as required in 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.

B. The Board shall use the four-year adjusted cohort graduation rate for purposes of determining the high school graduation rate indicator for the academic performance data calculation beginning with state and district report cards providing results of assessments administered in the 2011-2012 school year. The Board shall use the four-year adjusted cohort graduation rate for establishing the high school graduation rate for measuring alternate year percentage growth targets as set forth in Section 3-151.2 of this title beginning with the 2012-2013 school year.

C. The four-year adjusted cohort graduation rate shall be defined as the number of students who graduate in four (4) years with a standard high school diploma divided by the number of students who entered high school four (4) years earlier, adjusted for transfers in and out of the school, émigrés and deceased students. Students who graduate in four (4) years shall include students who earn a standard high school diploma at the end of their fourth year, before the end of their fourth year, and during a summer session immediately following their fourth year. To remove a student from a cohort, a school district shall confirm in writing or by electronic means that

a student has transferred out of the school site or school district, has emigrated to another country or is deceased. For a student who transfers out of a school site or school district, the written or electronic confirmation shall be official and document that the student has enrolled in another school site or school district or in an educational program that culminates in a high school diploma recognized by a state or private higher educational institution accredited or recognized by the Oklahoma State Regents for Higher Education for purposes of admission to the institution. Students not enrolled in a program which culminates in the award of a credential recognized by a state or private higher educational institution for purposes of admissions shall not be included in the graduation rate calculation as set forth in this subsection as a student who graduated in four (4) years with a standard high school diploma but shall be included in the number of students who entered high school four (4) years earlier.

D. The extended-year adjusted cohort graduation rate shall be defined as the number of students who graduate in four (4) years or five (5) years with a high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate as calculated as provided for in subsection C of this section, provided that the adjustments add to the cohort all students who transfer into the cohort by the end of the year of graduation being considered and subtract students who transfer out, emigrate to another country or are deceased by the end of that year. The extended-year adjusted cohort graduation rate shall be reported separately from the four-year adjusted cohort graduation rate. Added by Laws 2011, c. 245, § 1. Amended by Laws 2013, c. 83, § 5, eff. July 1, 2013; Laws 2014, c. 311, § 2, eff. July 1, 2014.

§70-3-151.2. Graduation rate growth targets - Failing schools.

A. The State Board of Education shall adopt expected alternate year percentage growth targets, for all public secondary schools and school districts, based on high school graduation rates, using the four-year adjusted cohort graduation rate calculated as provided for in Section 1 of this act. The minimum percentage growth targets shall be twenty percent (20%) of the difference between the graduation rate of the baseline year and the goal of one hundred percent (100%). The baseline year shall be established in the 2012-2013 school year. In alternating years new growth targets shall be established until all secondary schools and school districts have met the goal of one hundred percent (100%).

B. Public secondary schools and school districts meeting or exceeding expected growth targets at the end of the initial two (2) years or in the alternate years as provided for in subsection A of this section shall be recognized by the state as notable schools and school districts. Recognition may include, but not be limited to,

citations of congratulations from the State Superintendent of Public Instruction as the designee of the State Board of Education, the Governor or designee, the Representative and Senator representing the school and or school district, and banners for each school or school district achieving notable status.

C. Public secondary schools and school districts failing to meet the expected growth targets at the end of the initial two (2) years or in the alternate years as provided for in subsection A of this section shall:

1. Submit a high school graduation improvement plan to their district board of education at a regularly scheduled meeting prior to December 31st of the same year; and

2. Contingent upon the availability of funding, participate in technical assistance and training provided by the State Department of Education for the purpose of reducing drop-out rates and improving high school graduation rates. The technical assistance and training shall include identifying and implementing best practices, identifying actions the school district and schools should take to meet target high school graduation goals, and providing ongoing monitoring to assess school district and school progress in implementing recommended actions.

Added by Laws 2011, c. 245, § 2.

§70-3-152. Repealed by Laws 2005, c. 466, § 2, eff. July 1, 2005.

§70-3-152.1. Repealed by Laws 2018, c. 25, § 1, eff. Nov. 1, 2018.

§70-3-153. Reporting of plans to State Board - Exemptions.

A. School districts with one or more school sites that have been identified as in need of improvement by the State Board of Education pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110, shall be required to electronically submit the following plans to the State Board of Education:

1. The school improvement plan as required in Section 5-117.4 of this title; and

2. The capital improvement plan as required in Section 18-153 of this title.

B. School districts that do not have any school sites which have been identified as in need of improvement by the State Board of Education, pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110, shall not be required to submit the plans as set forth in subsection A of this section.

Added by Laws 2001, c. 242, § 1, eff. July 1, 2001. Amended by Laws 2005, c. 431, § 1, eff. Sept. 1, 2005; Laws 2006, c. 227, § 2, eff. July 1, 2006; Laws 2012, c. 354, § 2; Laws 2013, c. 83, § 7, eff. July 1, 2013.

§70-3-154. Review of plans by regional accreditation officer.

Each plan listed in Section 3-153 of this title and which is not required to be submitted to the State Department of Education shall be reviewed by a regional accreditation officer at the time of the visit to the school district by an officer in accordance with the evaluation schedule set forth in Section 3-104.4 of this title. Added by Laws 2001, c. 242, § 2, eff. July 1, 2001. Amended by Laws 2019, c. 373, § 2, eff. Nov. 1, 2019.

§70-3-155. Study and assessment of information and reports - Collection techniques.

A. The State Board of Education shall study and assess ways to eliminate, reduce, consolidate, and simplify the number, type, and length of reports, data, statistics, and other information required of any school district or school district personnel by the Board or State Department of Education. Subject to the availability of funding, the Board is hereby authorized to retain a consultant or expert as may be necessary to complete the study. The study shall include the feasibility of coordinating reporting dates and shall identify all requirements for maintaining, completing and filing records and reports mandated by law or rule and make recommendations for any amendments that may be necessary to the law or rules to implement the recommendations reported in the study. In conducting research for the study, the Board shall provide for the input and participation of school districts, school district personnel, and other educational organizations. By December 31, 2010, the Board shall issue a preliminary report of any findings and recommendations collected prior to that date. The Board shall complete the findings and recommendations of the study and shall file a final report with the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate by December 31, 2012.

B. In conducting the study as required in this section, the Board may:

1. Survey a sample of classroom teachers from elementary, middle, and high school grades in the public schools in the state to determine the quantity and types of paperwork required from teachers on a daily, weekly, monthly, semester, or annual basis as mandated by state law or rule;
2. Review efforts being made at the school district level to reduce the requirements for extraneous paperwork placed on teachers;
3. Collaborate with the United States Department of Education to standardize all compliance requirements of the federal Individuals with Disabilities Education Act (IDEA) and review and simplify the paperwork established by the United States Department of Education to verify compliance with IDEA; and
4. Study the amount of state and local funds expended to meet the compliance and paperwork requirements of IDEA.

Added by Laws 2005, c. 290, § 2, emerg. eff. June 6, 2005. Amended by Laws 2010, c. 150, § 1, eff. July 1, 2010.

§70-3-156. Local school district assessment - Report submission.

Each local school district may study and assess ways to eliminate, reduce, consolidate, and simplify the number, type, and length of reports, data, statistics, and other information required of any school district personnel by federal or state law. In conducting research for the study, the school district shall provide for the input and participation of school district personnel.

Each local school district may also study and assess ways to eliminate, reduce, consolidate, and simplify the number of tests required by students enrolled in school.

Findings and recommendations of both studies shall be forwarded to the State Department of Education.

Added by Laws 2010, c. 150, § 2, eff. July 1, 2010. Amended by Laws 2012, c. 354, § 3.

§70-3-160. State student record system - Development and implementation in compliance with federal requirements.

A. In developing and implementing a state student record system, as required in Subsection E of Section 18-200.1 of this title, and as needed to comply with the tracking and reporting requirements of the Elementary and Secondary Education Act of 1965 (ESEA), P.L. No. 114-95, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015, the State Department of Education shall construct the system to contain the following elements and comply with the following standards and compliance capabilities:

1. Extensible Markup Language (XML), which defines common data formats used during communication between disparate systems;

2. Web services protocol developed by the World Wide Web Consortium, which enables systems that are physically separated but connected to the Internet to be combined to permit complex operations;

3. Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications, which enable school district software management systems to communicate with each other. The student record system shall include, but not be limited to, the specifications for course identifiers, state standard formatting, content formatting, and assessment formatting specification;

4. United States Department of Education ED Facts data exchange guidelines with data elements capable of providing reporting on federal educational programs; and

5. Defined state data codes to ensure consistent reporting from school districts including, but not limited to, data codes for course identifiers, entries, gains, and losses. Current data codes for

teacher certification and the Oklahoma Cost Accounting System shall be extended to match other defined data codes.

B. Any student information system and any instructional management system used by school districts in the state shall comply with the Extensible Markup Language (XML) standards and the Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications.

C. The State Department of Education shall have the authority to define requirements for the submission of data elements in compliance with the Schools Interoperability Framework (SIF) version 1.5 for the student information systems and instructional management systems used by school districts statewide in compliance with state and federal statutes.

Added by Laws 2003, c. 430, § 2, eff. July 1, 2003. Amended by Laws 2019, c. 486, § 1, eff. July 1, 2019.

§70-3-161. Repealed by Laws 2014, c. 72, § 1.

§70-3-162. Enrollment - Collection of information regarding participation in certain programs.

A. Beginning with the 2007-2008 school year, upon initial enrollment in a public school district, the school shall request the parent or guardian of a student to provide information to the school district regarding participation in the following:

1. A childcare program that is licensed pursuant to the tiered licensing system established by the Department of Human Services;

2. The SoonerStart program operated by the State Department of Education;

3. The program of parent education operated by the State Department of Education pursuant to Section 10-105.3 of this title;

4. The Children First program operated by the State Department of Health;

5. Any child abuse prevention program operated by the State Department of Health;

6. Any federally funded Head Start program; and

7. Any other early childhood program funded by state or federal monies as determined by the State Board of Education.

B. The State Department of Education shall verify the accuracy of the information provided by the parents or guardians pursuant to subsection A of this section with the appropriate agency. Each agency shall cooperate and provide verifying data to the Department.

C. The State Department of Education shall develop state data elements and codes for each program identified pursuant to subsection A of this section for use in the statewide student record system program, which shall be used to provide effective reporting and

research on the identified programs. The codes shall be entered into the statewide student record system program upon initial enrollment of a student.

D. The State Board of Education shall adopt rules to implement the provisions of this section.

Added by Laws 2005, c. 420, § 1, eff. July 1, 2005. Amended by Laws 2015, c. 217, § 1, eff. Nov. 1, 2015.

NOTE: Editorially renumbered from § 3-161 to avoid a duplication in numbering.

§70-3-163. Repealed by Laws 2017, c. 3, § 1, eff. Nov. 1, 2017.

§70-3-164. Repealed by Laws 2017, c. 3, § 2, eff. Nov. 1, 2017.

§70-3-165. Repealed by Laws 2017, c. 3, § 3, eff. Nov. 1, 2017.

§70-3-166. Repealed by Laws 2017, c. 3, § 4, eff. Nov. 1, 2017.

§70-3-167. Exemption from participation in advisory council or committee.

A. 1. The State Board of Education shall exempt all school districts from or waive any policy, rule or law which requires school districts to form, convene, or participate in any advisory council or committee, including but not limited to the requirement to convene an advisory council when preparing the school improvement plan as set forth in Section 5-117.4 of this title.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during the fiscal year which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.

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

Added by Laws 2010, c. 457, § 2. Amended by Laws 2012, c. 236, § 2, eff. July 1, 2012; Laws 2014, c. 311, § 3, eff. July 1, 2014; Laws 2016, c. 253, § 2, eff. July 1, 2016; Laws 2019, c. 488, § 2, eff. July 1, 2019.

§70-3-168. Student Data Accessibility, Transparency and Accountability Act of 2013.

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;
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,
 - (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 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,
- 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;

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.

Added by Laws 2013, c. 356, § 1, eff. July 1, 2013. Amended by Laws 2015, c. 33, § 1, eff. July 1, 2015.

§70-3-171. Oklahoma Advisory Council on Indian Education Act.

This act shall be known and may be cited as the "Oklahoma Advisory Council on Indian Education Act".

Added by Laws 2010, c. 313, § 1, eff. July 1, 2010.

§70-3-172. Purpose of act.

The purpose of the Oklahoma Advisory Council on Indian Education Act is to recognize the unique relationship that Oklahoma enjoys with the Indian tribes located within the state and how Native Americans and Indian tribes play a pivotal role in the educational system of the state in light of this special relationship. The further purpose of the act is to establish the Oklahoma Advisory Council on Indian Education. The purpose of creating the Council is to promote culturally relevant learning environments, educational opportunities and instructional material for Native American students enrolled in the public schools of the state. Because of the number of Native American students enrolled in public schools in the state, this objective will positively affect the educational success of all public school students and encourage further government-to-government cooperation between the State of Oklahoma and the sovereign Indian tribes located in Oklahoma.

Added by Laws 2010, c. 313, § 2, eff. July 1, 2010.

§70-3-173. Oklahoma Advisory Council on Indian Education.

A. There is hereby created to continue until July 1, 2020, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Advisory Council on Indian Education.

B. The Council shall:

1. Make recommendations to the State Board of Education and the Superintendent of Public Instruction in educational matters affecting the education of Native American students;

2. Promote educational opportunities and improvement of the quality of education provided to Native American students throughout the state;

3. Advocate for Native American students in the state; and

4. Monitor and evaluate how the public education system of the state impacts Native American students.

C. The Council shall be composed of eighteen (18) members as follows:

1. Five members who shall each represent an Indian tribe in the state, of which at least one shall represent an Indian tribe which has an enrollment of less than ten thousand (10,000) members who reside in the state, appointed by the Governor from a list of nominations submitted by the different Indian tribes in the state;

2. Four members who shall each represent the tribal education departments of an Indian tribe in the state, appointed by the Governor from a list of nominations submitted by the different Indian tribes in the state;

3. One member who shall represent the Oklahoma Council on Indian Education, appointed by the Governor;

4. Two members who shall represent two different statewide organizations representing public school teachers, appointed by the President Pro Tempore of the Senate;

5. One member who shall represent a statewide organization representing public school superintendents appointed by the Speaker of the House of Representatives;

6. One member who shall represent Oklahoma tribal colleges, appointed by the Chancellor of Higher Education;

7. The Director of the Native American Cultural and Educational Authority, or designee;

8. The Chancellor of Higher Education, or designee;

9. The Director of the Oklahoma Department of Career and Technology Education, or designee; and

10. The Superintendent of Public Instruction, or designee.

D. Appointments to the Council shall be made by September 1, 2010. The first meeting of the Council shall be called by the Superintendent of Public Instruction. At the first meeting, the members of the Council shall elect a chair and vice-chair from among the members. Meetings of the Council shall be held at least quarterly at the call of the chair. Members shall serve at the pleasure of their appointing authorities. A majority of the members of the Council shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Council. A vacancy on the Council shall be filled by the original appointing authority. The State Department of Education, Oklahoma Department of Career and Technology Education, and the Oklahoma State Regents for Higher Education shall provide staff, support and information as requested by the Council.

E. Members of the Council shall receive no compensation for serving on the Council, but shall receive travel reimbursement as follows:

1. State employees who are members of the Council shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

2. All other members of the Council shall be reimbursed by the Office of Management and Enterprise Services for travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. The Council shall act in accordance with the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

G. Members who serve on the Council shall be exempt from the dual-office-holding prohibitions of Section 6 of Title 51 of the Oklahoma Statutes.

H. The Council shall have the following duties:

1. Identify strategies for developing an efficient and reliable process of communications between Oklahoma education entities, educators, tribal organizations and other interested parties;

2. Identify and disseminate research-based, measurable criteria, both behavioral and academic, by which the success and efficacy of the education offered to Native American students in Oklahoma may be measured;

3. Analyze data to ensure that education agencies in Oklahoma continue to address the education needs of Native American students;

4. Encourage and promote Native American educational leadership at all levels of the education system; and

5. Make recommendations to the State Board of Education for programs that will help achieve the purposes of the Oklahoma Advisory Council on Indian Education Act.

I. The Council shall evaluate and make an annual report on the effectiveness of the public education system in Oklahoma in meeting the needs of Native American students in Oklahoma. The report shall be submitted to the State Board of Education. The report shall also contain a summary of the findings made by the Council pursuant to subsection H of this section, a summary of all data collected by the Council, a summary of the means by which all data was collected by the Council, and any other information deemed necessary by the Council.

Added by Laws 2010, c. 313, § 3, eff. July 1, 2010. Amended by Laws 2012, c. 304, § 596; Laws 2014, c. 131, § 1, emerg. eff. April 22, 2014.

§70-4. Repealed by Laws 1941, p. 416, § 8.

§70-4-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-4-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-8. Repealed by Laws 1951, c. 235, § 34.
- §70-4-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-11.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-14. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-15. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-17. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-18. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-19. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-20. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-21. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-22. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-23. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-24. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-25. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-26. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-27. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-28. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-29. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-30. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-31. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-31a. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-32. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-33. Repealed by Laws 1963, c. 275, § 3.

§70-4-33.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-4-34. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-35. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-36. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-37. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-38. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-39. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-40. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-41. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-42. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-43. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-44. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-45. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-46. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-47. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-48. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-4-49. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-4-101. Abolition of office of county superintendent of schools.

As of July 1, 1993, the office of county superintendent of schools in and for each county in Oklahoma is hereby abolished. Laws 1971, c. 281, § 4-101, eff. July 2, 1971; Laws 1972, c. 155, § 1, emerg. eff. April 7, 1972; Laws 1977, 1st Ex.Sess., c. 1, § 23, emerg. eff. June 21, 1977; Laws 1993, c. 239, § 22, eff. July 1, 1993.

§70-4-102. Repealed by Laws 1980, c. 180, § 6, emerg. eff. May 13, 1980.

§70-4-103. Repealed by Laws 1989, 1st Ex. Sess., c. 2, § 121, operative July 1, 1990.

§70-4-104. School district boundaries - Duties of county clerk.

On or before the first day of January of each year, the county clerk or a designee of the county clerk shall obtain from the State Department of Education and furnish to the county assessor of the county a current description of the boundary of each and every school district or part of a district in the county and also notify the Oklahoma Tax Commission, the county assessor and county treasurer of the county of any and all changes in the boundaries of a school district lying wholly or in part in the county.

Added by Laws 1971, c. 281, § 4-104, eff. July 2, 1971. Amended by Laws 1991, c. 16, § 1, eff. July 1, 1991; Laws 1993, c. 239, § 23, eff. July 1, 1993.

§70-4-104.1. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-4-105. Repealed by Laws 2014, c. 204, § 1, eff. Nov. 1, 2014.

§70-4-106. Repealed by Laws 2014, c. 204, § 1, eff. Nov. 1, 2014.

§70-4-107. Repealed by Laws 2014, c. 204, § 1, eff. Nov. 1, 2014.

§70-4-108. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-4-109. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-4-110. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-4-111. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-4-112. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-4-200. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-4-201. Transfer and preservation of records - Additional salaries.

All records of a former county superintendent of schools shall be transferred to and are to be maintained and preserved by the county clerk of the county, who shall designate a deputy, aide, assistant or other employee of the county clerk's office to perform such duties. The County Commissioners shall make space available in which the records can be maintained, preserved and made secure. Except for those records specifically required by state or federal statutes to be kept confidential, public access shall be made available to all of the records.

After the records of a former county superintendent of schools are transferred to and the responsibility of maintaining the records are assigned to a deputy, aide, assistant or other employee of the county clerk's office, the county clerk and county commissioners of the county shall recommend to the county excise board that additional salary be considered for the employee based upon the additional responsibilities if funds are available and approved. Any additional salary of such employee shall be subject to the limitations set forth in Section 180.65 of Title 19 of the Oklahoma Statutes.

Added by Laws 1992, c. 253, § 1, emerg. eff. May 22, 1992. Amended by Laws 1993, c. 239, § 24, eff. July 1, 1993.

§70-5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-5-1. Repealed by Laws 1965, c. 18, § 1.

§70-5-2. Repealed by Laws 1965, c. 18, § 1.

§70-5-3. Repealed by Laws 1965, c. 18, § 1.

§70-5-4. Repealed by Laws 1965, c. 18, § 1.

§70-5-5. Repealed by Laws 1965, c. 18, § 1.

§70-5-6. Repealed by Laws 1965, c. 18, § 1.

§70-5-7. Repealed by Laws 1965, c. 18, § 1.

§70-5-8. Repealed by Laws 1965, c. 18, § 1.

- §70-5-9. Repealed by Laws 1965, c. 18, § 1.
- §70-5-10. Repealed by Laws 1955, p. 445, § 55.
- §70-5-11. Repealed by Laws 1965, c. 18, § 1.
- §70-5-12. Repealed by Laws 1955, p. 445, § 55.
- §70-5-13. Repealed by Laws 1955, p. 445, § 55.
- §70-5-14. Repealed by Laws 1955, p. 445, § 55.
- §70-5-15. Repealed by Laws 1953, p. 384, § 30.
- §70-5-16. Repealed by Laws 1955, p. 445, § 55.
- §70-5-17. Repealed by Laws 1955, p. 445, § 55.
- §70-5-18. Repealed by Laws 1955, p. 445, § 55.
- §70-5-19. Repealed by Laws 1955, p. 445, § 55.
- §70-5-20. Repealed by Laws 1955, p. 445, § 55.
- §70-5-21. Repealed by Laws 1955, p. 445, § 55.
- §70-5-22. Repealed by Laws 1955, p. 445, § 55.

§70-5-101. School districts - Designation.

All school districts in Oklahoma, now in existence or which may hereafter be created, shall be designated only as independent, elementary or technology center school districts. Independent school districts, elementary school districts and technology center school districts shall be under the supervision and the administration of the respective boards of education thereof.

Added by Laws 1971, c. 281, § 5-101, eff. July 2, 1971. Amended by Laws 1991, c. 16, § 2, eff. July 1, 1991; Laws 1993, c. 239, § 25, eff. July 1, 1993; Laws 2001, c. 33, § 70, eff. July 1, 2001.

§70-5-102. Independent school districts.

All independent school districts in Oklahoma shall be those which shall have maintained during the previous year a school offering high school subjects fully accredited by the State Board of Education.

A reasonable deviation from any of the requirements enumerated herein shall not operate to prohibit the State Board of Education from designating any district as independent if the other requirements are sufficiently superior to the minimum standards

required herein, but standards therefor shall be reduced to writing and a copy thereof sent to all districts maintaining high schools in Oklahoma at least one (1) year prior to the time the requirements become effective. Until the effective date thereof, the requirements hereinabove enumerated shall remain in full force and effect. As a basis for attaining the status of independent school district, high schools shall be inspected by a member of the division of secondary education of the State Board of Education or such other representative as the State Board of Education shall designate, and all of the standards prescribed by the State Board of Education shall be carefully checked in the presence of the district superintendent of schools or board of education of the district. A written report shall be made and mailed to the district superintendent of schools and board of education within thirty (30) days after the time of such inspection. Such report shall indicate if the high school meets the requirements and, if not, a statement shall be made as to what must be done in order to comply therewith.

After any school district has become independent, it shall remain so until removed from independent status by the State Board of Education, which, however, shall not remove any school district from independent status until it is satisfied that the minimum standards for independent school districts are not being maintained. Any order of the State Board of Education removing a school district from independent status shall not become effective until the close of the fiscal year in which such order is made, and any order removing a school district from independent status which has heretofore been made by the State Board of Education, regardless of notice or effective date thereof, is hereby validated. A reasonable variation from year to year in the minimum number of teachers required shall not affect the status of any independent school district.
Laws 1971, c. 281, § 5-102, eff. July 2, 1971.

§70-5-103. Elementary school districts.

Elementary school districts shall offer grades kindergarten through eight and are those which have not met the minimum standards for, and have not been designated as, independent school districts by the State Board of Education. On and after July 1, 1991, every place in the Oklahoma Statutes which refers to "dependent school district" shall mean "elementary school district".

Laws 1971, c. 281, § 5-103, eff. July 2, 1971; Laws 1976, c. 116, § 1, emerg. eff. May 14, 1976; Laws 1991, c. 3, § 2, eff. July 1, 1991.

§70-5-103.1. Elementary school districts - Prohibition on certain grades.

On or after the effective date of this act, except upon approval of the State Board of Education, an elementary school district that did not offer any grade above the eighth grade during the 1993-94

school year may not offer grades above the eighth grade during the 1994-95 school year or any school year thereafter. No later than August 1, 1994, the State Board of Education shall promulgate rules to implement the provisions of this section.

Added by Laws 1994, c. 150, § 1, eff. July 1, 1994.

§70-5-104. Designation of district retained on records - When.

Only for the purpose of identifying a district that originally incurred an indebtedness so as to avoid confusion in discharging such indebtedness, the designation of a district when an indebtedness was incurred may be retained in the records of the county assessor, county treasurer, and other public officials charged with the duty of levying and collecting taxes for the payment of obligations of school districts irrespective of whether such indebtedness has been assumed by another school district.

Laws 1971, c. 281, § 5-104, eff. July 2, 1971.

§70-5-105. School district - Body corporate - Powers.

Every school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes by the name and style of "Independent (or Elementary, if it is an elementary school district) School District Number _____ (such number as may be designated by the State Board of Education) of

_____ (the name of the county in which the district is located, or if lying in more than one county the name of the county where supervision is located) County, Oklahoma," and in that name may sue and be sued and be capable of contracting and being contracted with and holding such real and personal estate as it may come into possession of or by will or otherwise and as authorized by law.

Laws 1971, c. 281, § 5-105, eff. July 2, 1971; Laws 1991, c. 3, § 3, eff. July 1, 1991; Laws 1993, c. 239, § 26, eff. July 1, 1993.

§70-5-106. Governing body of school district.

A. The governing board of each school district in Oklahoma is hereby designated and shall hereafter be known as the board of education of such district. Except as otherwise provided in this section, the superintendent of schools appointed and employed by the board shall be the executive officer of the board and shall perform duties as the board directs.

B. The board may contract with a superintendent for a term as mutually agreed upon but not to exceed three (3) years beyond the fiscal year in which the contract is approved by the board and accepted by the superintendent. The contract shall include all other terms and conditions as agreed upon in writing by the board and the superintendent.

C. The boards of two or more school districts may contract with one superintendent to serve as superintendent of the school districts as provided in Section 4 of this act.

D. No board of a school district having average daily membership (ADM) of fewer than five hundred (500) pupils shall be prohibited from allowing a superintendent to serve simultaneously as a principal.

E. The chief executive officer of the board of education of a district in which a public developmental research school is established shall be the director of the school appointed as provided in Section 1210.577 of this title.

Added by Laws 1971, c. 281, § 5-106, eff. July 2, 1971. Amended by Laws 1985, c. 329, § 19, emerg. eff. July 30, 1985; Laws 1993, c. 257, § 10, emerg. eff. May 26, 1993; Laws 1997, c. 18, § 1, eff. Nov. 1, 1997; Laws 2003, c. 455, § 1, eff. July 1, 2003.

§70-5-106A. Employment contracts with more than one school district.

A superintendent, administrator, teacher, or person providing support services may contract with more than one school district to serve as superintendent, administrator, or teacher, as appropriately qualified, or to provide support services for each contracting district. The contract may be mutual with all the districts as parties, or the contracts may be separate; provided, that a superintendent, administrator, teacher, or person providing support services may not enter into contracts with more than one school district without the assent and knowledge of all the school districts with which they are contracting. The districts who contract either mutually or separately with a superintendent, administrator, or teacher, or with a person to provide support services may enter into agreements upon such terms and conditions as the parties may agree and may include terms related to the division of payments for items including, but not limited to, payment of benefits or travel for the superintendent, administrator, teacher, or person providing support services. Unless otherwise provided by contract, each district shall pay into the Teachers' Retirement System of Oklahoma the district's pro rata share of the payment required to be paid into the System on behalf of the employee.

Added by Laws 2003, c. 455, § 4, eff. July 1, 2003.

§70-5-107. Repealed by Laws 1972, c. 216, § 3.

§70-5-107A. Boards of education of school districts - Membership - Election procedure.

The following provisions and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. For purposes of this section, temporary positions added to a board of education pursuant to Section 7-101 or 7-105 of this title and the chair of the board of education elected pursuant to Section 1 of this act shall not be considered in determining the size of the board. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. Districts having a five-member board		
5		
5		
2. Districts having a seven-member board unless an election is conducted pursuant to subsection C of this section		
7		
4		

B. In all school districts, the members of the board of education shall be elected as follows:

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.
- b. School districts having fewer than one thousand eight hundred (1,800) students in average daily membership

during the preceding school year may choose not to establish board districts and may nominate and elect all board members at large.

- c. Elementary school districts shall have board members elected at large.
- d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the board districts provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such board district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

If during the term of office to which a person was elected, that member ceases to be a resident of the board district for which the person was elected, the office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; and

3. In a school district having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. There shall be held an election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two candidates from among the candidates for board member to represent the board district,
- b. If, in the election, one candidate has a majority of all votes cast, then a run-off election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the candidates for the board district in the general election, and
- c. At the run-off election, all of the electors of the board district shall select one of the two candidates as the member of the board of education representing the board district.

C. Any seven-member board shall have the option of reducing its board to a five-member board either after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of Title 26 of the Oklahoma Statutes. The election pursuant to a vote of the electors of the school district shall be called upon the submission of a petition requesting the election signed by ten percent (10%) of the school district electors in the school district, the percentage being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. If the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

D. Except for the chair of the board of education elected pursuant to Section 1 of this act, offices of members of the board of education shall be designated by consecutive numbers and shall correspond with board districts when applicable.

E. Except for those members elected prior to July 1, 1992, the terms of office of the members of a five-member board of education shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected; provided, in districts needing to elect two members in 1991

to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, or upon annexation pursuant to Section 7-101 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

Upon reduction of a seven-member board pursuant to subsection C of this section, the terms of the five-member board shall be staggered pursuant to this subsection.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular, special or emergency school board meeting after the member has been certified as elected.

F. The term of office of each board member elected after July 1, 1992, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected. Board members elected prior to July 1, 1992, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular, special or emergency school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

Added by Laws 1972, c. 216, § 1. Amended by Laws 1979, c. 225, § 1, eff. Oct. 1, 1979; Laws 1980, c. 186, § 1, emerg. eff. May 12, 1980; Laws 1983, c. 295, § 1, emerg. eff. June 23, 1983; Laws 1989, c. 132, § 5, eff. June 1, 1990; Laws 1990, c. 257, § 1, eff. July 1, 1990; Laws 1991, c. 3, § 4, eff. July 1, 1991; Laws 1991, c. 330, § 1; Laws 1992, c. 254, § 1, emerg. eff. May 22, 1992; Laws 1993, c. 45, § 3, emerg. eff. April 9, 1993; Laws 1994, c. 360, § 5, eff. July 1, 1994; Laws 1998, c. 124, § 1, eff. July 1, 1998; Laws 2000, c. 280, § 2, emerg. eff. June 1, 2000.

§70-5-107B. Expansion of a board of education - Chair and other positions.

A. The board of education of a district with an average daily membership (ADM) of more than thirty thousand (30,000) students may be expanded to add a member who shall be elected at large for a term of four (4) years and who shall serve as chair of the board. The chair of the board position may be added upon a majority vote of the district board of education to add the position. If the board opts to add the chair of the board position, the chair of the board shall

be elected at the next regular election of board members, held pursuant to Section 13A-103 of Title 26 of the Oklahoma Statutes, following the decision of the board.

B. The chair of the board of education shall possess the same qualifications as required for other board members, shall assume office as provided for other members of the board of education, shall be a full, voting member of the board, and shall count for purposes of a quorum or a majority, or other requirements based on number of members on the board. The chair shall preside at all meetings of the board of education in accordance with rules of parliamentary procedure which have been adopted by a majority vote of the board, provided that, in the absence of rules adopted by the board, the chair shall determine and set forth the rules of parliamentary procedure that shall apply at board meetings; assemble and control the agenda for board meetings, provided that, upon approval of a majority of the members of the board, an item shall be placed on the agenda for the same or a subsequent meeting, in accordance with the Oklahoma Open Meeting Act; appoint all committees whose appointment is not otherwise provided for by law; and shall sign all warrants ordered by the board of education to be drawn upon the treasurer for school money. The chair of the board shall possess all powers otherwise provided by law for a member of a board of education, all powers provided by law for the president of a board of education, and such other lawful powers as may be conferred upon the chair by majority vote of the board. The chair shall receive compensation and benefits as conferred upon other members of the district board of education.

C. For a district in which a chair of the board has been elected, the district board of education, during the meeting at which the chair of the board assumes office, shall elect a vice-chair who shall serve a one-year term and until a successor is elected and qualified. The vice-chair shall perform all duties of the chair of the board in case of the chair's absence or disability. The board shall also elect clerks and deputies as provided in Section 5-119 of this title. The board shall not elect a president or vice president.

D. If a district board of education is expanded to include the chair of the board position, the chair of the board position shall not be abolished except by a majority vote of the voters of the school district voting on such question at a special election called for that purpose. The question may be presented only upon a resolution adopted by three-fourths (3/4) of the board membership or upon petition for an election on the question, that complies with the requirements for petition and election set forth in Section 7-101 of this title. If the question is approved, the chair of the board position shall be abolished at the end of the term of the chair who holds the office when the election is held or upon the chair's

resignation or vacancy of the office following the election on the question.

Added by Laws 2000, c. 280, § 1, emerg. eff. June 1, 2000. Amended by Laws 2001, c. 413, § 3, eff. July 1, 2001.

§70-5-108. Repealed by Laws 1989, c. 132, § 7, eff. June 1, 1990.

§70-5-109. Repealed by Laws 1972, c. 216, § 3.

§70-5-110. Instructional requirements for new board members - Reimbursement for expenses - Agreement to attend when candidate files notification and declaration - Registration fees.

A. A school district elector who is elected or appointed to be a member of a school district board of education prior to January 1, 2014, shall obtain instruction on education issues in accordance with rules promulgated by the State Board of Education. Except as provided in subsection B of this section, at the time a school district elector files a notification and declaration of candidacy for the office of school district board of education membership or is appointed to be a member of a school district board of education on or after January 1, 2014, the elector shall agree and pledge in writing that, within fifteen (15) months of election or appointment as a member of the district board of education, the member will complete at least twelve (12) hours of instruction on education issues in the following areas: school finance; legal issues, which include but are not limited to employment, due process, new laws, the Oklahoma Open Records Act and the Oklahoma Open Meeting Act; and duties and responsibilities, which include but are not limited to special education and ethics, of district board of education members. Each elector shall agree and pledge in writing to complete at least one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a two-day workshop to be held within the state by the State Department of Education, by the Oklahoma Department of Career and Technology Education, or by attending workshops, seminars or classes which address the above-mentioned subject matter, and which are sponsored by any organization approved by the State Board of Education, including but not limited to institutions of higher education. The State Board of Education shall promulgate rules by which an organization or particular courses offered by an organization may be approved for purposes of fulfilling the instructional requirements set out in this section.

B. When an incumbent of a district board of education files a notification and declaration of candidacy for reelection to the district board of education, the member shall be required to agree and pledge in writing that upon reelection the member will complete

six (6) hours of instruction, within fifteen (15) months of election, including one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a workshop, class or seminar addressing the education issues set forth in subsection A of this section.

C. The State Department of Education shall, immediately after the annual elections of various district board of education members, determine the members of the district boards of education pledged to complete the instructional requirements established in subsections A and B of this section, and shall notify the members of the time and place where workshops, classes and seminars are to be conducted. Upon completion of the instructional requirements, the certificate of completion shall be included in the public records of the school board's minutes. Each school board member, except for an incumbent member, shall be required within fifteen (15) months following or preceding election to complete the workshop established by subsection A of this section or to attend twelve (12) hours of other state workshops, classes or seminars conducted as instruction on the subjects of school finance, legal issues, and the ethics, duties and responsibilities of district board of education members, including at least one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics.

D. If a school board member, including an incumbent member, has not satisfied the instructional requirements as set forth in this section within fifteen (15) months of election, reelection or appointment, the district board of education shall declare the seat of the member vacant within sixty (60) days of the final date that the member has to complete the requirements as indicated by receipt of the certified notice from the State Board of Education as provided for pursuant to Section 5-110.2 of this title and shall fill the vacancy according to law. A school board member who is required to vacate a school board seat pursuant to this subsection and Section 5-110.2 of this title shall be ineligible to be reappointed to, to run for reelection to or to hold that respective board seat on the school district board of education or to run for election to or to hold any other board seat on the board of education for a two-year period.

E. All government departments, agencies and institutions of this state are directed to lend assistance as may be required by the State Department of Education for the proper conduct and administration of the workshops as authorized in subsection A of this section. The State Department of Education shall maintain a permanent record of the instructional hours and continuing education hours earned for each district board of education member.

F. The State Department of Education, the Oklahoma Department of Career and Technology Education, and, upon approval of the State Board of Education, any organization or association representing district boards of education in this state are authorized to charge persons pledged to attend a workshop, class or seminar for purposes of meeting the instructional requirements of this section, a registration fee sufficient to defray the estimated costs of presenting the workshop, class or seminar and to collect the fees at the time of registration.

G. Any member of a district board of education or any individual elected, certified as the elected member by the county election board, but not sworn in and seated as a member of a district board of education at the time of a workshop, class or seminar presented by the State Board of Education, the Oklahoma Department of Career and Technology Education, or an organization or association representing district boards of education within the state who attends and successfully completes a workshop, class or seminar as required by subsection A or B of this section shall be reimbursed by the school district in accordance with the travel reimbursement policy of the district.

Added by Laws 1971, c. 281, § 5-110, eff. July 2, 1971. Amended by Laws 1980, c. 231, § 1, eff. Oct. 1, 1980; Laws 1984, c. 132, § 1; Laws 1986, c. 99, § 1, eff. Nov. 1, 1986; Laws 1989, 1st Ex. Sess., c. 2, § 26, emerg. eff. April 25, 1990; Laws 1990, c. 293, § 7, eff. Sept. 1, 1990; Laws 1991, c. 180, § 1, emerg. eff. May 13, 1991; Laws 1992, c. 254, § 2, emerg. eff. May 22, 1992; Laws 1994, c. 360, § 6, eff. July 1, 1994; Laws 2005, c. 472, § 4, eff. July 1, 2005; Laws 2008, c. 439, § 3, eff. July 1, 2008; Laws 2012, c. 192, § 1, emerg. eff. May 7, 2012; Laws 2012, c. 354, § 4; Laws 2013, c. 17, § 1, eff. July 1, 2013; Laws 2016, c. 356, § 2; Laws 2018, c. 163, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1990, c. 257, § 2 repealed by Laws 1991, c. 180, § 2, emerg. eff. May 13, 1991 and Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§70-5-110.1. Board members - Continuing education requirement.

A. In addition to the requirements of Section 5-110 of this title, every member of a school district board of education elected to a full term of office of five (5) years or more shall be required to attend a minimum of fifteen (15) hours of continuing education, each member elected to a full four-year term of office shall be required to attend a minimum of twelve (12) hours of continuing education, and each member elected to a full three-year term of office shall be required to attend a minimum of nine (9) hours of continuing education, prior to the date set for filing for reelection to that respective board seat. The continuing education courses, workshops, seminars, conferences, and conventions which shall satisfy

the continuing education requirement shall be approved jointly by the State Department of Education and the Oklahoma Department of Career and Technology Education.

B. Local and state continuing education programs conducted pursuant to the provisions of this section shall be held in all regions of the state at institutions of higher learning, area technology centers or other approved sites. Notice of such courses and seminars shall be provided to all school board members and to the public schools.

C. This section shall not apply to those school board members who file for reelection prior to July 1, 1991.

D. If a school board member has not satisfied the continuing education requirements of this section, the school district board of education shall declare the seat of the member vacant within sixty (60) days of the final date that the member has to complete the requirements as indicated by receipt of the certified notice from the State Board of Education as provided for pursuant to Section 5-110.2 of this title and shall fill the vacancy according to law. As determined by the State Board of Education pursuant to Section 5-110.2 of this title, failure by a board member to satisfy the continuing education requirements of this section shall result in the ineligibility of the member to be reappointed to, run for reelection to or to hold that respective board seat on the school district board of education or to run for election to or to hold any other board seat on the board of education for a two-year period.

E. The State Department of Education, the Oklahoma Department of Career and Technology Education, and any organization approved by the State Board of Education, including but not limited to institutions of higher education, may charge persons attending continuing education courses a registration fee sufficient to defray the estimated costs of presenting the course. The registration fees for each course shall be announced prior to the date of such course.

F. Any member of a school district board of education who attends and completes a course which satisfies in part or in full the requirements of this section shall be reimbursed by the school district for expenses incurred. In addition, a school district board of education may reimburse members of the board of education for expenses incurred in registering and attending board member training programs or activities approved by the board which are in addition to the minimum school board training requirements established by law. Added by Laws 1989, c. 10, § 1, operative July 1, 1989. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 27, emerg. eff. April 25, 1990; Laws 1990, c. 257, § 3, emerg. eff. May 23, 1990; Laws 1994, c. 360, § 7, eff. July 1, 1994; Laws 1996, c. 178, § 1, eff. July 1, 1996; Laws 2001, c. 140, § 1, eff. July 1, 2001; Laws 2001, c. 414, § 9, eff. July 1, 2001; Laws 2005, c. 472, § 5, eff. July 1, 2005; Laws 2008, c. 439, § 4, eff. July 1, 2008; Laws 2012, c. 192, § 2, emerg.

eff. May 7, 2012; Laws 2016, c. 356, § 3; Laws 2018, c. 163, § 2, eff. Nov. 1, 2018.

NOTE: Laws 2001, c. 33, § 71 repealed by Laws 2001, c. 414, § 14, eff. July 1, 2001.

§70-5-110.2. Records of attendance at continuing education events - Requirements not completed - Declaration of vacancy.

The State Board of Education shall maintain records of attendance by school board members at continuing education events required pursuant to Sections 5-110 and 5-110.1 of this title. Prior to the final opportunity for each school board member who has not completed the continuing education requirements to complete the same, the Board shall notify the school board member and the school district superintendent by mail before March 1 of each year of any final opportunity to complete these requirements and the consequences of not completing the requirements. Upon determining that a school board member did not complete the continuing education requirements of Sections 5-110 or 5-110.1 within the respective period of time, the Board shall immediately notify by certified mail the school board member and the school district superintendent and inform the member of the violation of the continuing education requirements. The school board member shall have sixty (60) days after the date of receipt of the certified notice to complete the requirements. If the school board member does not complete the requirements by the end of the sixty-day time period, the school district board of education is required to declare the seat of that member vacant.

Added by Laws 1990, c. 284, § 2, eff. Sept. 1, 1990. Amended by Laws 2016, c. 356, § 4; Laws 2018, c. 163, § 3, eff. Nov. 1, 2018.

§70-5-111. Repealed by Laws 1994, c. 360, § 10, eff. July 1, 1994.

§70-5-112. Repealed by Laws 1988, c. 296, § 12, eff. June 1, 1990.

§70-5-113. Relation by affinity or consanguinity - Prohibition.

A. Except as otherwise provided in this section, no person shall be eligible to be a candidate for or serve on a board of education if the person is currently employed by the school district governed by that board of education or is related within the second degree by affinity or consanguinity to any other member of the board of education or to any employee of the school district governed by the board of education. The purpose of this section is both to prohibit persons who are related within the second degree by affinity or consanguinity from serving simultaneously on the same board of education of any school district of this state and to prohibit persons who are related within the second degree of consanguinity or affinity to an employee of a school district from serving on the

board of education governing the school district while such relative is employed except as otherwise provided in this section.

B. If the relationship is based on affinity, the prohibitions in this section shall not apply to prevent members of boards of education who are serving on September 1, 1995, from serving the term for which they were elected or from serving successive terms for which they may be elected, unless it is the member's spouse who is a member of the board of education or an employee of the school district, then such prohibitions shall apply.

C. The prohibitions set forth in this section shall not apply if:

1. The person related to the board member within the second degree of affinity or consanguinity is employed as a substitute teacher by the school district pursuant to the provisions of Section 6-105 of this title or as a temporary substitute support employee if the school district has an Average Daily Membership (ADM) of less than five thousand (5,000); or

2. The school district has an ADM of less than four hundred (400), the board of education has adopted a policy providing for such candidate eligibility and the board member who is related within the second degree by affinity or consanguinity to any employee of the school district governed by the board of education complies with the provisions of subsection E of Section 5-113.1 of this title.

D. Any member of a board of education who violates the provisions of this section shall be subject to the penalties prescribed by Sections 485 and 486 of Title 21 of the Oklahoma Statutes.

Added by Laws 1971, c. 281, § 5-113, eff. July 2, 1971. Amended by Laws 1992, c. 254, § 3, eff. Sept. 1, 1992; Laws 1994, c. 360, § 8, eff. July 1, 1994; Laws 1995, c. 257, § 2, emerg. eff. May 25, 1995; Laws 2009, c. 253, § 1, eff. July 1, 2009; Laws 2018, c. 65, § 1, emerg. eff. April 23, 2018.

§70-5-113.1. Relation by consanguinity or affinity with school board member prohibited in employment or contracts - Exemptions - Executive sessions of board - Collective bargaining agreements.

A. Except as otherwise provided in this section, no person may be employed or put under contract by a school district if that person is related to a member of the board of education of that school district within the second degree of consanguinity or affinity. A teacher or employee already under contract to or otherwise employed by the school district at the time the relationship is established may continue in said employment. Except as otherwise provided, a board member already serving at the time the relationship is established may serve out the term for which the member was elected but shall not be eligible to be a candidate for or serve successive terms of office for which the member may be elected.

B. The provisions of this section shall not prevent a board member from serving successive terms of office if otherwise eligible under the provision of Section 5-113 of this title. No member of the board of education who has resigned from the board before the term of the person has expired may be reappointed to the board to complete the remainder of the term if a teacher or employee related to the resigned member of the board within the second degree of consanguinity or affinity was put under contract or otherwise employed by the school district after the board member resigned.

C. The provisions of this section shall not prevent a person who is related to a member of the board of education within the second degree of consanguinity or affinity from being employed by the school district as a substitute teacher pursuant to the provisions of Section 6-105 of this title or as a temporary substitute support employee if the school district has an Average Daily Membership (ADM) of less than five thousand (5,000).

D. The provisions of this section shall not prevent a person who is related to a member of the board of education within the second degree of consanguinity or affinity from being employed by the school district if the school district has an Average Daily Membership (ADM) of less than four hundred (400) and the board of education has adopted a policy providing for such employment.

E. Any member of a board of education who is related to a teacher or other employee of the district within the second degree of consanguinity or affinity shall not attend or participate in any regular or executive session of the board held to consider any personnel matter or litigation relating to said teacher or employee. The member may vote on collective bargaining agreements or the renewal of contracts as a group if the vote is necessary to form a quorum of the board of education members. If more than one member of the board of education is related to a teacher or employee, only the minimum number of those members which is necessary to form a quorum shall be allowed to vote. Each board of education so affected shall adopt a written policy establishing procedures on when such a member may vote on the renewal of contracts or collective bargaining agreements.

F. Any member of a board of education who violates the provisions of this section shall be subject to the penalties prescribed by Sections 485 and 486 of Title 21 of the Oklahoma Statutes.

Added by Laws 1979, c. 192, § 1, emerg. eff. May 17, 1979. Amended by Laws 1980, c. 87, § 1, emerg. eff. April 9, 1980; Laws 1982, c. 106, § 1, emerg. eff. April 6, 1982; Laws 1983, c. 106, § 1, emerg. eff. May 10, 1983; Laws 1984, c. 296, § 43, operative July 1, 1984; Laws 1989, c. 299, § 3, emerg. eff. May 24, 1989; Laws 1991, c. 317, § 1, emerg. eff. June 12, 1991; Laws 1992, c. 254, § 4, eff. Sept. 1, 1992; Laws 1994, c. 360, § 9, eff. July 1, 1994; Laws 1995, c. 322, §

26, eff. July 1, 1995; Laws 2009, c. 253, § 2, eff. July 1, 2009; Laws 2018, c. 65, § 2, emerg. eff. April 23, 2018.

§70-5-113.2. Board member involved in certain litigation may be denied participation in executive sessions of school board.

Any school board member who, before serving or while serving on the board of education, initiated litigation against the school district, school board of education, or an individual board member of the board of education on which he/she serves, or who is a governing member of a group, organization, or entity that has authorized and initiated litigation against that school district, school board of education, or an individual board member of the board of education on which he/she serves, may be excluded upon a majority vote of the board members from any executive session where the litigation is discussed or from any other form of participation in the board's defense of the litigation, including any vote on issues related to that legal action.

Added by Laws 1992, c. 254, § 5, emerg. eff. May 22, 1992.

§70-5-114. County treasurer as district treasurer - Local and assistant local treasurer - Estimate of needs - Charge for services.

A. The county treasurer of each county shall be the treasurer of all school districts in the county, except that the board of education of a school district may appoint a local treasurer for the school district and, in its discretion, an assistant local treasurer of the district, each of whom shall serve at the pleasure of the board for such compensation as the board may determine. The assistant local treasurer may perform any of the duties and exercise any of the powers of the local treasurer with the same force and effect as if the same were done or performed by the local treasurer. Before entering upon the discharge of the duties of the assistant treasurer, the assistant treasurer shall give a bond in such amount as the board of education may designate, with good and sufficient sureties to be approved by the board, conditioned for the faithful performance of his or her duties. A local treasurer or assistant local treasurer need not be a resident of the school district where appointed to serve, although any local treasurer or assistant local treasurer shall be a resident of this state. Nothing herein shall prevent a local treasurer or assistant local treasurer from being appointed for more than one school district.

B. Whenever a county treasurer is designated as the treasurer for a school district, the county treasurer may elect to charge for such services. If charges are assessed, the treasurer shall prepare a special estimate of needs each fiscal year, covering all expenditures of the office on behalf of any school districts for which the county treasurer serves as treasurer. The estimate for treasurer services shall be itemized by personal services and

maintenance and operation expenditures and shall be filed with the county excise board. In reviewing and approving this estimate, the county excise board shall authorize and levy amounts for treasurer services which in the judgment of the board will be sufficient to perform the services. The board shall apportion the cost among the school districts for which the treasurer services are to be charged in the ratio which each school district's total appropriations for the preceding year bears to the total appropriations of all such school districts receiving treasurer services for the preceding year. The amounts shall be included in, or added to, the estimates of needs or budget of each such school district. The amount as approved and appropriated by the county excise board shall be paid by the school district, by appropriate warrants, to the county for deposit in the county general fund.

Added by Laws 1971, c. 281, § 5-114, eff. July 2, 1971. Amended by Laws 1980, c. 220, § 1, emerg. eff. May 30, 1980; Laws 1981, c. 175, § 1; Laws 1982, c. 4, § 1, operative July 1, 1982; Laws 1988, c. 90, § 14, operative July 1, 1988; Laws 1999, c. 327, § 4, eff. July 1, 1999.

§70-5-115. Local treasurer - Surety bond - Duties - Cash and investment ledgers.

A. Unless the context clearly shows otherwise, the term "treasurer", as used in this section, includes a county treasurer acting as the treasurer of a school district pursuant to the provisions of Section 5-114 of this title. The treasurer so appointed shall execute, before entering upon the duties of the office of the treasurer, a surety bond in an amount which it is estimated by the board of education the treasurer will have on hand at any one time during the current year, and the amount of securities held as investments shall not be considered. The board of education is empowered to require the treasurer to increase or decrease the bond of the treasurer as the amount of funds on hand may require. Provided, the bond of a school district shall not, in any event, be required to be in an amount greater than that of the county treasurer of the county. The premium on the bond shall be paid by the board of education out of district funds. Provided, however, the treasurer of such district shall require the depository wherein school district funds are deposited to insure or guarantee the deposit by proper securities, which shall be of the same class of securities as are required to insure deposits of county treasurers of the various counties, and the securities shall be pledged, taken and kept in the manner provided by Sections 517.1 through 517.7 of Title 62 of the Oklahoma Statutes.

B. In all districts which are permitted by law to select a local treasurer, the county treasurer shall act as treasurer thereof until such time as a local treasurer shall be appointed and has executed

the surety bond required by this section. In no instance in which the county treasurer is the treasurer of any school district shall any additional bond be required, but the official bond of the county treasurer shall stand for any and all funds and securities coming into the hands of the county treasurer.

C. The local treasurer of a district, when required by the board of education, shall prepare and submit in writing a report of the condition of the finances of the district and shall produce at any meeting of the board or to any committee appointed for the purpose of examining the accounts of the treasurer all books and papers pertaining to the office of the treasurer. Upon failure to make reports as provided for herein or as may otherwise be required by law, the board may at any regular or special meeting thereof summarily suspend the treasurer, and while so suspended the treasurer shall perform no act pertaining to the office of the treasurer. Such suspension shall continue until ended by order of the board or by judgment of a court of competent jurisdiction.

D. The local treasurer of a school district shall keep a separate cash ledger for each fund in the custody of the treasurer. The local treasurer shall enter each collection and disbursement in the cash ledger of the applicable fund by recording the date and classification of each transaction and such other information as may be deemed desirable. Additional ledgers shall also be maintained to record the investments made from each fund. Such investment ledgers shall disclose the date, description and principal amount paid for each investment purchased and the date and principal amount received for each investment liquidated.

E. Upon suspension by the board, the treasurer shall immediately turn over to the board of education or to the acting treasurer if one has been appointed by the board, all books and papers and other property pertaining to the office of the treasurer.

F. Except as otherwise provided by law, no treasurer of any district shall pay out school district funds in the care of the treasurer except upon warrants signed by the proper school district officials authorized by the law to sign such warrants, provided, this restriction shall not apply to sinking funds or to the investment of school district funds. Authorized sinking fund payments and payment for investments or receipt of liquidated investments may be made by check, wire transfer or other instrument or method through the Federal Reserve System.

G. The board of education shall, each month, set aside funds to an operating account and to an investment account. Investments by the treasurer shall be made in accordance with a written policy adopted by the board of education. The written investment policy shall address liquidity, diversification, safety of principal, yield, maturity, quality of the instrument, and capability of investment management. Acting within the investment policy, the treasurer shall

place primary emphasis on safety and liquidity in the investment of funds. Taking into account the need to use sound investment judgment, school districts shall, to the extent practicable, use competitive bids when they purchase direct obligations of the United States Government or other obligations of the United States Government, its agencies or instrumentalities. Such system shall be designed to maximize yield within each class of investment instrument, consistent with the safety of the funds invested. The board of education must review the investment performance of the treasurer on a regular basis and no less than each month. The treasurer of every school district shall invest the full amount of the investment account in:

1. Direct obligations of the United States Government to the payment of which the full faith and credit of the Government of the United States is pledged; provided, a treasurer of a school district who has completed the program pursuant to the provisions of subsection H of this section may invest funds in the investment account in other obligations of the United States Government, its agencies or instrumentalities;

2. Obligations to the payment of which the full faith and credit of this state is pledged;

3. Certificates of deposits of banks when such certificates of deposits are secured by acceptable collateral as in the deposit of other public monies;

4. Savings accounts or savings certificates of savings and loan associations to the extent that such accounts or certificates are fully insured by the Federal Savings and Loan Insurance Corporation. Provided, that the income received from the investments may be placed in the general fund of the governmental subdivision to be used for general governmental operations;

5. Repurchase agreements that have underlying collateral consisting of those items specified in paragraphs 1 and 2 of this subsection including obligations of the United States, its agencies and instrumentalities, and where the collateral has been deposited with a trustee or custodian bank in an irrevocable trust or escrow account established for such purposes;

6. County, municipal or school district direct debt obligations for which an ad valorem tax may be levied or bond and revenue anticipation notes, money judgments against such county, municipality or school district ordered by a court of record or bonds or bond and revenue anticipation notes issued by a public trust for which such county, municipality or school district is a beneficiary thereof. All collateral pledged to secure public funds shall be valued at no more than market value. The income received from an investment may be placed in the general fund of the governmental subdivision to be used for general governmental operations, the sinking fund, the building fund, or the fund from which the investment was made;

7. Money market mutual funds regulated by the Securities and Exchange Commission and which investments consist of obligations of the United States, its agencies and instrumentalities, and investments in those items and those restrictions specified in paragraphs 1 through 6 of this subsection;

8. Warrants, bonds or judgments of the school district;

9. Qualified pooled investment programs, the investments of which consist of those items specified in paragraphs 1 through 8 of this subsection, as well as obligations of the United States agencies and instrumentalities, regardless of the size of the district's budget. To be qualified, a pooled investment program for school funds must be governed through an interlocal cooperative agreement formed pursuant to Section 5-117b of this title, and the program must competitively select its investment advisors and other professionals. Any pooled investment program used must be approved by the board of education; or

10. Investment programs administered by the State Treasurer.

H. The board of education is hereby empowered to require the treasurer to satisfactorily complete an investment education program approved by the State Board of Education and the State Board of Career and Technology Education. Such program shall be designed to allow treasurers to make informed decisions regarding the safety, return, liquidity, costs and benefits of various investment options allowed under this section.

I. The income received on an investment may be placed in the fund from which the investment was made, the general fund, the building fund, or the sinking fund.

Added by Laws 1971, c. 281, § 5-115, eff. July 2, 1971. Amended by Laws 1985, c. 82, § 4, eff. Nov. 1, 1985; Laws 1986, c. 259, § 52, operative July 1, 1986; Laws 1988, c. 90, § 15, operative July 1, 1988; Laws 1992, c. 211, § 11, eff. July 1, 1992; Laws 1999, c. 327, § 5, eff. July 1, 1999; Laws 2000, c. 136, § 15, eff. July 1, 2000; Laws 2000, c. 334, § 7, eff. July 1, 2000; Laws 2001, c. 33, § 72, eff. July 1, 2001; Laws 2012, c. 222, § 1.

NOTE: Laws 2000, c. 43, §1 repealed by Laws 2000, c. 334, § 8, eff. July 1, 2000.

§70-5-115a. Repealed by Laws 2004, c. 361, § 33, eff. July 1, 2004.

§70-5-115b. Expiration of treasurer's term of office - Delivery of check or warrant registers to successor - Agreement to pay interest on checks or warrants not payable due to insufficient funds.

Upon the expiration of the term of office, the treasurer shall deliver check or warrant registers to the succeeding treasurer, and each successor in office shall act as though check or warrant entries were registered by the successor, who shall continue registration of all district checks or warrants. If a check or warrant cannot be

paid for want of sufficient funds, a district may enter into an agreement not to extend beyond the current fiscal year with the depository bank to honor payment of these checks at an annual rate of interest as negotiated by the district and depository bank, which shall not exceed a rate equal to five percent (5%) above the average United States Treasury Bill rate of the preceding calendar year as determined by the State Treasurer on the first regular business day of each year.

Added by Laws 2004, c. 361, § 18, eff. July 1, 2004.

§70-5-116. Oath of Office.

Each member of the board of education and the treasurer and assistant treasurer of a school district shall take and subscribe to the following oath:

"I _____ (Name of officer), hereby declare under oath that I will faithfully perform the duties of _____ (Name of position) of _____ (Name of school district) to the best of my ability and that I will faithfully discharge all of the duties pertaining to said office and obey the Constitution and laws of the United States and Oklahoma."

Added by Laws 1971, c. 281, § 5-116, eff. July 2, 1971.

§70-5-116a. Superintendent and officers - Employment requirement - Surety bonds.

A. The superintendent and any financial officer of a school district shall be required to furnish a surety bond in the penal sum of not less than One Hundred Thousand Dollars (\$100,000.00) or an amount otherwise set by law or set by the State Board of Education, to be approved as provided by law, and to assure the faithful performance of the duties of the covered officer and employees.

B. Whenever the superintendent or any officer or other employee of any school district is required to furnish a surety bond as a prerequisite to employment as provided for in this section or any other law, the requirement as to terms, conditions, penalty, amount or quality or type of surety shall be deemed to mean the furnishing of a separate bond or surety contract for each individual officer or employee, or the furnishing of a "blanket bond". For purposes of this section, "blanket bond" means a school district officer and employees blanket position bond which covers all officers and employees up to the penalty of the bond for each officer and employee and the full penalty of the bond is always enforced during its term and no restoration is necessary and there is no additional premium after a loss is paid.

C. All surety bonds as required by this section or other laws shall be furnished by a company duly qualified under the insurance laws of this state and shall be purchased by the school district. Each surety bond shall be payable to the school district and,

whenever possible, conditioned on the faithful performance of the duties of the individuals covered during their employment or term of office and that they will properly account for all monies and property received by virtue of their position or employment. Added by Laws 1994, c. 222, § 1, eff. Sept. 1, 1994. Amended by Laws 2009, c. 250, § 2, eff. July 1, 2009.

§70-5-117. Powers and duties.

A. The board of education of each school district shall have power to:

1. Elect its own officers; provided that the chair of the board authorized in Section 5-107B of this title shall be elected by the electors of the school district;
2. Make rules, not inconsistent with the law or rules of the State Board of Education, governing the board and the school system of the district, including converting all or part of a traditional public school to a conversion school;
3. Maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district;
4. Designate the schools to be attended by the children of the district;
5. Provide and operate, when deemed advisable, cafeterias or other eating accommodations, thrift banks or other facilities for the teaching and practice of thrift and economy, bookstores, print shops, and vocational and other shops;
6. Provide informational material concerning school bond elections and millage elections, including but not limited to all pertinent financial information relative to the bond issue, a statement of revenue sources necessary to retire proposed bonds, a statement of current bonded indebtedness of the school district, and a statement of proposed use of funds to be generated by the proposed bond issue. The informational material shall not contain the words "vote yes" or "vote no" or any similar words or statement any place on such informational material;
7. Purchase, construct or rent, and operate and maintain, classrooms, libraries, auditoriums, gymnasiums, stadiums, recreation places and playgrounds, teacherages, school bus garages, laboratories, administration buildings, and other schoolhouses and school buildings, and acquire sites and equipment for the operation of public schools or conversion schools;
8. a. Insure the school district or its employees against any loss, damage or liability as defined by Sections 702 through 708 of Title 36 of the Oklahoma Statutes, or other forms of insurance provided for in Title 36 of the Oklahoma Statutes.

- b. Subject to the restrictions of liability in the Governmental Tort Claims Act:
 - (1) insure the school district against all or any part of any liability it may incur for death, injury or disability of any person, or for damage to property, either real or personal,
 - (2) insure any employee of the school district against all or any part of the employee's liability for injury or damage resulting from an act or omission in the scope of employment, or
 - (3) insure against the expense of defending a claim against the school district or its employee, whether or not liability exists on such claim.
- c. As used in this subsection, "employee" means any person who has acted in behalf of a school district, whether that person is acting on a permanent or temporary basis with or without being compensated or on a full-time or part-time basis. Employee also includes all elected or appointed officers, members of governing bodies of a school district, and persons appointed, and other persons designated by a school district to act in its behalf.
- d. The cost or premium of any such insurance is a proper expenditure of the school district.
- e. Any insurance authorized by law to be purchased, obtained or provided by a school district may be provided by:
 - (1) self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes. Any self-insurance reserve fund shall be nonfiscal and shall not be considered in computing any levy when the school district makes its annual estimate for needed appropriations,
 - (2) insurance in any insurer authorized to transact insurance in this state,
 - (3) insurance secured in accordance with any other method provided by law, or
 - (4) any combination of insurance authorized by this section.
- f. Two or more school districts or public agencies, by interlocal agreement made pursuant to the Interlocal Cooperation Act, may provide insurance for any purpose by any one or more of the methods specified in this section. The pooling of self-insured reserves, claims or losses among governments as authorized in this section shall not be construed to be transacting

insurance nor otherwise subject to the provisions of the laws of this state regulating insurance or insurance companies, except as to the provisions of Section 607.1 of Title 36 of the Oklahoma Statutes. Two or more school districts may also be insured under a master policy or contract of insurance. Premium costs may be set individually for each school district or apportioned among participating school districts as provided by the master policy or contract;

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

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

11. Dispose of personal or real property no longer needed by the district by sale, exchange, lease, lease-purchase, sale and partial lease back, or otherwise. Real property shall be conveyed pursuant to a public sale, public bid, or private sale; provided however, unless otherwise prohibited by law, the board of education of a consolidated or annexed school district or any other school district may convey real property to a local political subdivision or to an educational institution within The Oklahoma State System of Higher Education or to a housing authority formed pursuant to the provisions of Section 1057 of Title 63 of the Oklahoma Statutes without consideration. Prior to the sale of any real property, the board of education shall have the real property appraised. The appraisal shall be confidential until the real property is sold. When the real property is sold, the board of education shall make the appraisal available for public inspection. Prior to the conveyance of any real property by private sale, the board of education shall have offered the real property for sale by public sale or public bid. Any conveyance of real property by private sale to a nonprofit organization, association, or corporation to be used for public purposes, unless for exchange, shall contain a reversionary clause which returns the real property to the board of education upon the cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

authorized by Section 26 of Article X of the Oklahoma Constitution to make lease-purchase payments, including interest, under a lease-purchase agreement. For purposes of this subsection, the term "acquired" as used in Section 26 of Article X of the Oklahoma Constitution shall mean the possession, control, or power to dispose of personal or real property.

C. The boards of education of two or more school districts may enter into cooperative agreements and maintain joint programs including, but not limited to, courses of instruction for handicapped children, courses of instruction in music and other subjects, practical instruction for trades and vocations, practical instruction in driver training courses, and health programs including visual care by persons legally licensed for such purpose, without favoritism as to either profession. The revenues necessary to operate a joint program approved in cooperative agreements, whether from federal, state or local sources, including the individual contributions of participating school districts, shall be deposited into a fund separate from all other appropriated funds. The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is chosen by the other school districts to keep the accounting records of the joint program.

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

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

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

G. The board of education of any school district with an average daily membership of thirty thousand (30,000) or more and all or part of which school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census may contract with a public or private nonsectarian entity for that entity to provide educational and administrative services for the school district. The educational services provided by a contracting entity may include but are not limited to the delivery of instructional service in core and noncore academic subjects to the students enrolled in the school district at one or more school sites or parts of sites within the district pursuant to the terms of an educational services contract. All educational service providers and their employees and representatives and all educational and administrative services provided under an educational services contract shall be exempt from all statutes and rules relating to schools, boards of education and school districts to the same extent that a charter school is exempt under the Oklahoma Charter Schools Act. For all purposes, including but not limited to attendance, funding from all sources and accountability, all students who are provided services by a contracting entity pursuant to an educational services contract shall at all times be and remain students of the school district.

Added by Laws 1971, c. 281, § 5-117, eff. July 2, 1971. Amended by Laws 1972, c. 166, § 1, emerg. eff. April 7, 1972; Laws 1979, c. 184, § 1; Laws 1982, c. 143, § 1; Laws 1983, c. 189, § 1, emerg. eff. June 14, 1983; Laws 1987, c. 204, § 63, operative July 1, 1987; Laws 1988, c. 90, § 16, operative July 1, 1988; Laws 1989, c. 315, § 57, operative July 1, 1989; Laws 1990, c. 221, § 6, operative July 1, 1990; Laws 1991, c. 280, § 57, eff. July 1, 1991; Laws 1992, c. 111, § 2, emerg. eff. April 21, 1992; Laws 1993, c. 361, § 3, eff. July 1, 1993; Laws 1994, c. 362, § 4, eff. July 1, 1994; Laws 1995, c. 165, § 3, emerg. eff. May 2, 1995; Laws 1996, c. 121, § 1, eff. July 1, 1996; Laws 1998, c. 217, § 2, eff. July 1, 1998; Laws 1998, c. 365, § 8, eff. July 1, 1998; Laws 1999, c. 149, § 6, eff. July 1, 1999; Laws 1999, c. 327, § 1, eff. July 1, 1999; Laws 2000, c. 6, § 18, emerg. eff. March 20, 2000; Laws 2000, c. 280, § 3, emerg. eff. June 1, 2000; Laws 2002, c. 483, § 2, eff. July 1, 2002; Laws 2003, c. 3, § 78, emerg. eff. March 19, 2003; Laws 2003, c. 173, § 2, eff. July 1, 2003; Laws 2003, c. 455, § 2, eff. July 1, 2003; Laws 2004, c. 71, § 1, eff. July 1, 2004; Laws 2005, c. 472, § 6, eff. July 1, 2005; Laws 2009, c. 250, § 3, eff. July 1, 2009; Laws 2010, c. 123 § 1, emerg. eff. April 16, 2010; Laws 2013, c. 306, § 2, emerg. eff. May 16, 2013; Laws 2015, c. 166, § 1, eff. July 1, 2015; Laws 2016, c. 27, § 2, eff. July 1, 2016; Laws 2018, c. 149, § 1.

NOTE: Laws 1999, c. 244, § 1 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 283, § 1 repealed by Laws 2003, c. 3, § 79, emerg. eff. March 19, 2003.

§70-5-117.1. Cooperative contracts.

The board of education of any school district in this state which is contiguous to any other school district located in an adjacent state is hereby authorized to enter into contracts with the board of education of the school district located in the adjacent state for the purpose of providing better educational opportunities for students residing in both school districts. Such contracts may provide for:

1. The transfer of students between the two school districts;
2. The payment and acceptance of transfer fees for students transferred between the two school districts, the amount of which will be agreed upon by the boards of education thereof;
3. The use of district-owned school buses to transport students to and from the schools operated in the school districts; and
4. Such other cooperative agreements as will be necessary to provide quality education for all students residing or attending schools in the school districts.

Laws 1976, c. 38, § 1, eff. July 1, 1976. Amended by Laws 1990, c. 293, § 3, eff. Sept. 1, 1990.

§70-5-117.1a. Correctional facilities - Operation within restricted school areas - Vote by board of education.

The board of education of a school district or a private school may, through a majority vote of the board, allow a correctional facility operated by the Department of Corrections, a county, a municipality, or a private corporation to operate within the areas restricted by Sections 563 and 563.1 of Title 57 of the Oklahoma Statutes.

Added by Laws 1998, c. 290, § 6, eff. July 1, 1998.

§70-5-117.2. Additional authorization.

The State Board of Education is hereby authorized to adopt such rules and regulations as may be necessary to assist any school district located in this state in carrying out the provisions of Sections 5-117.1 and 5-117.3 of this title.

Laws 1976, c. 38, § 2, eff. July 1, 1976. Amended by Laws 1990, c. 293, § 4, eff. Sept. 1, 1990.

§70-5-117.3. Average daily attendance.

Students who reside within the boundaries of a school district located in this state, but who have attended school in a contiguous school district located in an adjacent state, shall be included in the average daily attendance of the school district located in this state for the purpose of calculation and payment of all state aid and for the distribution of all other revenue required by law to be apportioned on an average daily attendance basis.

Under no circumstances shall students who reside outside of the State of Oklahoma be counted as ADM for the purpose of calculation of State Aid in Oklahoma.

Laws 1976, c. 38, § 3, eff. July 1, 1976. Amended by Laws 1990, c. 293, § 5, eff. Sept. 1, 1990.

§70-5-117.4. School improvement plan.

A. Each local board of education shall, after convening an advisory council that includes teachers and parents, and after holding at least one public hearing, adopt a six-year school improvement plan for the district. Each school improvement plan shall include stated goals that clearly delineate educational expectations, and shall be annually monitored and updated as necessary. The alternative education plan for the school district as required in subsection B of Section 1210.566 of this title shall be included in the school improvement plan. The plan shall also include a specific program of improvement through academic skill reinforcement and/or remediation pursuant to the provisions of the Oklahoma School Testing Program Act. The plan shall include an evaluation of the instructional program in the basic skills areas as specified in paragraphs 1 and 2 of subsection A of Section 11-103 of this title and specific plans whereby schools within the district will initiate the planning process of meeting or exceeding the accreditation requirements in Section 3-104.4 of this title. The six-year school improvement plan shall include a consideration of the feasibility of participation in any programs which consist of state exemption from educational-related statutes or rules.

B. As set forth in Section 1210.544 of this title, the State Board of Education shall establish a process to identify schools in the state that are consistently listed as persistently low-achieving schools in accordance with subsection (g)(6) of Section 1003 of Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. A school district board of education with a school identified as being among the persistently lowest-achieving schools in the state shall, in addition to the requirements set forth in Section 1210.544 of this title, submit an annual update to the school improvement plan to the State Board of Education. The annual update to the school improvement plan shall be submitted electronically.

C. The State Board of Education shall promulgate rules for monitoring compliance with the provisions of this section by school districts.

D. The State Department of Education shall provide training for regional accreditation officers in alternative education program compliance.

Added by Laws 1985, c. 329, § 17, emerg. eff. July 30, 1985. Amended by Laws 1986, c. 259, § 64, operative July 1, 1986; Laws 1987, c. 186, § 2, eff. Nov. 1, 1987; Laws 1989, c. 315, § 58, operative July

1, 1989; Laws 1989, 1st Ex. Sess., c. 2, § 39, emerg. eff. April 25, 1990; Laws 1995, c. 307, § 5, eff. July 1, 1995; Laws 2002, c. 289, § 2, eff. July 1, 2002; Laws 2012, c. 354, § 5.

§70-5-117.5. Employee health insurance plans.

A. The board of education of each school district in this state shall provide a health insurance plan for the employees of the school district. School districts may obtain health and dental insurance coverage as provided for in the State and Education Employees Group Insurance Act or may obtain other health insurance coverage. Any school district that does not participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act shall obtain health insurance coverage for the employees which provides open enrollment, and provide for the continuation of health insurance coverage, including supplemental Medicare insurance coverage, for those district employees who retire from said district after September 30, 1991, with a vested benefit in the Teachers' Retirement System of Oklahoma. A retired person who begins receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1991, who retires from a school district that provides other health insurance coverage, and who elects to continue said health insurance coverage shall pay to the school district the premium rate for the health insurance minus an amount equal to the premium rate of the Medicare supplement or the amount determined pursuant to subsection (4) of Section 1316.3 of Title 74 of the Oklahoma Statutes, whichever is less, which shall be paid by the Teachers' Retirement System of Oklahoma to the school district. The school district shall remit to the health insurance coverage provider the total premium due less any uncollected amounts payable from retired school district employees or their qualified survivors.

B. A school district that participates in health insurance coverage other than the health insurance plan offered by the State and Education Employees Group Insurance Act shall not be required to pay any portion of the premiums for the employees or the dependents of the employees of said school district, except as may otherwise be provided by law. Unless a school district negotiates an agreement with its employees regarding health insurance pursuant to Sections 509.1 through 509.9 of this title, and to the extent that the agreement provides for the members of the recognized bargaining unit, a school district that participates in health insurance coverage other than the health insurance plan offered by the State and Education Employees Group Insurance Act is prohibited from acquiring additional or supplemental health or dental insurance for any board member, school superintendent or any other employee which is not available to all employees of said district, and said school district shall not pay a greater portion of the employee or dependent premium for any health or dental insurance plan or plans provided by said

school district on behalf of any board member, school superintendent or employee than that portion paid on behalf of all participating employees of said district.

C. If a school district obtains health insurance coverage from a source other than through the State and Education Employees Group Insurance Act, the employees of the school district who would be eligible to participate in the health and dental plans may require the board of education of the school district to call an election to allow said employees to vote as to whether the school district shall participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act. Upon the filing with the board of education of a petition calling for such an election which is signed by no less than thirty percent (30%) of the eligible employees of the school district, the board of education shall call an election for the purpose of determining whether the school district shall participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act. The election shall be held within thirty (30) days of the filing of the petition. If a majority of those eligible employees voting at the election vote to participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act, the board of education of the school district shall apply for such participation within thirty (30) days of the election.

D. If a school district does not have any health insurance coverage of the type required by this section, that school district shall immediately be enrolled in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act.

E. A carrier providing health insurance coverage for employees of a school district health insurance group which replaces a previous carrier for such school district employees shall provide coverage for each retired employee who is receiving a benefit or terminates employment with a vested benefit from the Teachers' Retirement System of Oklahoma and who is enrolled in the health insurance group by the previous carrier at the time the previous carrier providing health insurance coverage is replaced. Notwithstanding any provision in this section to the contrary, any person who retires pursuant to the provisions of the Teachers' Retirement System of Oklahoma prior to May 1, 1993, or terminates service with a vested benefit, pursuant to the provisions of the Teachers' Retirement System of Oklahoma prior to May 1, 1993, may continue to participate in the health and dental plans authorized by the provisions of the State and Education Employees Group Insurance Act.

F. In the event a school district ceases to exist, the assets and duties of said school district are transferred to one or more other school districts, said other school district or districts do

not agree to employ all of the former employees of the school district that is ceasing to exist, and said former employees who are not being reemployed have rights under federal or state law to continue group insurance coverage, the school district receiving all or a portion of the assets and duties of the annexing school district having the largest general fund revenue for the most recent preceding fiscal year for which data is available shall provide group insurance coverage to said former employees not being retained during the period as required by law.

G. Any member of a district board of education who terminates service on or after July 1, 2002, who has served ten (10) or more years as a district board of education member in this state, and who is participating at the time of termination in a health and/or dental insurance plan offered by the school district, may elect upon termination of such service to continue participation in the health and/or dental insurance plan that the member was participating in at the time of termination. The election provided in this subsection shall be made within thirty (30) days from the date of the school board member's termination of service. The school board member shall pay the full cost of the insurance premium for such after-termination coverage at the rate and pursuant to the terms and conditions of such health and/or dental plan.

Added by Laws 1988, c. 165, § 1, operative July 1, 1988. Amended by Laws 1991, c. 219, § 1, emerg. eff. May 22, 1991; Laws 1993, c. 359, § 1, eff. July 1, 1993; Laws 2001, c. 151, § 1, eff. July 1, 2001.

§70-5-117.6. Regulation of dogs running at large.

The board of education of any school district which has property that lies outside the boundaries of a municipality may regulate or prohibit dogs from running at large on such property or on public property within five hundred (500) feet of such property, and cause the dogs to be impounded and may authorize the humane killing or disposal of such dogs. The board of education may contract for the control of such dogs.

Added by Laws 1996, c. 116, § 1, eff. Nov. 1, 1996.

§70-5-117a. Contracts for supplies, equipment or materials - Bidders to provide information as to manufacturer and country of origin of supplies, equipment and materials - Exemptions.

A. Any board of education for a school district may require each bidder for a school district contract for supplies, equipment or materials to provide information as to the manufacturer and country of origin of any supplies, equipment or materials for the school district as specified by labels attached to the supplies, equipment or materials where such identification is required by federal or state law.

B. Any school district contract for the purchase of supplies, equipment or materials may require the contractor to obtain from all of his subcontractors information as to the manufacturer and country or countries of origin of any such supplies, equipment or materials provided to the school district as specified by labels attached to the supplies, equipment or materials where such identification is required by federal or state law.

C. The provisions of this section shall not apply to:

1. Component parts or accessories; or

2. The purchase of supplies, equipment or material by any board of education, if such purchase is made through an open market contract or a statewide contract executed by the Office of Management and Enterprise Services.

Added by Laws 1992, c. 205, § 3, eff. July 1, 1992. Amended by Laws 2012, c. 304, § 597.

§70-5-117b. Interlocal cooperative agreements.

A. The boards of education of any two or more school districts may enter into an interlocal cooperative agreement for the purpose of jointly and comparatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state. Two or more school districts may enter into an interlocal cooperative agreement for the purpose of forming buying pools and purchasing cooperatives. As used in this section, "interlocal cooperative agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of this section. This section shall not prohibit school districts from entering into cooperative agreements authorized under Section 5-117 of this title or interfere with existing cooperative agreements between school districts. If the boards of education of any two or more school districts enter into an interlocal cooperative agreement the following conditions may apply:

1. An interlocal cooperative agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization, terms, and composition of, and manner of appointment to, the board of directors and shall make provision for restructuring or terminating the board upon partial or complete termination of the agreement. The board of directors shall be selected by the board of education of each contracting school district and may include but not be limited to a board member, administrator or teacher from each contracting school district. Vacancies in the membership of the board of directors shall be filled within thirty (30) days from the date of the vacancy in the manner specified in the agreement;

2. An interlocal cooperative agreement which is optional to school districts and shall be effective only after it is approved by the State Board of Education and the board of directors may be designated as a local education agency for some or all state and federal application, reporting and auditing procedures. An interlocal cooperative board of directors that has been designated as a local education agency shall comply with state and federal law and the regulations of the State Board of Education;

3. An interlocal cooperative agreement shall be subject to change or termination by a recommendation of the State Board of Education;

4. The duration of an interlocal cooperative agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law of school districts in this state, shall be for a term of not less than one (1) year. Notice of intent of a school district to withdraw from the cooperative agreement must be given no later than March 15 for the ensuing school year;

5. An interlocal cooperative agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination of the agreement;

6. Within the limitations provided by law, an interlocal cooperative agreement may be changed or modified by majority consent of the interlocal cooperative board of directors;

7. Except as otherwise specifically provided in this section, any powers, privileges or authority exercised or capable of being exercised by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of an interlocal cooperative agreement. Federal grant money, applied for on behalf of a school district, may be disbursed directly to a interlocal cooperative with the consent of the school districts comprising the interlocal cooperative. No powers, privileges or authority with respect to the levy and collection of taxes or the application for or receipt of State Aid formula money, or the issuance of bonds shall be created or effectuated for joint exercise pursuant to the provisions of an interlocal cooperative agreement; and

8. Payments from the general fund of each school district which enters into any interlocal cooperative agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

B. Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all the powers, privileges and authority conferred upon school districts and boards of education by law, except that boards of education and school districts are required to

comply with the provisions of this section when entering into an interlocal cooperative agreement that meets the definition of an interlocal cooperative agreement.

Added by Laws 1993, c. 120, § 1, eff. July 1, 1993. Amended by Laws 2003, c. 327, § 1, eff. July 1, 2003; Laws 2011, c. 121, § 1.

§70-5-118. Meetings of board - Change in date of regular meetings - Compensation of members of boards of districts with ADA exceeding 15,000.

Regular meetings of the board of education of each school district shall be held upon the first Monday of each month, or upon such day as may be fixed by the board. Special meetings may be held from time to time as circumstances may demand.

All meetings of the boards of education shall be public meetings, and in all such meetings the vote of each member must be publicly cast and recorded. Executive sessions will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignations of any or all of the employees or volunteers of the school district, and for the purpose of discussing negotiations concerning employees and representatives of employee groups, and for the purpose of hearing evidence and discussing the expulsion or suspension of a student or students only when requested by the student involved or his or her parent, attorney, or legal guardian; provided, however, that any vote or action thereon must be taken in a public meeting with the vote of each member publicly cast and recorded. It is required that the board of education shall provide notice to the student, his or her parent, attorney or legal guardian that said student is entitled to an executive session regarding the discussion of expulsion or suspension of said student.

Any action taken in violation of the provisions of this act shall be invalid.

Each member of the board of education of a school district with an average daily attendance exceeding fifteen thousand (15,000) or a school district where boundaries encompass a total population exceeding one hundred thousand (100,000) persons according to the last preceding Federal Decennial Census may be paid from the district's general fund a stipend of Twenty-five Dollars (\$25.00) for each regular, special or adjourned meeting of the board of education that he or she attends, but not for more than four meetings in any calendar month.

Added by Laws 1971, c. 281, § 5-118, eff. July 2, 1971. Amended by Laws 1975, c. 101, § 1, emerg. eff. May 1, 1975; Laws 1977, c. 116, § 1; Laws 1987, c. 53, § 1, eff. Nov. 1, 1987; Laws 2005, c. 472, § 7, eff. July 1, 2005.

§70-5-119. Officers of board - Encumbrance clerk and minute clerk - Bond.

A. Except for districts that elect a chair of the board pursuant to Section 1 of this act, the board of education of each school district shall elect from its membership at the first regular, special or emergency meeting following the annual school election and certification of election of new members, a president and vice president, each of whom shall serve for a term of one (1) year and until a successor is elected and qualified. The board shall also elect a clerk and, in its discretion, a deputy clerk, either of whom may be one of the members of the board, and each of whom shall hold office during the pleasure of the board and each of whom shall receive such compensation for services as the board may allow. If the board elects a board clerk who is not one of the members of the board, the board clerk may also be employed as the encumbrance clerk and minute clerk. Provided, no superintendent, principal, treasurer or assistant treasurer, instructor, or teacher employed by such board shall be elected or serve as clerk or deputy clerk of the board nor as encumbrance clerk or minute clerk except that a treasurer or assistant treasurer may serve as a minute clerk. No board member shall serve as encumbrance clerk or minute clerk. The deputy clerk may perform any of the duties and exercise any of the powers of the clerk with the same force and effect as if the same were done or performed by the clerk. Before entering upon the discharge of the duties of the deputy clerk, the deputy clerk shall give a bond in a sum of not less than One Thousand Dollars (\$1,000.00) with good and sufficient sureties to be approved by the board conditioned for the faithful performance of the duties of the deputy clerk.

B. The board of education shall employ an encumbrance clerk and minute clerk, both functions of which may be performed by the same employee. The encumbrance clerk shall keep the books and documents of the school district and perform such other duties as the board of education or its committees may require. The minute clerk shall keep an accurate journal of the proceedings of the board of education and perform such other duties as the board of education or its committees may require. The board of education may designate a deputy minute clerk. The deputy minute clerk may perform any of the duties and exercise any of the powers of the minute clerk with the same force and effect as if the same were done or performed by the minute clerk. Before entering upon the discharge of the duties of the deputy minute clerk, the deputy minute clerk shall give a bond in a sum of not less than One Thousand Dollars (\$1,000.00) with good and sufficient sureties to be approved by the board conditioned for the faithful performance of the duties of the deputy minute clerk. Before entering upon the discharge of their duties, the encumbrance clerk and minute clerk shall each give a bond in a sum of not less than One Thousand Dollars (\$1,000.00) with good and sufficient sureties to be

approved by the board conditioned for the faithful performance of their duties. If both functions are performed by the same person only one bond in a sum of not less than One Thousand Dollars (\$1,000.00) shall be required.

Added by Laws 1971, c. 281, § 5-119, eff. July 2, 1971. Amended by Laws 1988, c. 90, § 17, operative July 1, 1988; Laws 1989, c. 315, § 59, operative July 1, 1989; Laws 1990, c. 221, § 7, operative July 1, 1990; Laws 1992, c. 254, § 6, emerg. eff. May 22, 1992; Laws 2000, c. 280, § 4, emerg. eff. June 1, 2000.

§70-5-120. President - Duties.

It shall be the duty of the president to preside at meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school money.

Added by Laws 1971, c. 281, § 5-120, eff. July 2, 1971.

§70-5-121. Vice president - Duties.

It shall be the duty of the vice president to perform all of the duties of the president in case of his absence or disability.

Added by Laws 1971, c. 281, § 5-121, eff. July 2, 1971.

§70-5-122. Clerk - Duties.

It shall be the duty of the clerk to countersign all warrants for school monies drawn upon the treasurer by the board of education and perform such other duties as required by law or as the board of education or its committees may require.

The clerk of the board of education of any school district is hereby authorized to destroy all claims, warrants, contracts, purchase orders and any other financial records, or documents, including those relating to school activity funds, on file or stored in the offices of the board of education of such district for a period of longer than five (5) years.

Amended by Laws 1988, c. 90, § 18, operative July 1, 1988.

§70-5-123. Noncontract expenditures - Limitations.

No expenditure involving an amount greater than Five Hundred Dollars (\$500.00) shall be made by a board of education except in accordance with the provisions of a written contract or purchase order.

Added by Laws 1971, c. 281, § 5-123, eff. July 2, 1971. Amended by Laws 1982, c. 143, § 2; Laws 1985, c. 101, § 1, emerg. eff. May 28, 1985; Laws 1989, c. 300, § 16, operative July 1, 1989; Laws 1999, c. 86, § 1, eff. July 1, 1999.

§70-5-124. Board contracts prohibited - Exceptions.

A. Except as otherwise provided in this section, no board of education of any school district in this state shall make any contract with any of its members or with any company, individual or business concern in which any of its members shall be directly or indirectly interested. All contracts made in violation of this section shall be wholly void. A member of a board of education shall be considered to be interested in any contract made with any company, individual, or any business concern if the member of the board of education or any member of the immediate family of the member owns any substantial interest in same.

B. For purposes of this section, the following shall not be considered the making of a contract:

1. Any contract with a qualified nonprofit Internal Revenue Code 501(c)(3) organization, except for contracts paying salaries or expenses or except a contract involving the counseling or instruction of students or staff;

2. Monthly billings submitted to any school district for public utility companies, electric cooperatives or telephone companies, whose services are regulated by the Oklahoma Corporation Commission, or billings of the utility companies, electric cooperatives or telephone companies pertaining to installations or changes in service, where tariffs for the charges or billings by the companies are on file with the Oklahoma Corporation Commission; and

3. The depositing of any funds in a bank or other depository.

C. 1. The governing board of a technology center school district may enter into a contract for the technology center school district to provide training for a company, individual or business concern by which a member of the board is employed. A board member shall abstain from voting on any such contract between the technology center school district board and the company, individual or business concern by which the member is employed.

2. A board of education may enter into a contract with a company, individual, or business concern in which a board member or a member's spouse is employed by or has a substantial interest if the company, individual, or business concern is the only supplier having a place of business located within the school district or within ten (10) miles of the needed services or materials. The board member shall abstain from voting on any such contract between the company, individual, or business concern in which that member has a substantial interest, and the minutes of the board meeting at which the contract is approved shall state that the contract is being made because of the lack of another supplier with a place of business located within the school district.

3. A board of education which has entered into a lease-purchase agreement, prior to the time a board member which has a substantial interest in the company, individual, or business concern became a member of the board of education, may, after the member becomes a

board member, continue to exercise any fiscal year options in the lease-purchase agreement for renewal of the lease-purchase for the balance of the contract term. The affected board member shall abstain from voting on such fiscal year renewal of the continuation of the lease-purchase agreement.

4. A board of education may enter into a contract with a company, individual or business concern in which a board member or a spouse of a member is employed and has no substantial interest if the school district does not include any part of a municipality with a population greater than two thousand five hundred (2,500) according to the latest Federal Decennial Census and the company, individual or business concern is located in the corporate limits of a municipality which is in the boundaries of the school district.

D. A board member shall not be considered to be directly or indirectly interested in any contract with a company, individual, or business concern that employs such board member or the spouse of the board member if the board member or the spouse of the board member has an interest of five percent (5%) or less in the company, individual, or business concern.

Added by Laws 1971, c. 281, § 5-124, eff. July 2, 1971. Amended by Laws 1987, c. 102, § 2, emerg. eff. May 22, 1987; Laws 1992, c. 394, § 2, emerg. eff. June 10, 1992; Laws 1993, c. 118, § 1; Laws 1996, c. 341, § 4, eff. Nov. 1, 1996; Laws 1997, c. 317, § 4, emerg. eff. May 29, 1997; Laws 1998, c. 365, § 9, eff. July 1, 1998; Laws 2001, c. 33, § 73, eff. July 1, 2001.

NOTE: Laws 1993, c. 106, § 1 repealed by Laws 1993, c. 360, § 18, eff. July 1, 1993.

§70-5-125. Liability for voting for false claim.

A. Every member of the board of education or board of county commissioners who shall hereafter vote for the payment of any money or transfer of any property belonging to the school district in settlement of any claim known to such member to be fraudulent or void, or in pursuance of any unauthorized, unlawful or fraudulent contract or agreement made or attempted to be made, for any school district, by any officer or officers thereof, and every person having notice of the facts with whom such unauthorized, unlawful or fraudulent contract shall have been made, or to whom, or for whose benefit such money shall thereafter be paid, or such transfer of property shall be made, shall be liable in damage to all innocent persons in any manner injured thereby and shall be liable to the school district affected for double the amount of all sums of money so paid, and double the value of property so transferred, as a penalty to be recovered by civil suit brought by the board of education of such school district, or by any school district elector thereof, as provided in Section 5-126 of this title.

B. Any member of a board of education of a school district who votes for the payment of any money or transfers any property belonging to the school district in settlement of any claim known to such member to be fraudulent, void or in pursuance of any unauthorized, unlawful or fraudulent contract or agreement made or attempted to be made for any such district shall be guilty of a misdemeanor. Every person having notice of the facts with whom any unauthorized, unlawful or fraudulent contract shall have been made or to whom or for whose benefit such money or property shall have been or thereafter will be paid shall be guilty of a misdemeanor. Upon conviction of a misdemeanor described in this section, the person shall make full restitution of all monies and/or property misallocated and be punished by a fine of not less than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not to exceed one (1) year, or by both such fine and restitution and imprisonment and if such person is a member of a board of education, shall be removed from office pursuant to Section 1181 et seq. of Title 22 of the Oklahoma Statutes or Section 91 et seq. of Title 51 of the Oklahoma Statutes.

C. Such illegal payment of money shall include, but shall not be limited to, salaries or any compensation paid to any person for teaching or performing other services for the district when such person does not have a written contract required by law or does not hold a valid certificate as required by law or by rules and regulations of the State Board of Education for the subjects taught or services performed and which is valid for the entire time for which such person has been paid. Any person receiving an illegal payment knowing or having reasonable cause to believe such payment to be illegal shall be guilty of a misdemeanor and shall be subject to the punishment prescribed in subsection B of this section. Laws 1971, c. 281, § 5-125, eff. July 2, 1971; Laws 1991, c. 236, § 7, eff. Sept. 1, 1991.

§70-5-126. Refusal, failure or neglect of board - Elector may institute action.

Upon refusal, failure or neglect of the board of education of any school district, after written demand made upon them by ten school district electors of such school district, or by the State Board of Education, either to return the money or to institute and diligently prosecute the proper proceedings at law or in equity for the recovery of any money or property belonging to such district, paid out or transferred by any officer thereof, in pursuance of any unauthorized, unlawful, fraudulent or void contract, made or attempted to be made by the board of education of any such school district, or for the penalty provided in Section 5-125 of this title, any school district elector of the school district affected by such payment or transfer, may, in the name of the State of Oklahoma as plaintiff, institute and

maintain any proper action at law or in equity which the board of education of the school district might institute and maintain, for the recovery of such property or for said penalty, for the benefit of the district, and any judgment thus obtained shall provide for payment of attorney fees and court costs to the prevailing party. Laws 1971, c. 281, § 5-126, eff. July 2, 1971; Laws 1991, c. 236, § 8, eff. Sept. 1, 1991.

§70-5-127. Repealed by Laws 1994, c. 92, § 3, emerg. eff. April 21, 1994.

§70-5-127.1. Release of audit to public.

Except for audits requested by a prosecutorial agency, the findings of an audit performed on any school district by any state agency, or on behalf of or at the direction of any state agency, shall be discussed with the members of the board of education and the superintendent or a designee of the affected school district at least fourteen (14) days prior to the release of the audit to the public. Added by Laws 1999, c. 327, § 2, eff. July 1, 1999.

§70-5-128. Annual statistical and financial reports.

Boards of education of all school districts are hereby required to make annual statistical and financial reports to the State Board of Education. The statistical report shall be made as of June 30. Each of such reports shall be filed with the State Board of Education as soon as information is available following the effective date of such reports.

Laws 1971, c. 281, § 5-128, eff. July 2, 1971; Laws 1993, c. 239, § 27, eff. July 1, 1993.

§70-5-128.1. Annual itemized expenditure budget and request for appropriated funds and estimate of revenues.

No later than October 1 of each year the board of education of each school district shall file with the State Board of Education an itemized expenditure budget and request for state appropriated funds for the ensuing fiscal year, and an estimate of the revenues from all sources to be received by the district during the ensuing fiscal year.

Added by Laws 1986, c. 105, § 1, emerg. eff. April 5, 1986. Amended by Laws 2006, c. 75, § 2, emerg. eff. April 21, 2006.

§70-5-128.2. Electronic transmission of reports, plans or grants.

A. The State Board of Education shall not require school districts to submit a written paper copy of any documents that are filed electronically with the Board in a format that is compatible with the State Department of Education computer system.

Any correspondence between the State Department of Education and a school district concerning an electronically filed report, plan or grant, may also be conducted by electronic transmission. If a signature is required on any electronically filed document, a facsimile signature shall be submitted with the document.

B. Nothing in this section shall prohibit a school district from filing any reports with the State Department of Education in a written paper format.

Added by Laws 2001, c. 242, § 3, eff. July 1, 2001.

§70-5-129. School activity fund - Control - Accounts - Disbursements - Petty cash accounts - Custodian - Bond - Investment of funds - Refund subaccount.

A. The board of education of each school district shall exercise control over all funds and revenues on hand or hereafter received or collected, as herein provided, from student or other extracurricular activities or other revenue-generating sources listed in subsection B of this section that are conducted in the school district. Such funds shall be deposited to the credit of the account maintained for the benefit of the particular activity within the school activity fund. Deposits of funds subject to the requirements of this section shall be made by the end of the next business day; however, if the deposit for a day totals less than One Hundred Dollars (\$100.00), a school district may accumulate monies required to be deposited into the fund on a daily basis until the total accumulated balance of deposits equals or exceeds One Hundred Dollars (\$100.00). Provided, a school district shall deposit accumulated monies into the fund not less than one (1) time per week, regardless of whether the monies total One Hundred Dollars (\$100.00). Disbursements from each of the activity accounts shall be by check countersigned by the school activity fund custodian and shall not be used for any purpose other than that for which the account was originally created. The board of education, at the beginning of each fiscal year and as needed during each fiscal year, shall approve all school activity fund subaccounts, all subaccount fund-raising activities and all purposes for which the monies collected in each subaccount can be expended. Provided, the board of education may direct by written resolution that any balance in excess of the amount needed to fulfill the function or purpose for which an account was established may be transferred to another account by the custodian.

B. The board of education of each school district may designate that any of the following revenue be deposited for the use of specific school activity accounts, or to a general activity fund within the school activity fund:

1. Admissions to athletic contests, school or class plays, carnivals, parties, dances and promenades;
2. Sale of student activity tickets;

3. Concession sales, including funds received from vending concession contracts and school picture contracts approved by the district board of education, and cafeteria or luncheon collections;

4. Dues, fees and donations to student clubs or other organizations, provided that membership in such clubs or organizations shall not be mandatory;

5. Income or revenue resulting from the operation of student organizations or club projects, provided, such revenue is not derived from the lease, rental or sale of property, supplies, products or other assets belonging to the school district. When approved by the board of education, student organizations or club projects may include fund-raising activities, the revenues from which may be used for the purpose of purchasing goods or services otherwise considered to be general fund expenditures;

6. Deposits for or collections for the purchase of class pictures, rings, pins, announcements, calling cards, annuals, banquets, student insurance and other such personal items; provided the cost of such items shall not be charged against other school funds; and

7. Other income collected for use by school personnel and other school-related adult functions.

C. The board of education of each district may establish petty cash accounts to be used only for the purpose of making small cash expenditures, such as postage, freight or express charges; provided, no single expenditure from a petty cash account shall be made in excess of Seventy-five Dollars (\$75.00), and the total expenditures during any one (1) fiscal year shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) per school building. The school activity fund custodian shall initiate petty cash accounts by filing a claim against the general fund of the school district for the authorized amount of each petty cash account which shall not exceed Two Hundred Dollars (\$200.00) per school building. The general fund warrants issued in payment of said claim shall be deposited in a "Petty Cash Account" in the school activity fund.

All disbursements from the petty cash accounts shall be made in the same manner as other disbursements from the school activity fund, except no disbursement shall be made from a petty cash account unless a prenumbered, dated receipt be obtained and signed by the person receiving payment. A school board may designate a petty cash custodian to countersign petty cash checks in place of the activity fund custodian. The school activity fund custodian shall file claims against the general fund of the school district for reimbursement of a petty cash account whenever the need shall arise. Such claims shall be itemized in the same manner as other claims filed against the general fund and shall have attached thereto the receipts covering each of the expenditures claimed for reimbursement. The total of a petty cash account balance and the receipts on hand

awaiting reimbursement should equal at all times the authorized amount of a petty cash account.

None of the provisions pertaining to a petty cash account shall be construed to authorize the use of one (1) fiscal year's fund to pay obligations of another fiscal year. Any remaining balance in each petty cash account shall be transferred to the general fund on or before June 30 of each year.

D. The State Board of Education shall adopt appropriate rules and regulations and design standard forms for the proper conduct of the various school activity accounts.

E. The school activity fund custodian and the petty cash custodian shall be appointed by the board of education of the school district. The school activity fund custodian and the petty cash custodian shall give a surety bond in an amount determined by the board of education, but not less than One Thousand Dollars (\$1,000.00). The premium of the surety bond shall be paid from the school activity fund or the general fund.

F. The local board of education is hereby authorized to invest activity funds as it determines appropriate. Upon direction of the local board of education, the custodian of the activity fund shall invest activity funds in any or all of the investments permitted and listed in Section 5-115 of this title.

G. The board of education of a school district may establish, by board resolution, a general fund refund subaccount within the school activity fund. The balance in the subaccount shall be determined by need, and it shall be funded by refunds and reimbursements received, including but not limited to, rental income, reimbursements for lost and damaged textbooks, summer school and adult tuition, overpayments and tax refunds, as well as transfers, by treasurer's check, from the school district general fund. The subaccount may be expended only for the refund of revenues previously received and deposited either into the subaccount or directly into the general fund. Any remaining balance in the refund subaccount shall be transferred to the school district general fund on or before June 30 of each year.

H. The board of education of a school district may authorize the custodian of the school activity funds to provide cash advances to the sponsors for travel expenses on behalf of school district students and sponsors of certain school activities. The cash advances may only come from the school activity fund subaccount directly involved in the travel of such students or sponsor and only if the travel is one of the stated functions or purposes for the establishment of the subaccount. Receipts for all expenditures of the cash advances shall be kept and turned in to the custodian of the school activity fund following said trip.

I. Any invoice submitted to a school district which is to be paid from a school activity fund and is for payment of an authorized expenditure in an amount equal to or greater than the threshold

amount stated in Section 310.9 of Title 62 of the Oklahoma Statutes shall conform to the requirements set forth in that section.

Added by Laws 1971, c. 281, § 5-129, eff. July 2, 1971. Amended by Laws 1974, c. 234, § 30, emerg. eff. May 17, 1974; Laws 1977, c. 222, § 1, eff. Oct. 1, 1977; Laws 1981, c. 127, § 1, emerg. eff. May 4, 1981; Laws 1981, c. 353, § 1; Laws 1988, c. 90, § 19, operative July 1, 1988; Laws 1990, c. 221, § 8, operative July 1, 1990; Laws 1993, c. 45, § 1, emerg. eff. April 9, 1993; Laws 1995, c. 205, § 2, eff. July 1, 1995; Laws 1999, c. 173, § 1, eff. July 1, 1999; Laws 2000, c. 116, § 1, eff. July 1, 2000; Laws 2002, c. 283, § 2, eff. July 1, 2002; Laws 2003, c. 290, § 2; Laws 2004, c. 361, § 19, eff. July 1, 2004; Laws 2005, c. 472, § 8, eff. July 1, 2005.

§70-5-129.1. Funds exempted from provisions of Section 5-129 of this title.

Those funds which are collected by programs for student achievement and by parent-teacher associations and organizations that are sanctioned by the school district board of education shall be exempt from the provisions as outlined in Section 5-129 of this title. Each school district board of education shall adopt policies providing guidelines for the sanctioning of organizations and associations exempted or applying to be exempted pursuant to the provisions of this section. The guidelines may include but not be limited to examinations of financial and performance audits performed on each such organization and association.

Added by Laws 1984, c. 296, § 26, operative July 1, 1984. Amended by Laws 1993, c. 45, § 2, emerg. eff. April 9, 1993; Laws 1994, c. 70, § 1, eff. July 1, 1994; Laws 1996, c. 99, § 1, eff. July 1, 1996.

§70-5-129.2. Separate accounts - Disbursements - Approval by boards of education - Transfer of funds.

A. In conformance with any other law providing procedures for the deposit of such funds, area school districts shall be authorized to establish separate accounts for deposits received for live work, resale items, student financial aid, tuitions and other fees. Such funds shall be deposited to the credit of the account maintained for that particular purpose. Disbursements from each account shall be by check countersigned by the custodian of the account and shall not be used for any purpose other than that for which the account was originally created.

B. The board of education of the technology center school district, at the beginning of each fiscal year and as needed during each fiscal year, shall approve all accounts created pursuant to this section and all purposes for which the monies collected in each account may be expended. Provided, the board of education may direct by written resolution that any balance in excess of the amount needed

to fulfill the function or purpose for which an account was established may be transferred to another account by the custodian. Added by Laws 1990, c. 221, § 9, operative July 1, 1990. Amended by Laws 2001, c. 33, § 74, eff. July 1, 2001.

§70-5-129.3. Short title - Patriotic Access to Students in Schools Act (PASS Act).

This act shall be known and may be cited as the "Patriotic Access to Students in Schools Act (PASS Act)".

Added by Laws 2017, c. 176, § 1.

§70-5-130. School buildings and property - Permission to use for other purposes.

A. The board of education of any school district may, under such regulations and conditions as it may prescribe, encourage increased community involvement in the public schools. These regulations and conditions may include:

1. Open any school building and permit the use of any property belonging to such district for religious, political, literary, community, cultural, scientific, mechanical, agricultural or parental involvement purposes, and other purposes of general public interest including the provision of public library services pursuant to agreements with governing boards or commissions of public libraries or library systems;

2. Contract to provide transportation equipment as defined in Section 9-104 of this title for any purpose specified in paragraph 1 of this subsection; and

3. Make a reasonable charge to cover the cost of the use of such building, property or transportation equipment.

B. The State Board of Education shall encourage each board of education to inquire into and promote the use of its school buildings and property for the purposes provided in subsection A of this section for such activities both before and after regular school hours.

C. Any youth group listed in Title 36 of the United States Code as a patriotic society shall be allowed the use of any school building or property to provide services allowing students to participate in activities provided by the groups at times other than instructional time during the school day.

Added by Laws 1971, c. 281, § 5-130, eff. July 2, 1971. Amended by Laws 1989, c. 30, § 1, emerg. eff. April 4, 1989; Laws 1989, 1st Ex. Sess., c. 2, § 33, emerg. eff. April 25, 1990; Laws 1990, c. 257, § 4, emerg. eff. May 23, 1990; Laws 1994, c. 362, § 5, eff. July 1, 1994; Laws 2017, c. 176, § 2.

§70-5-131. Educational courses - Buildings and equipment.

The board of education of every school district in this state is hereby authorized to provide educational courses for all persons and said board is authorized to provide necessary buildings, equipment, and other facilities for such persons. Such educational courses may include grades one to twelve, inclusive, for persons between the ages of six (6) and twenty-one (21) years and may also include nursery and kindergarten classes, junior college grades, vocational and technical instruction, adult and part-time classes and other special classes. The curricula and qualifications of teachers shall be determined by the State Board of Education except as otherwise provided herein. Provided, any district offering educational courses shall charge tuition fees for such courses unless the school district has funds available to pay the cost thereof which are not needed to maintain the common school program.
Laws 1971, c. 281, § 5-131, eff. July 2, 1971.

§70-5-131.1. Sewage disposal systems.

The board of education of any school district, which by reason of its location is unable to secure service from a municipally owned sewer system, is hereby authorized to design, construct, own and operate a sewage disposal system of such type and size as will be best suited to the needs of the particular school district. The board of education of any such school district is also authorized to accept from the state, federal government, or any agency, department or instrumentality of either, grants for or in aid of the construction and engineering of any such sewage disposal system.
Laws 1977, 1st Ex.Sess., c. 1, § 25, emerg. eff. June 21, 1977.

§70-5-131.2. Energy conservation contracts.

A. As used in this section, "energy conservation measures" means one or more of the following items:

1. Insulation of the building structure or systems within the building;
2. Storm windows or doors, caulking or weather-stripping, multiglazed windows or doors, heat-absorbing or heat-reflective, glazed, and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption;
3. Automatic or computerized energy control systems;
4. Heating, ventilating or air conditioning system modifications or replacements;
5. Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system, but not for the sole purpose of increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building codes for the lighting system after the proposed modifications are made;

6. Indoor air quality improvements;
7. Energy recovery systems;
8. Energy awareness education programs; and
9. Water-metering devices that increase efficiency or accuracy of water measurement and reduce energy consumption.

B. The board of education of any school district in compliance with the provisions of this section, may enter into an energy conservation contract for the purpose of implementing energy conservation measures designed to reduce the energy consumption of school facilities.

C. 1. The board of education shall require the provider of the energy conservation measures to file with the board of education a performance bond that is in an amount the board finds reasonable and necessary to protect the interests of the board and that covers the value of the guaranteed savings on the contract and is conditioned on the faithful execution of the terms of the contract.

2. If bonding industry limitations prevent execution of a performance bond which covers guaranteed savings for the entire term of the lease-purchase agreement the contract may allow an option for:

- a. a performance bond which covers guaranteed savings for a shorter term. At the completion of the bond term, a new bond may be executed which covers guaranteed savings for an additional period of years. This process may be continued in like manner for the duration of the lease-purchase agreement as specified by subsection D of this section, or
- b. a performance bond which covers guaranteed savings for a shorter term. At the completion of the bond term, if the bond cannot be renewed as provided in subparagraph a of this paragraph and if there has been a guaranteed savings shortfall during the last twelve (12) months, the board of education may assume a continued annual shortfall of the same amount and request repayment from the contractor of the net present value of the shortfall through the end of the lease repayment period. The discount factor to calculate the net present value shall be the annual percentage rate of the lease-purchase agreement.

D. 1. The board of education may enter into an energy conservation contract for a period of more than one (1) year for the implementation of energy conservation measures with a person or business entity if the board of education finds that the amount the school district would spend on the energy conservation measures, excluding any initial partial payment, will not exceed the total savings over the repayment period of the energy conservation contract from the date of installation.

2. The term of the energy conservation contract and the lease-purchase agreement shall include the installation period and the lease repayment period.

3. If the term of an energy conservation contract exceeds one (1) year, the contractual obligation of the school district, excluding any initial partial payment, in any year during the term of the energy conservation contract may not exceed the total savings including, but not limited to, electrical, gas, or other utility cost savings and savings from lowered maintenance, as determined by the board of education. Savings shall be guaranteed by the entity providing the energy conservation measures.

4. Energy conservation contracts shall not permit the carry-forward of savings above the guaranteed amount from one year to a future year shortfall.

5. Maintenance for energy conservation measures may be a part of the energy conservation contract.

6. The board of education shall consider all costs of the energy conservation measures, including costs of design, engineering, installation, maintenance, maintenance tools and equipment, spare parts, repairs, and debt service.

E. In addition to any other provisions, the energy conservation contract shall:

1. Provide that all savings should be tracked and audited by the contractor with an annual report provided to the board of education along with a payment by the provider for reimbursement of savings not realized;

2. Be for a term of years that is not less than the term of years of any associated lease-purchase agreement;

3. Provide that the board of education may terminate the agreement for nonperformance by the contractor;

4. Contain a nonappropriation clause; and

5. Contain a baseline calculation and an energy savings calculation. The calculations shall be performed in accordance with the procedures used by the International Protocol for Measurement and Verification Procedures (IPMVP) or succeeding standard of the United States Department of Energy.

F. 1. An energy conservation contract, with respect to existing buildings or facilities, may be funded through a lease-purchase agreement that meets federal tax requirements for tax-free municipal leasing or long-term financing.

2. The repayment period of the lease-purchase agreement shall not exceed the greater of twenty (20) years or the weighted average equipment life of any equipment to be installed under the energy conservation contract.

3. Lease-purchase agreements for energy conservation measures shall be considered separate from the energy conservation contract and shall contain a nonappropriation clause.

G. 1. Prior to entering into an energy conservation contract, the board of education shall solicit a request for qualification from one or more energy service company providers. Requests for qualification must solicit quotations and must specify the relative importance of guaranteed savings, price, financial performance and stability, quality, technical ability, experience and other evaluation factors.

2. In order to determine the energy savings measures to be considered by proposers, the board of education may hire an independent energy consultant.

3. Fees assessed by the consultant will be paid from proceeds of any financing associated with the energy conservation contract.

H. Proposals shall be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals confidential during negotiations.

I. The board of education and the offeror selected through the request for qualification procedures shall enter into a memorandum of understanding which shall require the provider to perform preliminary analysis regarding the physical features and operating history of the facilities under consideration. There shall be no financial obligation to the school district for this analysis.

J. After completion of the preliminary analysis, the energy service provider shall perform a detailed energy performance audit on the specific buildings or facilities as agreed to by the political subdivision. This audit shall provide a cost basis for operating the existing building or facilities and the detailed information necessary to make a financial decision regarding a long-term performance-based efficiency contract. The cost of this audit may be rolled into the terms of a performance-based efficiency contract. If the school district decides not to enter into a long-term performance-based efficiency contract with the provider, the school district must pay the sum stipulated in the performance audit contract.

K. Trade secrets and proprietary information clearly identified in the proposals shall not be open for public inspection.

Added by Laws 1996, c. 140, § 1, eff. July 1, 1996. Amended by Laws 1996, c. 276, § 15, emerg. eff. May 30, 1996; Laws 2000, c. 164, § 4, emerg. eff. April 28, 2000; Laws 2018, c. 296, § 4, eff. Nov. 1, 2018.

§70-5-132. Students of legal age - Completion of twelfth grade - Attendance at adult high school completion program.

A. Any person who is of legal age and a resident of Oklahoma, over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one

(21), upon submitting to the board of education of the school district in which the person resides evidence satisfactory to that board showing that during the time before he or she was twenty-one (21) years of age he or she was unable to attend school for a definite period or periods of time because of physical disability, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him or her to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, the pupil shall be counted in the average daily attendance of the district where he or she attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district.

B. Any resident of the state who is nineteen (19) years of age or older, who is not enrolled in any high school program, and who has not completed the twelfth grade may attend any adult high school completion program which is established by a school district and approved by the State Board of Career and Technology Education if such attendance has the approval of the district offering the program. Such attendance shall not be counted in the average daily attendance of the district unless the Legislature appropriates monies for adult high school completion programs. Such attendance shall not be counted to meet minimum numbers for accreditation of the school district involved, and such students shall not attend classes which are a part of the normal class structure of the district. Added by Laws 1971, c. 281, § 5-132, eff. July 2, 1971. Amended by Laws 1988, c. 211, § 1, eff. July 1, 1988; Laws 2014, c. 164, § 2, eff. July 1, 2014.

§70-5-132.1. Certain persons 21 years of age or older may be allowed to complete high school.

A. Any person other than those persons provided for in Section 5-132 of this title, who is twenty-one (21) years of age or older and who has not completed the requirements for a high school diploma or received a General Education Diploma, upon proper application to an independent school district may be given the opportunity to complete the requirements for and receive a regular high school diploma.

B. The school district or technology center school district in which such person resides may give the person the option of attending regular classes if class size restrictions are not violated, or of participating in other programs which may be provided pursuant to provisions of the Oklahoma Statutes or rules promulgated by the State Board of Education or State Board of Career and Technology Education. Providing, however, that the school district may deny admittance of persons over twenty-one (21) to its classes.

C. The school district or technology center school district may charge such person an amount of tuition not to exceed the average expenditure per pupil of the district for the preceding school year.

Said tuition may be prorated by the number of contact hours for which the person is enrolled.

Added by Laws 1983, c. 223, § 1, operative July 1, 1983. Amended by Laws 2001, c. 33, § 75, eff. July 1, 2001.

§70-5-133. Apportionment of taxes each year.

A. There is hereby regularly apportioned to each and every school district of the State of Oklahoma in each taxable year five (5) mills on the dollar out of the fifteen (15) mills on the dollar total taxes for all purposes on an ad valorem basis provided by Section 9 (a), Article X, of the Oklahoma Constitution, as amended on April 5, 1955. Provided, that the regular apportionment hereby made shall not prevent or take away from the county excise board of any county the right to apportion to any school district or class of school districts in such county more than five (5) mills out of the fifteen (15) mills to be apportioned in pursuance of the provisions of said amended Section 9 (a), Article X, of the Oklahoma Constitution among county, city, town and school district.

B. In accordance with the provisions of Section 9 (c), Article X, of the Oklahoma Constitution, as amended on April 5, 1955, an additional tax of not to exceed fifteen (15) mills on the dollar valuation of all taxable property in the district shall be levied upon certification of a need therefor by the board of education.

C. An amount equal to the district's proportionate part of the ninety percent (90%) of the amount obtained by multiplying the total net assessed valuation of the school districts of the county by four (4) mills may be estimated as probable revenue from the four (4) mills county-wide levy made under the provisions of Section 9 (b), Article X, of the Oklahoma Constitution, as amended on April 5, 1955, and the amount so estimated may be used to finance the appropriations of the district.

The provisions of said Section 9 (b) relating to school districts lying in more than one county shall not affect the status of any such school district, and for the purposes of apportionments under said Section 9 (b), any such district shall be deemed a school district of the county of which it is now considered a school district, unless the State Board of Education, upon written petition by the board of education of such district, decrees that such district shall be deemed a school district of another county in which any of its territory lies, and unless the district court of Oklahoma County in an action filed for such purposes reverses such decree, and revenue from the tax levied under said Section 9 (b) on the assessed valuation of the district in other counties shall, when collected, be transmitted to the county treasurer of that county of which such district is deemed a school district, and be apportioned as provided for the proceeds of such tax on the assessed valuation of such county.

Laws 1971, c. 281, § 5-133, eff. July 2, 1971.

§70-5-134. Estimates - Emergency and building levies - Elections.

A. No later than December 31 of each year the board of education of each school district of the state shall prepare, on a form prescribed by the State Board of Education, a preliminary estimate of the amount or amounts of money and tax rate or rates which it then believes will be required for the district for the ensuing fiscal year; and if such preliminary estimate shows an estimated need for a levy requiring the approval of the school district electors of the district under Section 9 or Section 10 of Article X of the Oklahoma Constitution, as amended on April 5, 1955, such preliminary estimate shall contain a call for an election to be held on the second Tuesday in February, or on such other date as may be provided for the election of the members of the board of education to vote on the question of making such levy or levies. In determining the eligibility of the school district to make an emergency levy under the provisions of subsection (d) of Section 9 of Article X of the Oklahoma Constitution, as amended, the legal current expenses of the district shall be all the expenditures from the general fund of the district during the preceding year, except (1) expenditures for transportation of pupils; (2) capital outlay; (3) debt service; and (4) the amount appropriated from any previous emergency levy; and the Two Hundred Fifty Dollars (\$250.00) per capita cost fixed by said subsection (d) of Section 9 of Article X of the Oklahoma Constitution, for the fiscal year ending June 30, 1956, is hereby increased to One Thousand Dollars (\$1,000.00) for the fiscal year ending June 30, 1963, and said sum of One Thousand Dollars (\$1,000.00) shall thereafter be increased or decreased by the State Board of Education in proportion to the increase or decrease in the per capita income of Oklahoma citizens. Such preliminary estimate shall be published in one issue of a newspaper having general circulation in the district at least ten (10) days before such election. Provided, that the county excise board or the board of education of any school district may call a special election for any date for the purpose of voting upon a levy authorized by Section 9 or 10 of Article X of the Oklahoma Constitution, as amended. Notice of any election called under the provisions of this section shall be given by publication in one issue of a newspaper having general circulation in the school district at least ten (10) days before such election.

B. The requirements of this section shall not apply to school districts that have adopted a permanent millage pursuant to subsection (d-2) of Section 9 of Article X of the Oklahoma Constitution.

Added by Laws 1971, c. 281, § 5-134, eff. July 2, 1971. Amended by Laws 1989, c. 132, § 6, eff. June 1, 1990; Laws 1992, c. 247, § 24,

emerg. eff. May 21, 1992; Laws 1993, c. 130, § 1, eff. Sept. 1, 1993; Laws 2005, c. 472, § 9, eff. July 1, 2005.

§70-5-134.1. Repealed by Laws 2005, c. 472, § 18, eff. July 1, 2005.

§70-5-135. System of accounting.

A. The board of education of each school district shall use the following system of initiating, recording and paying for all purchases, salaries, wages or contractual obligations due from any of the funds under the control of such board of education. However, a school district board of education may use the procedures outlined in Section 304.1 of Title 62 of the Oklahoma Statutes for the payment of salaries and wages only if the board so votes. The provisions contained herein shall not apply to the sinking fund and school activity fund.

B. The encumbrance clerk and treasurer of the school district shall each enter the authorized amounts in the various appropriation accounts of the funds to which this system is applied. The authorized amounts of appropriations shall be the general fund and building fund appropriations approved by the county excise board and such additional amounts as may be applied in the manner provided by law, the amount received for deposit in a special cash fund where such special cash fund is authorized by law or required by the person or agency providing such funds, or the amount of the net proceeds realized from the sale of bonds of the school district and any other income due such fund.

C. It shall be the duty and responsibility of the board of education of the school district to prescribe and administer adequate business procedures and controls governing the purchase or confirmation of purchase and delivery of goods or services. The procedures shall include delivery of an acceptable invoice by document, facsimile, electronic or other standard form that includes the information required by the district. Such procedures shall include the designation of authorized persons to purchase goods or services for the district and the method of determining the school employee receiving delivery of each purchase.

D. Prior to the issuance of a purchase order, the encumbrance clerk must first determine that the encumbrance will not exceed the balance of the appropriation to be charged. The encumbrance clerk shall charge the appropriate appropriation accounts and credit the affected encumbrances outstanding accounts with the encumbrances. Encumbrances must be submitted to the board of education in the order of their issuance on a monthly basis, subject to a monthly business cycle cut-off date determined by the board of education. Approved encumbrances shall be listed in the minutes by the minute clerk.

E. Before any purchase is completed, a purchase order or encumbrance must be issued. No bill shall be paid unless it is

supported by an itemized invoice clearly describing the items purchased, the quantity of each item, its unit price, its total cost and proof of receipt of such goods or services. The bill and/or invoice shall be filed in the encumbrance clerk's official records. If a district has the ability to electronically utilize evaluated receipt settlement (ERS), the district may remit to vendors on that basis if the requirements of this subsection are fulfilled. In the event a district is establishing electronic data interchange, electronic entries will suffice in lieu of paper documents. In order for a district to be authorized to utilize an evaluated receipt settlement system:

1. The ERS must result in payment by the district from vendor receipts that have been matched to the purchase order date;

2. The ERS may only be used when there is an agreement between the district and the vendor for use of an ERS; and

3. The ERS must be included in the district's journal ledger/accounts payable/purchase order software.

F. The encumbrance clerk shall debit the encumbrances outstanding account and credit the accounts payable account for the amount of the approved bill. The board of education shall determine the extent such costs may fluctuate without additional board action. Minor adjustments not requiring additional board approval shall be referenced to the original encumbrance.

G. An approved bill may be paid by issuing a warrant or check against the designated fund only after ascertaining that proper accounting of the purchase has been made and that the files contain the required information to justify the expenditure of public funds, except as otherwise provided in subsection I of this section. The warrants or checks so issued shall be recorded in an orderly numerical system established by the district. The encumbrance clerk shall charge the warrant or checks against the accounts payable account and credit it to the warrants or checks issued account. Provided, if payment is to be made immediately and the board of education deems it advisable, the postings to the accounts payable account may be omitted and the payment of the approved bill may be credited directly to the warrants or checks issued account. The warrant or check shall show on its face the name of the school district, the date of issue, the payee, the amount, the expenditure classification code, and such other information as may be necessary or desirable. The president and clerk of the board of education shall each sign the warrant or check, or approved facsimile thereby denoting to the public that the warrant or check is for the purpose and within the amount of the appropriation charged.

H. The treasurer shall register the warrant or check in the warrant or check register, charging the appropriation account and crediting the warrants or checks outstanding account of the designated fund. Provided, no warrant or check shall be registered

in excess of the appropriation account's balance. All warrants or checks shall be registered in the order of their issuance. Voided warrants or checks shall be registered and filed with the treasurer. The treasurer shall sign each warrant or check through individual signature or approved facsimile showing its registration date and shall state whether it is payable or nonpayable. When a warrant or check is paid, the treasurer shall maintain evidence the warrant or check has been processed and paid. Nothing in this subsection shall prohibit any governing board from using automated recordkeeping procedures, provided the information required in this subsection can be accessed.

I. Any board of education of a school district of this state may make a payment which would otherwise be made by warrant or check, by disbursement through an Automated Clearing House, bank account debit system, wire transfer through the Federal Reserve System, or any other automated payment system operated by a financial institution insured by the Federal Deposit Insurance Corporation. The internal controls over such payment system shall be reviewed and approved by the independent auditor of the district during the annual audit. The provisions of Sections 601 through 606 of Title 62 of the Oklahoma Statutes shall apply to instruments or payment authorized by this subsection.

J. School districts complying with the provisions of this act shall use only those forms and accounting systems approved by the State Board of Education. Such forms and systems shall be considered in substantial compliance with this act if they are sufficient to convey the meaning and sequence of transactions contained herein. Provided, nothing contained herein shall be construed to limit or prevent the use of additional or subsidiary accounts, forms, or files which may be deemed necessary or advisable by the board of education of the district or the State Board of Education.

K. Any school district desiring to utilize the services of a data processing center to furnish any or all of the records herein required may do so if the center and its system complies with this act and the rules and regulations of the State Board of Education. Such center shall furnish an honesty bond in an amount to be set by the board of education but not less than Ten Thousand Dollars (\$10,000.00).

L. The State Board of Education shall notify the board of education of the school district of the tentative amount the district is to receive from state and federal aid funds or allocations, and the board of education of the school district may include such tentative estimate as an item of probable income in the preparation of the school district's Estimate of Needs and Financial Statement; provided, no such federal aid estimate shall be used in any way to reduce the State Foundation Aid or Incentive Aid for such school district or sustain a protest for the reduction of a tax levy.

Added by Laws 1971, c. 281, § 5-135, eff. July 2, 1971. Amended by Laws 1985, c. 82, § 5, eff. Nov. 1, 1985; Laws 1988, c. 90, § 20, operative July 1, 1988; Laws 1990, c. 221, § 10, operative July 1, 1990; Laws 1998, c. 365, § 10, eff. July 1, 1998; Laws 2004, c. 361, § 21, eff. July 1, 2004; Laws 2005, c. 472, § 10, eff. July 1, 2005; Laws 2014, c. 111, § 1, eff. July 1, 2014.

§70-5-135.1. Blank.

§70-5-135.2. Reporting financial transactions - Reduction of State Aid - Statement of actual income and expenditures.

A. For the 1991-92 school year, school districts shall report financial transactions for all funds, except for the school activity fund, using the Oklahoma Cost Accounting System, as adopted by the State Board of Education pursuant to Section 5-135 of this title. Costs shall be reported by curricular subject area where applicable. For the 1992-93 school year and in each subsequent school year, school districts shall report financial transactions for all funds using the Oklahoma Cost Accounting System. Costs shall be reported by curricular subject area where applicable.

B. Beginning July 1, 1991, and in each subsequent school year, the State Department of Education shall reduce the monthly payment of a district's State Aid funds if, at the time of such payment, the district is not operating pursuant to the Oklahoma Cost Accounting System. The amount of the reduction shall be one percent (1%) for the first payment, two percent (2%) for the second payment, three percent (3%) for the third payment, four percent (4%) for the fourth payment, and five percent (5%) for each subsequent payment. The reduction may be waived by the State Board of Education if the district can demonstrate that failure to operate pursuant to such system was due to circumstances beyond the control of the district and that every effort is being made by the district to operate pursuant to such system as quickly as possible.

C. No later than September 1 each year, every district board of education shall prepare a statement of actual income and expenditures of the district for the fiscal year that ended on the preceding June 30. The statement of expenditures shall include functional categories as defined in rules adopted by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-135 of this title.

D. No later than September 1 each year, every school district shall transmit a copy of the income and expenditures data required pursuant to subsection C of this section to the State Department of Education. The Department shall post the income and expenditure data on the Internet web site for the Department in a form that is accessible to the public.

Added by Laws 1991, c. 280, § 55, eff. July 1, 1991. Amended by Laws 2000, c. 308, § 2, eff. July 1, 2000; Laws 2005, c. 472, § 11, eff. July 1, 2005.

§70-5-135.3. Repealed by Laws 2005, c. 472, § 18, eff. July 1, 2005.

§70-5-135.4. School District Transparency Act.

A. This section shall be known and may be cited as the "School District Transparency Act".

B. The State Department of Education shall make school district and school site expenditure data available on its website. Data shall be made available in an open-structured data format that may be downloaded by the public and that allows the user to systematically sort, search, and access all data without any fee or charge for access. Prior to the beginning of the 2019-2020 school year, if a school district has a website, the district shall provide a link on its home page to the State Department of Education's Oklahoma Cost Accounting System and School District Financial Information website, or the district shall provide the information required by subsection C of this section within one click of the home page of the school district's website.

C. The website shall provide information on school district and school site expenditures of state, federal, and local funds, whether appropriated or nonappropriated, excluding payments of voluntary payroll deductions for employees to receiving parties. The website shall further provide information, including, but not limited to, the following:

1. Identification of the school district;
2. The Oklahoma Cost Accounting System (OCAS) code designation for each expenditure;
3. The name and principal location of the entity or recipient of the funds, excluding release of information relating to an individual's place of residence and release of information prohibited by subsection D of Section 24A.7 of Title 51 of the Oklahoma Statutes or by federal law relating to privacy rights;
4. The amount of funds expended;
5. The type of transaction;
6. A descriptive purpose of the funding action or expenditure;
7. The budgeted and audited actual expenditure figures for each fiscal year, ensuring each set of figures can be identified as budgeted or audited figures;
8. The per-pupil expenditure as defined in Section 1-124 of this title; and
9. The total compensation package of the superintendent as defined by the requirements of the OCAS including a listing of the base salary, insurance, retirement and other fringe benefits including exempted nonadministrative services such as teaching in the

classroom or serving as a principal, counselor or library media specialist pursuant to subsection E of Section 18-124 of this title.

D. The Department shall make the data available on its website within one hundred twenty (120) days of transmission of the expenditures to the Department by the school district.

E. School districts shall provide information requested by the Department to accomplish the purposes of this section.

F. If a school district maintains a website, the district shall provide the information required in subsection C of this section in the manner prescribed in subsection B of this section on the district website.

G. Nothing in this section shall require the disclosure of information which is required to be kept confidential by state or federal law.

H. The disclosure of information required by this section shall create no liability whatsoever, civil or criminal, to the State of Oklahoma, the State Department of Education, school districts, or any employee thereof for disclosure of required information or for any error or omission in the disclosure.

I. The Department shall undertake activities annually to inform parents, schools and other stakeholders about the availability of school district and school site expenditure data on its website and how to use the website.

Added by Laws 2010, c. 332, § 1, eff. Nov. 1, 2010. Amended by Laws 2017, c. 133, § 1, eff. Nov. 1, 2017; Laws 2018, c. 282, § 1, eff. Nov. 1, 2018.

§70-5-136. Repealed by Laws 1978, c. 203, § 21, eff. July 1, 1978.

§70-5-136.1. Certificates of indebtedness - Curing of delinquencies by withholding of State Aid.

A. With respect to school districts seeking cash-flow management during any fiscal year, any school district may issue and deliver certificates of indebtedness bearing a stated maturity date for the purpose of participating in a short-term cash management program pursuant to the provisions of Section 177.2 of Title 60 of the Oklahoma Statutes to fund the estimated costs of operations, capital expenditures or other lawful costs of the school district for the current fiscal year. The proceeds of certificates of indebtedness shall be set aside in a separate account and used only for the purpose of meeting expenditures and obligations which would otherwise be lawfully payable from the revenue certified by the County Excise Board. As proceeds from the certificates are used to pay such lawful expenditures and obligations, the financial records of the school district shall reflect the amounts of these obligations paid with such proceeds so that a like amount of revenue collected and available to the school district may be used to repay the

certificates of indebtedness, in whole or in part. The State Auditor and Inspector shall adopt uniform accounting procedures for use by the school districts to ensure that the issuance of certificates of indebtedness and the use of the proceeds derived from these certificates will be documented and will not result in a district overspending its authorized budget. All certificates of indebtedness executed pursuant to a cash management program shall be issued, delivered and registered for payment in the specific manner designated by the State Auditor and Inspector; provided, any such certificates of indebtedness shall be made payable on any date within the then current fiscal year and may be purchased for value through the funding of uncollateralized investments or investments authorized pursuant to Section 5-115 of this title made for the benefit of and on behalf of the school district. Short-term cash management programs of any school district may lawfully provide for the investment of note or bond proceeds by the issuer of the obligations with the benefit and use of such proceeds assured to the school district when needed by the school district for that fiscal year and as approved by the Oklahoma Commission on School and County Funds Management. In no case may a school district participate in a short-term cash management program in any given fiscal year beyond that fiscal year. Monies received by a school district pursuant to a short-term cash management program may be used only for those purposes for which other monies of the school district may be lawfully expended.

B. For school districts electing to participate in the payment security procedure set forth in this subsection, which procedure shall serve as additional security for the payment of any bond or note of a participating school district, the State Board of Education shall cure any delinquencies in payment by withholding State Aid due the participating district as determined pursuant to Section 18-200.1 of this title. Whenever the designated paying agent for receipt of payments for the school district does not receive a payment when due pursuant to the authorizing documents, the paying agent shall be entitled to payment from the withheld State Aid in any amount sufficient to cure the payment deficiency. The paying agent shall notify the State Department of Education and the superintendent of the school district of the delinquent payment by telephone, facsimile, or other similar communication, followed by written verification. Unless the Department determines that payment has been made by the school district and there is no longer a payment deficiency, the Department shall withhold from the next distribution of State Aid for the school district an amount sufficient to cure the deficiency and remit the amount to the paying agent. In the event that the amount of State Aid next due to be distributed to the delinquent school district is not sufficient to cure the delinquency,

the Department shall continue to withhold State Aid as due and remit it to the paying agent until the payment deficiency has been cured. Added by Laws 1987, c. 204, § 123, operative July 1, 1987. Amended by Laws 1991, c. 212, § 4, eff. Aug. 1, 1991; Laws 2002, c. 87, § 1, eff. July 1, 2002; Laws 2014, c. 119, § 1, eff. Nov. 1, 2014.

§70-5-137. School nurses - Increments.

Registered nurses who are employed full time by a school district shall qualify for yearly increments the same as any other teacher in the public schools.

Added by Laws 1974, c. 152, § 2, emerg. eff. May 3, 1974.

§70-5-138. School employees and superintendent - Residence.

No school district board of education shall require any employee to reside within the boundaries of that school district; however, a district board may establish a policy that may require the district superintendent to reside within the boundaries of the district.

Added by Laws 1977, c. 31, § 1. Amended by Laws 2006, c. 167, § 1, eff. Nov. 1, 2006.

§70-5-139. Professional organization dues and political contributions of employees - Payroll deduction.

School districts shall make payroll deductions for either or both professional organization dues and political contributions at the written request of any school employee and shall transmit deducted funds to the organization designated by the school district employee. Such deductions shall be on a ten-month basis unless otherwise designated by the employee organization. However, a school employee may request at any time in writing, including by email or fax, for the school district to immediately terminate or initiate payroll deductions to a professional organization. Upon receipt of any written request, the school district shall within five (5) business days or by the next pay period, whichever is earlier, terminate or initiate any future payroll deductions of the requesting school employee to a professional organization. Upon receipt of a written request, the school district shall notify the professional organization of the initiation or termination of payroll deductions within fifteen (15) business days. If the request is to terminate a deduction, the school district shall not make any advance payments to any professional organization of any future dues on behalf of the school employee. No school district policy or negotiated agreement shall place any other conditions or requirements, including but not limited to personal hand delivery, upon any employee to initiate or terminate any payroll deduction to a professional organization except for a written request as outlined in this section. Any school district policy or provision in a negotiated agreement that places additional conditions or requirements on initiation or termination

beyond those outlined in this section shall be null and void. A school district which fails to terminate payroll deductions for an employee in accordance with this section shall immediately reimburse the employee the amount of all payroll deductions made by the school district after the employee's request, and the amount due the employee shall double every thirty (30) days until paid in full. Added by Laws 1978, c. 294, § 26, emerg. eff. May 10, 1977. Amended by Laws 2005, c. 132, § 1; Laws 2018, c. 193, § 1.

§70-5-140. Additional salary or wages in lieu of insurance or similar benefits.

A local school district, by action of a majority of its school board, may, in lieu of a particular insurance or similar benefit granted by the district to its employees, allow and pay to the employee additional salary or wages equal to the cost of such insurance or similar benefit.

Laws 1980, c. 220, § 2, emerg. eff. May 30, 1980.

§70-5-141. Adoption of minimum salary schedules - Calculation of teachers' salaries - Factors considered - Reports - Superintendents' contracts - Administrators' compensation and benefits.

A. Each school district of this state shall adopt a minimum salary schedule and shall transmit a copy of it to the State Board of Education within thirty (30) days after adoption. A school district shall not calculate salaries of teachers solely as a proportion of the salaries of the administrators of the district.

B. Districts shall be encouraged to provide compensation schedules to reflect district policies and circumstances, including differential pay for different subject areas and special incentives for teachers in districts with specific geographical attributes. Districts may also adopt a salary schedule that provides additional compensation for achieving certain ratings under the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6 of this act. Any salary schedule adopted by a district pursuant to this section shall not set salaries at amounts less than those set pursuant to Section 18-114.12 of this title.

C. The State Department of Education shall compile a report of the minimum salary schedules for every school district in the state and shall submit the report to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate no later than December 15 of each year.

D. Each school district shall file within fifteen (15) days of signing the contract, the employment contract of the superintendent of the school district with the State Department of Education. The Department shall keep all contracts available for inspection by the public. The school district shall not be authorized to pay any salary, benefits or other compensation to a superintendent which are

not specified in the contract on file and shall not pay administrators any amounts for accumulated sick leave that are not calculated on the same formula used for determining payment for accumulated sick leave benefits for other full-time employees of that school district and shall not pay administrators any amounts for accumulated vacation leave benefits that are not calculated on the same formula used for determining payment for accumulated vacation leave benefits for other twelve-month full-time employees of that school district.

E. By October 1 of each year each district board of education shall prepare a schedule of salaries and fringe benefits paid administrators employed by the district, including a description of the fringe benefits. The schedule shall be a public record and shall be disclosed as required by the Oklahoma Open Records Act. The board shall file a copy of the schedule with the State Department of Education within one week of completion.

F. For purposes of this section the term "administrator" shall include employees who are employed and certified as superintendents, assistant superintendents, principals, and assistant principals and who have responsibilities for supervising classroom teachers. Added by Laws 1983, c. 330, § 40, operative July 1, 1983. Amended by Laws 1989, 1st Ex.Sess., c. 2, § 49, emerg. eff. April 25, 1990; Laws 1993, c. 215, § 1, emerg. eff. May 24, 1993; Laws 2010, c. 291, § 2, eff. July 1, 2010.

§70-5-141.1. Blank.

§70-5-141.2. Incentive pay plans.

A. In addition to incentive pay plans authorized pursuant to Section 4 of this act, the State Board of Education shall develop not fewer than five different model incentive pay plans and shall distribute information about each plan to every school district board of education. No plan developed by the Board or implemented by a school district board of education shall permit payment in any one (1) year of incentives to any one teacher amounting to more than fifty percent (50%) of the regular salary of the teacher, exclusive of fringe benefits or extra duty pay. Any incentive pay award shall be an annual award and shall not be a part of a continuing contract of a teacher. Any incentive pay awards received shall be excluded from the compensation of a teacher for purposes of calculating retirement pursuant to the Teachers' Retirement System of Oklahoma and shall not be subject to taxes levied by the Federal Insurance Contributions Act (F.I.C.A.), to the extent an exemption is provided by federal law.

B. A school district board of education may adopt an academically based, district incentive pay plan for the classroom teachers in the district. The district may adopt any incentive pay

plan consistent with the requirements of this section, which may include any incentive pay plan developed by the State Board of Education pursuant to this section. The school district board of education shall appoint an advisory committee consisting of teachers, parents, business persons or farmers and other local citizens to advise the board in formulating an incentive pay plan. Prior to the adoption of a plan, the board of education shall place the plan on the school board agenda for public comment and shall submit the plan to the State Board of Education for final approval on or before March 1 prior to implementation of the plan during the succeeding school year. The board of education shall comply with the provisions of this subsection for any year a plan is to be modified.

C. A school district shall be required to adopt and implement an academically based, district incentive pay plan for any school year following the receipt by the school district board of education, of a petition signed by twenty percent (20%) of the classroom teachers employed in the district which calls for the adoption of an incentive pay plan for the district.

D. Student test scores shall not be the sole criterion for allocation of incentive pay under any plan developed or approved by the Board.

E. For the purposes of this section only, "classroom teacher" shall mean any employee who holds certification and assignment outside the classification of administrator.

F. The State Board of Education shall promulgate rules necessary for the effective implementation and administration of this section.

G. Each school district board of education shall provide for a local evaluation committee which shall advise the board on which teachers are to receive incentive pay awards and the amount of each incentive pay award according to the plan.

H. Nothing herein shall preclude a school district from supplementing any monies appropriated to the district for the purposes of funding the incentive pay plan of the district with monies from the general fund for the district.

Added by Laws 1989, 1st Ex.Sess. c. 2, § 50, emerg. eff. April 25, 1990. Amended by Laws 2010, c. 291, § 3, eff. July 1, 2010.

§70-5-141.3. Teacher Incentive Pay programs approved prior to implementation - Partial reimbursement.

Teacher Incentive Pay programs that have been approved by the State Board of Education prior to implementation and have been evaluated by the State Board of Education to have successfully completed the year according to the approved district plan shall be eligible for partial reimbursement of incentive pay awards from the funds appropriated for Teacher Incentive Pilot Programs. Such state reimbursements shall not exceed fifty percent (50%) of the amount awarded to any teacher not to exceed Five Hundred Dollars (\$500.00),

whichever is less. Such reimbursements shall not be provided to more than fifty percent (50%) of the certified instructional staff of a school district. Application for reimbursement shall be submitted to the State Board of Education no later than July 1 of the year following the implementation year and reimbursement of approved claims shall occur no later than September 1.

Added by Laws 1992, c. 324, § 8, eff. July 1, 1992.

§70-5-141.4. Incentive pay plan - Student and school growth in achievement.

A. 1. In addition to incentive pay plans authorized pursuant to Section 5-141.2 of this title, beginning with the 2012-13 school year, a school district may implement an incentive pay plan that rewards teachers who are increasing student and school growth in achievement.

2. Teacher performance shall be measured using the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.16 of this title.

3. Individual teacher incentive pay awards shall be based upon:
- a. achieving either a "superior" or "highly effective" rating under the TLE, and
 - b. grade level, subject area, or school level performance success.

B. 1. Beginning with the 2012-13 school year, a school district may implement an incentive pay plan as authorized pursuant to this section.

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

3. School leader effectiveness shall be measured using the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.16 of this title.

4. Individual school leader incentive pay awards shall be based upon:

- a. achieving either a "superior" or "highly effective" rating under the TLE, and
- b. grade level, subject area, or school level performance success.

C. Incentive pay plans implemented pursuant to subsections A and B of this section shall be developed through a collaborative planning process involving stakeholders, including teachers and school leaders.

D. In addition to individual teacher and leader incentive pay plans, as authorized pursuant to this section, districts may develop and implement incentive pay systems for:

1. Teaching in critical shortage subject areas including, but not limited to, foreign language;

2. Teachers and leaders who work in schools identified as in need of improvement as determined by the State Board of Education;

3. Teaching in the subject areas of Science, Technology, Engineering, and Math (STEM); or

4. Teachers and leaders who work in schools or school districts designated by the State Board of Education as hard-to-staff.

E. 1. Prior to implementation of any incentive pay plan developed pursuant to this section, the school district board of education shall place the plan on the agenda for public comment at a meeting of the district board of education.

2. After approval of the incentive pay plan, the school district board of education shall submit the plan to the State Board of Education for final approval. Within sixty (60) days of receipt of the plan, the State Board shall review and approve or reject the plan. If it is determined that the plan meets the requirements of this section, the State Board shall approve the plan. If the plan does not meet the requirements of this section, the State Board shall reject the plan and provide written notification to the school district board of education along with the grounds for rejection.

3. The district board of education shall comply with the provisions of this subsection for any year a plan is to be modified.

F. Any incentive pay award shall be an annual award and shall not be a part of a continuing contract for an employee. Any incentive pay award to any teacher or leader shall not exceed more than fifty percent (50%) of the regular salary of the teacher or leader, exclusive of fringe benefits or extra duty pay. Any incentive pay awards received shall be excluded from compensation for purposes of calculating retirement pursuant to the Teachers' Retirement System of Oklahoma and shall not be subject to taxes levied by the Federal Insurance Contributions Act (F.I.C.A.), to the extent such exemption is provided by federal law.

Added by Laws 2010, c. 291, § 4, eff. July 1, 2010. Amended by Laws 2013, c. 83, § 9, eff. July 1, 2013.

§70-5-142. National criminal history record check - Employment with a school.

A. Except as otherwise provided for in subsection F of this section, for purposes of employment, a board of education may request in writing to the State Board of Education that a national criminal history record check be conducted of any employee of the school and shall request such information for any person seeking employment with the school; provided that a board of education shall not be required to obtain a new criminal history record check for an individual who has obtained certification from the State Department of Education within the previous twelve (12) months. The Oklahoma State Bureau of Investigation (OSBI) shall obtain fingerprints of the employee or prospective employee and require that the person pay a search fee not

to exceed Fifty Dollars (\$50.00) or the cost of the search, whichever is the lesser amount. The fees shall be deposited in the OSBI Revolving Fund. School districts may reimburse employees for the cost of the search. The State Board of Education shall contact the Oklahoma State Bureau of Investigation for any national criminal history record of the person within fourteen (14) working days of receiving a written request from the board of education.

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

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

D. For the purpose of this section:

1. "Board of education" includes both public and private boards of education within or outside this state;
2. "Employing agency" means a political subdivision or law enforcement agency in this state;
3. "Law enforcement officer" means a peace or police officer who is certified by the Council on Law Enforcement Education and Training;
4. "National criminal history record check" means a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes; and
5. "Prospective employee" means an individual who has received an offer of temporary employment by a school district pending the results of the national criminal history record check.

E. Each public board of education within this state shall promulgate a statement regarding the felony record search policy for that school district. The policy may permit temporary employment of prospective employees for a maximum of sixty (60) days pending receipt of results of national criminal history record check requests. The temporary employment of the prospective employee shall terminate after sixty (60) days unless the school district receives the results of the national criminal history record check. The sixty-day temporary employment period shall begin on the first day the prospective employee reports for duty at the employing school district. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy when first interviewed concerning employment. The school district's reimbursement policy shall provide, at the minimum, that employees

shall be promptly reimbursed in full for the fee if employed by the district at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.

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

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

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

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

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

standing. If the teacher applies for employment as a substitute teacher in another school district, a national criminal history record check shall be required.

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

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

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

Added by Laws 1985, c. 152, § 1, eff. July 1, 1985. Amended by Laws 1986, c. 259, § 61, operative July 1, 1986; Laws 1990, c. 257, § 15, emerg. eff. May 23, 1990; Laws 1994, c. 319, § 2, eff. Sept. 1, 1994; Laws 1997, c. 81, § 1, eff. July 1, 1997; Laws 2010, c. 406, § 1, eff. July 1, 2010; Laws 2011, c. 27, § 1, eff. July 1, 2011; Laws 2011, c. 90, § 1; Laws 2011, c. 250, § 1, eff. July 1, 2011; Laws 2011, c. 352, § 1, eff. July 1, 2011; Laws 2012, c. 354, § 6; Laws 2013, c. 32, § 1; Laws 2015, c. 12, § 1, eff. Nov. 1, 2015; Laws 2017, c. 199, § 1, eff. July 1, 2017.

§70-5-142.1. Repealed by Laws 2010, c. 406, § 2, eff. July 1, 2010.

§70-5-143. Repealed by Laws 1995, c. 55, § 1, emerg. eff. April 10, 1995.

§70-5-144. Filing of information or indictment - Notification of superintendent - Notification of State Board of Education.

A. If in the course of an investigation it is discovered that a person charged in an information or indictment with a felony or violent misdemeanor is a student or employee of a school district or a public school in the state, or an employee working on school property for an entity that provides services to a school district or a public school on school property, with due regard for the provisions of subsection C of Section 2-6-102 of Title 10A of the Oklahoma Statutes, the district attorney shall notify the superintendent of the district of the charges filed against the student or employee. In addition to notifying the superintendent of the district when charges have been filed against an employee of the school district, the district attorney shall notify the State Board of Education.

B. The school district may take any action it deems necessary that is in compliance with the requirements of the Family Educational Rights and Privacy Act of 1974 with regard to such information.

C. When an employee of the school district has been convicted, whether upon a verdict or plea of guilty or nolo contendere, or received a suspended sentence or any probationary term for a crime provided for in subparagraph a of paragraph 6 of Section 3-104 of this title, the district court shall notify the State Board of Education of said conviction, if the district court has discovered during the course of the proceedings that the person is an employee of a school district.

Added by Laws 1999, c. 320, § 33, eff. July 1, 1999. Amended by Laws 2001, c. 34, § 1, eff. Nov. 1, 2001; Laws 2003, c. 161, § 1, eff. July 1, 2003; Laws 2005, c. 205, § 1, eff. July 1, 2005; Laws 2009, c. 234, § 156, emerg. eff. May 21, 2009; Laws 2013, c. 256, § 1, eff. July 1, 2013.

§70-5-145. Local foundation and public school/business partnerships - Foundation gifts, grants and donations.

A. District school boards of education should be encouraged to explore the potential benefits of local foundations and public school/business partnerships as supplements to basic programs publicly funded.

B. No local foundation, as defined in subsection C of this section, shall make, and no public school, public school personnel, or school district shall accept, any gift, grant or donation of real or personal property from any local foundation unless the local foundation complies with the requirements of this section and with such other requirements for such organization as are required by Title 18 of the Oklahoma Statutes.

C. As used in this section, "local foundation" means any company, trust, corporation or association:

1. that solicits money or property in the name of any public school district, public school or public school organization; and
2. which is exempt from federal income taxes or is verifiably and in good faith in the process of obtaining federal tax exemption status pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code. If the local foundation is in the process of obtaining exemption status in accordance with this paragraph, the local foundation may make gifts, grants or donations pursuant to this section provided it has advised the district board of education of the status of any application for tax exemption and continues to provide the board such information each year thereafter.

Any local foundation which has been denied such exemption or ceases to qualify for such exemption by the Internal Revenue Service shall not be authorized to function pursuant to this section.

D. Student organizations or club projects whose revenue may be deposited in a school activity fund or account pursuant to Section 5-129 of this title shall not be considered "local foundations".

E. Only school districts, public schools, school personnel and students or direct functions of a school district may be the beneficiaries of any awards, grants or other benefits of a local foundation.

F. The board of education of any school district in this state may refuse to accept any donation of real or personal property offered by or through a local foundation and shall have the final authority to accept or refuse to accept any grant or award offered by a local foundation for the benefit of the school district.

G. In order to assure the fairness, objectivity, and integrity of its operations, and that its purposes and policies are consistent with the goals of the State Board of Education, the board of education of the school district may consider the process used in selecting recipients of benefits or merit awards by any local foundation in deciding whether to accept or reject the gift, grant or donation.

H. No employee of the district shall be a voting member of a local foundation board which is established in that school district. Members of the board of education may serve on the board of a local foundation, but shall not constitute a majority of the members of the board of directors of the foundation. No other elected official of state or local government shall be compensated by the local foundation. The total number of ex officio local foundation members shall be less than the number of voting members of the local foundations. No ex officio member of the local foundation board or employee of the school district shall be compensated by the local foundation for service as an ex officio member of the local foundation.

I. Any local foundation which makes a gift, grant or donation to any school district, public school, or school personnel of this state, regardless of when established, shall make all of its financial records and documents available to auditors who are performing audits of the school district. Such financial records and documents, other than the list of contributors, shall be open for public inspection upon written request by any person.

J. A public school district shall not directly or indirectly transfer any funds to any local foundation or render services or provide any thing of value to any local foundation without receiving documented adequate payment or reimbursement therefor according to written contract. Nothing herein shall be construed as prohibiting payment by the district of claims for expenses of fund-raising for the benefit of the district if such fund-raising activities are approved in advance by the district board of education and made a part of the minutes of the meeting of the board. Nothing herein shall be construed as prohibiting the district from providing space in a school district building or on school district property to the foundation for office or business purposes in exchange for the

financial benefits provided to the district by the foundation if approved by the district board of education and made a part of the minutes of the meeting of the board.

Added by Laws 1989, c. 380, § 2, operative July 1, 1989. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 56, emerg. eff. April 25, 1990; Laws 2005, c. 351, § 1, eff. Sept. 1, 2005; Laws 2008, c. 362, § 1, emerg. eff. June 3, 2008.

§70-5-146. Assault, battery, or assault and battery upon school employee - Notification by employee and school officials - Report - Definitions - Liability - Policies.

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, upon whom an assault, battery, assault and battery, or aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall notify either the superintendent, building administrator, or one member of a Safe School Committee of the school district employing the school employee. The building administrator or member of the Safe School Committee shall notify the superintendent of the assault, battery, assault and battery, aggravated battery or aggravated assault and battery.

B. The superintendent shall notify the State Department of Education of all incidents described in subsection A of this section for the previous year on July 1 of each year. The report shall include a description of the battery or assault and battery, and the final disposition of each incident.

C. The State Department of Education shall submit a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor on December 1 of each year.

D. For purposes of this section, "assault" shall be defined by Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be defined by Section 642 of Title 21 of the Oklahoma Statutes, and "aggravated assault and battery" shall be defined by Section 646 of Title 21 of the Oklahoma Statutes.

E. No school employee shall be subject to any civil liability for any statement, report, or action taken in reporting or assisting in reporting a battery or assault and battery which is committed upon the school employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

F. Every school district shall have and deliver to each school employee a written policy that such employee shall follow if an assault, battery or assault and battery is committed upon the school employee while in the performance of any school duties.

Added by Laws 2001, c. 380, § 2, eff. July 1, 2001.

§70-5-146.1. School employees - Notification of suspected gang activity.

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

B. A school district employee or contractor who, in good faith and exercising due care in the making of a report pursuant to subsection A of this section, shall be granted immunity from all civil or criminal liability which might be incurred or imposed by making such report.

Added by Laws 2011, c. 168, § 3, eff. Nov. 1, 2011.

§70-5-147. Access to foods of minimal nutritional value - Incentives to encourage healthy food choices.

A. Each district board of education shall ensure that students in elementary schools do not have access to foods of minimal nutritional value except on special occasions.

B. Each district board of education shall ensure that students in middle and junior high schools do not have access to foods of minimal nutritional value except after school, at events which take place in the evening, and on special occasions. The only exception to the minimal nutritional value standard will be diet soda with less than ten (10) calories per bottle or can.

C. Each district board of education shall ensure that students in high schools are provided healthy food options in addition to any foods of minimal nutritional value to which they may have access at school. Each district shall provide incentives, such as lower prices or other incentives, to encourage healthy food choices for high school students.

D. For purposes of this section, "foods of minimal nutritional value" means any foods so defined in 7 CFR 210.11 and listed in Appendix B of the regulations for the National School Lunch Program.

E. The State Board of Education shall adopt rules to implement the provisions of this section.

Added by Laws 2005, c. 45, § 1, eff. July 1, 2007.

§70-5-147.1. Food donations.

A. As used in this section only:

1. "Donate" means to give without requiring anything of monetary value from the recipient; and

2. "Nonprofit organization" means an incorporated or unincorporated organization that has been established and is

operating for religious, charitable or educational purposes and that does not distribute any of its income to its members, directors or officers.

B. A school district may allow a school site to elect to donate food to a nonprofit organization through an official oncampus nonprofit representative or designee who is directly affiliated with the school site such as a teacher, counselor or Parent-Teacher Association (PTA) member, and the donated food may be received, stored and redistributed at the school site at any time. Food donated by the school site may include surplus food from breakfast, lunch, snack and dinner meals served at the campus cafeteria subject to any applicable local, state and federal requirements. Examples of eligible leftover food include packaged/unpackaged unserved food; served/unserved food with packaging in good condition; whole, uncut produce; wrapped raw produce; and/or fruit which will be peeled such as bananas or oranges.

C. Food donated under this section to a nonprofit organization may be redistributed on the school site. School employees may assist in preparing and distributing the food as volunteers for the nonprofit organization.

D. A school district that makes or a nonprofit organization that receives a good-faith donation of food which is at the time of donation fit for human consumption shall not be liable for damages in any civil suit or subject to criminal prosecution for any injury resulting from the nature, age, condition or packaging of the donated food, unless the injury or death is a direct result of gross negligence, recklessness or intentional misconduct of the school district or nonprofit organization.

E. The State Board of Education may promulgate rules to implement the provisions of this section.

Added by Laws 2017, c. 6, § 1, eff. Nov. 1, 2017.

§70-5-148. Security drills.

Each district board of education shall ensure that a minimum of four security drills are conducted at each public school within the district each school year. No security drill shall be conducted at the same time of day as a previous security drill conducted in the same school year, and no more than two security drills shall be conducted in one semester. One security drill shall be conducted within the first fifteen (15) days of each semester. Additional drills may be conducted at the discretion of the district. Security drills shall be conducted for the purpose of securing school buildings to prevent or mitigate injuries or deaths that may result from a threat around or in the school. The drills shall conform to the written plans and procedures adopted by the district as required by Section 681 of Title 63 of the Oklahoma Statutes. All students

and employees shall participate in the drills, with the extent of student involvement to be determined by the district.

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

Added by Laws 2007, c. 127, § 1, eff. July 1, 2007. Amended by Laws 2008, c. 216, § 4, eff. Nov. 1, 2008; Laws 2016, c. 290, § 1, eff. July 1, 2016.

§70-5-149. School safety drills.

A. In addition to the four security drills required pursuant to Section 5-148 of this title, all public schools shall conduct a minimum of six safety drills as follows:

1. Two fire drills per school year. Each fire drill shall be conducted within the first fifteen (15) days of each semester. The fire drills shall include the sounding of a distinctive audible signal designated as the fire alarm signal;

2. Two tornado drills per school year with at least one drill being conducted in the months of September and March; and

3. The principal and superintendent of a public school district shall utilize the remaining required safety drills in any manner provided in this section or Section 5-148 of this title or by developing a drill that is consistent with the risks assessed for the appropriate facility or any recommendations submitted by the Safe School Committee as authorized pursuant to Section 24-100.5 of this title or any assisting fire or law enforcement department.

B. It shall be the duty of the principal, under the direction of the superintendent of the school district, to conform to the written plans and procedures adopted by the district as required by Section 681 of Title 63 of the Oklahoma Statutes. All students and teachers at the public schools shall participate.

C. Each public school district shall document each fire drill in writing by public school site. The records for each fire drill shall be preserved for at least three (3) years and made available to the State Fire Marshal or the marshal's agent upon request. In addition to the fire drill documentation provided in this subsection, the school district shall document all other safety drills in writing and by school site with a copy of the report remaining at the school, a copy filed with the district administrative office and a copy with the Oklahoma School Security Institute as created by the Oklahoma Office of Homeland Security.

Added by Laws 2013, c. 53, § 1, eff. July 1, 2013. Amended by Laws 2014, c. 45, § 1, eff. July 1, 2014; Laws 2016, c. 290, § 2, eff. July 1, 2016.

§70-5-149.1. Civil actions against former students - Costs and attorney fees.

If a school district board of education initiates any civil action or proceeding against a current or former student enrolled in the school district or the parent or guardian of a student, and the current or former student or parent or guardian of the student is the prevailing party in the action or proceeding, the court shall enter an order awarding court costs and reasonable attorney fees to the current or former student or parent or guardian of the student. Expert witness fees may be included by the court as part of the costs awarded under this section.

Added by Laws 2013, c. 180, § 1.

NOTE: Editorially renumbered from § 5-149 of this title to avoid duplication in numbering.

§70-5-149.2. Handgun licenses for school personnel - Training - Immunity.

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

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

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

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

E. Any school personnel who have successfully completed either training and while acting in good faith shall be immune from civil and criminal liability for any injury resulting from the carrying of a handgun onto public school property as provided for in this act.

Any board of education of a school district or participating local law enforcement agency shall be immune from civil and criminal liability for any injury resulting from any act committed by school personnel who are designated to carry a concealed handgun on public school property pursuant to the provisions of this act.

F. In order to carry out the provisions of this section, the board of education of a school district is authorized to enter into a memorandum of understanding with local law enforcement entities.
Added by Laws 2015, c. 310, § 3, emerg. eff. May 12, 2015.

§70-5-150. Short title.

This act shall be known and may be cited as the "School District Budget Act".

Added by Laws 1996, c. 178, § 2, eff. July 1, 1996.

§70-5-151. Purpose.

The purpose of the School District Budget Act is to provide an alternate budget procedure for school districts which will:

1. Establish standard and sound fiscal procedures for the adoption and administration of budgets;
2. Make available to the public and investors sufficient information as to the financial conditions, requirements and expectations of the school district; and
3. Assist school districts to improve and implement generally accepted standards of financial management as promulgated by the Governmental Accounting Standards Board (GASB).

Added by Laws 1996, c. 178, § 3, eff. July 1, 1996.

§70-5-152. Applicability optional.

The School District Budget Act shall be optional and shall apply only to a school district which, by resolution of the governing body, votes to comply with the provisions of the School District Budget Act. If the governing body of a school district votes to comply with the School District Budget Act to govern its budget procedures, the provisions of the School District Budget Act shall take precedence over any other state laws applicable to school budgets, except as otherwise provided by the School District Budget Act. Any action of a school district governing body to implement or repeal budgeting procedures in compliance with the School District Budget Act shall be effective only at the beginning or end of a budget year respectively pursuant to the School District Budget Act.

Added by Laws 1996, c. 178, § 4, eff. July 1, 1996.

§70-5-153. Repealed by Laws 2005, c. 472, § 18, eff. July 1, 2005.

§70-5-154. Approval of budget - Estimates of revenues and expenditures.

For a school district acting in accordance with the School District Budget Act, within the thirty-day period preceding the beginning of each fiscal year, a budget for the school district shall be approved by the governing body. The chief executive officer may require any other officer or employee who is charged with the management or control of any department or office of the school district to furnish estimates for the fiscal year covering estimated revenues and expenditures of the department or office on or before a date set by the chief executive officer.

Added by Laws 1996, c. 178, § 6, eff. July 1, 1996.

§70-5-155. Nature and contents of budget - Budget summary and message - Hearing - Effect of adoption - Tax levies.

A. The school district budget shall represent a complete plan for the school district and shall present information necessary and proper to disclose the financial position and condition of the school district and the revenues and expenditures thereof, both past and anticipated.

B. A school district budget shall contain a budget summary. It shall also be accompanied by a budget message which shall explain the budget and describe its important features. It shall contain at least the following in tabular form for each fund:

1. Actual revenues and expenditures for the immediate prior fiscal year;

2. Revenues and expenditures for the current fiscal year as shown by the budget for the current year as adopted or amended; and

3. Estimates of revenues and expenditures for the budget year.

C. The school district governing body shall hold a public hearing on the proposed budget within forty-five (45) days preceding the beginning of the budget year. Notice of the date, time and place of the hearing, together with the proposed budget summary, shall be published in a newspaper of general circulation in the school district not less than five (5) days before the date of the hearing. The clerk of the board shall make available a sufficient number of copies of the proposed budget as the governing body shall determine and shall have them available for review or for distribution at the office of the chief financial officer. At the public hearing on the budget any person may present to the governing body comments, recommendations or information on any part of the proposed budget.

D. The adopted budget shall be in effect no later than the first day of the fiscal year to which it applies. The budget as adopted and filed with the State Auditor and Inspector shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose except as provided by law.

E. Each school district shall amend the original budget after June 30 of each year after the June financial activity has been recorded, the annual Foundation and Salary Incentive Aid allocation

has been released, and the property tax valuations have been certified for all affected counties within the school district. The amended budget shall include all of the following information which is applicable:

1. Valuation of the school district by county and classification, excluding homestead exemptions;
2. Bonded debt and judgments outstanding, including interest rates by maturity;
3. Matured debt and judgments;
4. Sinking fund balance, including cash and investments;
5. Sinking fund levy calculations, including surplus/deficit, principal accrual, annual interest, judgment installment and interest, total net levy and delinquency;
6. Levies in millage for general fund, building fund and sinking fund;
7. Millage adjustment factor, if applicable;
8. Previous year sinking fund collections, including total proceeds as certified, additions or deductions, reserve for delinquent tax, reserve for protest pending, tax apportioned, net balance in process of collection, and excess collections; and
9. Surplus analysis, including itemized sources of excess and deductions.

F. At the time required by law, the county excise board shall levy the taxes necessary for the school district general fund, building fund and sinking fund for the budget year pursuant to Sections 397 and 399 of Title 62 of the Oklahoma Statutes, and for the school district general and building funds for the budget year pursuant to Section 9 of Article X of the Oklahoma Constitution. Added by Laws 1996, c. 178, § 7, eff. July 1, 1996. Amended by Laws 1999, c. 235, § 1, eff. July 1, 1999.

§70-5-156. Protests - Right to examine filed budget.

Within fifteen (15) days after the filing of any school district budget with the county excise board of each county in which the school district is located and with the State Auditor and Inspector, any taxpayer may file protests with the State Auditor and Inspector against any alleged illegality of the budget in the manner provided by this section and Sections 3023 through 3031 of Title 68 of the Oklahoma Statutes. The fifteen-day protest period begins upon the date the budget is received in the Office of the State Auditor and Inspector as filed by the county excise board. After receipt of a taxpayer protest, the State Auditor and Inspector shall transmit by certified mail one copy of each protest to the clerk of the board of education, and one copy of each protest to the school district treasurer and the excise board of each county in which the school district is located. The taxpayer protest shall specify the alleged illegality in the budget and the grounds upon which the alleged

illegality is based. Any protest filed by any taxpayer shall inure to the benefit of all taxpayers. If no protest is filed by any taxpayer within the fifteen-day period, the budget and any appropriations thereof shall be deemed legal and final until amended by the governing body or the county excise board as authorized by law. Taxpayers shall have the right at all reasonable times to examine the budget on file with the clerk of the board of education, the county excise board, or the State Auditor and Inspector for the purpose of checking illegalities in the budget or for filing protests in accordance with this section and Sections 3023 through 3031 of Title 68 of the Oklahoma Statutes.

Added by Laws 1996, c. 178, § 8, eff. July 1, 1996.

§70-5-157. Expenditures in excess of appropriation - Deficits and surpluses - Violations of law.

A. No expenditure may be authorized or made by any officer or employee of a school district which exceeds the appropriation for any fund of the budget as adopted or amended. Any balance remaining in a fund at the end of the budget year shall be carried forward to the credit of the fund for the next budget year pursuant to law.

B. It shall be unlawful for any officer or employee of the school district in any budget year:

1. To create or authorize creation of a deficit in any fund; or
2. To authorize, make or incur expenditures or encumbrances in excess of one hundred percent (100%) of the appropriation for any fund of the budget as adopted or amended until revenues in an amount equal to at least one hundred percent (100%) of the appropriation for the fund have been collected. Any fund balance which is included in the appropriation for the fund is considered revenue in the budget year for which it is appropriated. Expenditures may then be made and authorized so long as any expenditure does not exceed any fund balance.

C. Any obligation that is contracted or authorized by any officer or employee in violation of this act shall become the obligation of the officer or employee himself and shall not be valid or enforceable against the school district. Any officer or employee who violates this act shall forfeit his office or position and shall be subject to such civil and criminal punishments as are provided by law. Any obligation, authorization for expenditure or expenditure made in violation of this act shall be illegal and void.

Added by Laws 1996, c. 178, § 9, eff. July 1, 1996.

§70-5-158. Funds or ledgers.

A school district shall establish funds consistent with legal and operating requirements. Each school district shall maintain according to its own needs some or all of the following funds or ledgers in its system of accounts:

1. A general fund, to account for all monies received and disbursed for general school district purposes, including all assets, liabilities, reserves, fund balances, revenues and expenditures which are not accounted for in any other fund or special ledger account;

2. Special revenue funds, as required, to account for the proceeds of specific revenue sources that are restricted by law to expenditures for specified purposes;

3. Debt service fund, which shall include the school district sinking fund, established to account for the retirement of general obligation bonds, building bonds, transportation bonds or other long term debt and payment of interest thereon and judgments as provided by law. Any monies pledged to service general obligation bonds, building bonds, transportation bonds or other long term debt must be deposited in the debt service fund;

4. Capital improvement fund, to account for financial resources segregated for acquisition, construction or other improvement related to capital facilities other than those financed by general long term debt;

5. Enterprise funds, to account for operations that are financial and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses, including depreciation), of providing goods or services on a continuing basis be financed or recovered primarily through user charges or where there is a periodic need to determine revenues earned, expenses incurred or net income for a service or program;

6. Trust and agency funds, to account for assets held by the school district as trustee or agent for individuals, private organizations or other governmental units or purposes, such as a retirement fund, employee health insurance fund or a school activity fund;

7. Internal service funds, to account for the financing of goods or services provided by one department or agency of the school district to another department or agency, or to another government, on a cost reimbursement basis;

8. A ledger or group of accounts in which to record the details relating to the general fixed assets of the school district;

9. A ledger or group of accounts in which to record the details relating to the general obligation bonds, building bonds, transportation bonds or other long term debt of the school district; or

10. Such other funds or ledgers as may be established by the board of education.

Added by Laws 1996, c. 178, § 10, eff. July 1, 1996.

§70-5-159. Classification of revenues and expenditures.

Each fund shall be made up of accounts for classifying revenues and expenditures. Revenues shall be classified separately by source.

Expenditures shall be classified into the dimensions required by the State Department of Education or, for technology center schools, the Oklahoma Department of Career and Technology Education. Added by Laws 1996, c. 178, § 11, eff. July 1, 1996. Amended by Laws 2001, c. 33, § 78, eff. July 1, 2001.

§70-5-160. Interaccount and interfund transfers.

The chief executive officer, or designee, as authorized by the governing body, may transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same fund; except that no appropriation for debt service or other appropriation required by law or regulation may be reduced below the minimums required. Other interfund transfers may be made only as authorized by this act or as provided in the budget as adopted or amended according to this act. Whenever the necessity for maintaining any special fund of a school district has ceased to exist and a balance remains in the fund, the governing body may authorize the transfer of the balance to the general fund. Applicable law shall govern the use or transfer of any remaining balance in any debt service or bond fund.

Added by Laws 1996, c. 178, § 12, eff. July 1, 1996.

§70-5-161. Amendment of budget.

A. The governing body may amend the budget to make supplemental appropriations to any fund up to the amount of additional revenues which are available for current expenses as shown by a fund balance for the fund due to:

1. Revenues received or allocated from sources not anticipated in the budget for that year;

2. Revenues received or allocated from anticipated sources but in excess of the budget estimates therefor; or

3. Unexpended unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget. Any appropriation authorizing the creating of an indebtedness shall be governed by the applicable provisions of Article X of the Oklahoma Constitution.

B. If at any time during the budget year it appears probable that revenues available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies there temporarily is insufficient money in a particular fund to meet the requirements of appropriation for the fund, the governing body may amend the budget to reduce one or more appropriations or it may amend the budget to transfer money from one fund to another fund, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unencumbered and unexpended balance. No transfer shall be made from the debt service

fund to any other fund except as may be permitted by the terms of the bond issue or by law.

C. Any budget amendment, as provided in this section, authorizing supplemental appropriations or a decrease or change in appropriation or funds shall be adopted by the governing body at a meeting held in accordance with the Oklahoma Open Meeting Act and filed with the clerk of the board of education, the county excise board of each county in which the school district is located, and the State Auditor and Inspector.

Added by Laws 1996, c. 178, § 13, eff. July 1, 1996.

§70-5-170. Transfer of unexpended or unencumbered appropriations.

For the fiscal year ending June 30, 2004, the superintendent of a school district or designee may transfer any unexpended or unencumbered appropriation in an amount not to exceed twenty-five percent (25%) of the total appropriation from one account, fund, or program category to another account, fund, or program category. The amount to be transferred, together with all previous transfers, shall not exceed twenty-five percent (25%) of the total appropriation to the account, fund or program category from which the transfer is being made. Provided, funds shall not be transferred between the general fund and building fund of any school district. The State Department of Education shall be notified in writing or electronically of all transfers at the time the transfers are made.

Added by Laws 2003, c. 434, § 7.

NOTE: Laws 2003, c. 415, § 34 repealed by Laws 2003, c. 434, § 32.

§70-5-181. Registration of certificates of indebtedness or bonds - Recording of payment.

The treasurer of a school district to whom a certificate of indebtedness or bond is directed for payment shall register the certificate of indebtedness or bond by entering the number, the date, the name of the payee, the fund upon which it is drawn and the amount and shall write on the certificate or bond the date of registration and the name of the treasurer. Certificates of indebtedness or bonds shall be registered in the numerical order in which they are issued and, after registration, shall be given to the encumbrance clerk. No certificate of indebtedness or bond shall be a valid charge until registration by the treasurer. A board of education may contract for and pay a registrar or transfer agent to transfer ownership or change of payee of any certificate of indebtedness or bond issued by the school district and to maintain relevant books and records. The treasurer shall record payment of certificates of indebtedness or bonds and mark "paid" on the face of paid certificates of indebtedness or bonds.

Added by Laws 2004, c. 361, § 24, eff. July 1, 2004.

§70-5-182. Issuance, approval, etc. of check, warrant or certificate in excess of approved estimate of expenses.

It shall be unlawful for any school district officer to issue, approve, sign, or attest any check, warrant or certificate of indebtedness in any form in excess of the estimate of expenses made and approved for the current fiscal year or authorized for such a purpose by a bond issue and any such check, warrant or certificate of indebtedness issued, approved, or authorized by a bond issue shall not be a charge against the school district upon which it is issued, but may be collected by civil action from any officer issuing, drawing, approving, signing, or attesting the same, or from either or all of them, or from their bondsmen.

Added by Laws 2004, c. 361, § 25, eff. July 1, 2004.

§70-5-183. Issuance, approval, etc. of check, warrant or certificate in excess of approved estimate of expenses - Violation - Penalties.

Any treasurer who shall willfully or knowingly register or pay a warrant, check or certificate of indebtedness, issued in excess of the estimate made and approved by the excise board for the current fiscal year or in excess of a bond issue for such purpose, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail not exceeding one (1) year or by both the fine and imprisonment.

Added by Laws 2004, c. 361, § 26, eff. July 1, 2004.

§70-5-184. Authorization, acknowledgement, etc. by school district officer of issuance, approval, etc. of check, warrant or certificate in excess of approved estimate of expenses - Violation - Penalties.

Any school district officer willfully or knowingly contracting, incurring, acknowledging, authorizing, allowing, or approving any indebtedness or any officer issuing, drawing, or attesting any check, warrant or certificate of indebtedness in excess of the estimate made and approved by the excise board for such purpose for the current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not to exceed one (1) year or by both the fine and imprisonment, and shall forfeit and be removed from office pursuant to state law.

Added by Laws 2004, c. 361, § 27, eff. July 1, 2004.

§70-5-185. When check or warrant due - Enforcement of liability.

Without regard to the time when funds may be collected and are available to pay a check or warrant issued by a school district, any school district check or warrant shall be due one (1) year after the close of the fiscal year for which the check or warrant was issued

and action may be commenced in any court of competent jurisdiction to enforce the liability evidenced by the check or warrant. Any action to enforce the liability evidenced by the check or warrant shall thereafter be barred, and the lapse of time need not be asserted as defense in any action for the school district to be relieved of liability.

Added by Laws 2004, c. 361, § 28, eff. July 1, 2004.

§70-5-186. Issuance of check, warrant or certificate of indebtedness in payment of claim in excess of amounts unexpended and unencumbered - Signature of board president and clerk.

It shall be unlawful for the governing board of education to issue any check, warrant or certificate of indebtedness, in any form, in payment of, or representing or acknowledging any account, claim, or indebtedness against the school district, or to make any contracts for, or incur any indebtedness against the school district in excess of the amount then unexpended and unencumbered of the sum appropriated for the specific item of estimated needs for such purpose theretofore made, submitted, and approved, or authorized for such purpose by a bond issue. The signature of the board president and clerk shall be notification to the public that the check or warrant is for the purpose and within the amount of the appropriation charged.

Added by Laws 2004, c. 361, § 29, eff. July 1, 2004.

§70-5-187. Unencumbered balances - Date for submission of all claims - Notice.

All unencumbered balances, if any, as shown by the officer charged with keeping the appropriation and expenditure records of the school district on hand at the close of day June 30, may remain as a credit for said fiscal year up to the close of day September 30. If a date earlier than September 30 is established, the encumbrance clerk shall publish, on the district's web site for two consecutive times if also published in a daily newspaper and once if published in a weekly newspaper of general circulation in the school district, notice of the date set by the board of education for the submission of all claims against unencumbered balances of the prior fiscal year in the following form:

PUBLIC NOTICE

All having a claim against the ____ Public School District are notified that all invoices and required documentation pertaining to an approved purchase order for services rendered or goods or materials delivered pursuant to that purchase order must be recorded with the encumbrance clerk of the district on or before the ____ day of ____, 20__, covering all debts now unpaid and incurred during the period of the prior fiscal year beginning on July 1, 20__, and ending

on June 30 20____, or the claim upon which the invoice or purchase order is based shall be void and forever barred.

District Encumbrance Clerk

This section shall not permit the incurring of new indebtedness chargeable to the appropriation account of the immediately preceding fiscal year.

Added by Laws 2004, c. 361, § 30, eff. July 1, 2004.

§70-5-188. Supplemental appropriation of unencumbered balance - Underestimations - Reapportionment to appropriation accounts.

Provided all fund balances reserved for unencumbered balance of appropriations for the prior fiscal year on hand at the close of day set by the board of education in the current fiscal year, but in no event later than September 30, may be appropriated by supplemental appropriation to current expense purposes in the current fiscal year in the manner now provided by law. In the event of the recording of an estimated encumbrance or in the event of an increase in the cost of supplies, equipment, material, or services, these underestimations may be provided for during the time period set by the board by the cancellation of appropriations made by the county excise board prior to June 30, subject to the approval of both the governing board and the officer in charge of the department or appropriation account only in instances as set forth and only in amounts sufficient to pay the increased encumbrances, and by reapportionment to the appropriation accounts in which an underestimated encumbrance was made, all in the manner as now provided by law for the making of supplemental appropriations.

Added by Laws 2004, c. 361, § 31, eff. July 1, 2004.

§70-5-189. Second or duplicate check or warrant - Stop payment or affidavit.

A school district may issue a second or duplicate check or warrant in lieu of any check or warrant that has been issued and subsequently lost or destroyed. No second or duplicate check or warrant shall be issued until the school district has stopped payment on said item by the payor bank or, in the alternative, until an affidavit setting forth the facts as to the loss or destruction of the original check or warrant has been received by the school district from the payee, which affidavit may be received by facsimile transmission. The district board of each school district shall establish policies and procedures as will, as nearly as possible, preclude any loss being sustained by the school district on account of the issuance of any second or duplicate check or warrant.

Added by Laws 2004, c. 361, § 32, eff. July 1, 2004.

§70-5-190. School district treasurer, encumbrance clerk - Training - Continuing education.

A. Before July 1, 2007, every school district treasurer shall complete at least twelve (12) hours of instruction on school finance laws of this state, accounting, ethics, and the duties and responsibilities of a school district treasurer.

B. Before July 1, 2007, every school district encumbrance clerk shall complete at least twelve (12) hours of instruction on school finance laws of this state, accounting, ethics, and the duties and responsibilities of a school district encumbrance clerk.

C. Except as otherwise provided for, every school district treasurer and encumbrance clerk employed after July 1, 2007, shall be required, within nine (9) months after employment in the position by a school district, to complete the instruction required pursuant to subsections A and B of this section. Any instruction as described in subsections A and B of this section completed by the school district treasurer or encumbrance clerk within three (3) years prior to employment in the position by the school district shall count toward satisfying the requirements of this subsection.

D. Every school district treasurer and encumbrance clerk shall be required to complete a minimum of twelve (12) hours of continuing education every three (3) years, in addition to the requirements of subsections A and B of this section.

E. The requirements of this section shall not apply to any county treasurer who also acts as a school district treasurer; however, nothing herein shall prevent a county treasurer from attending such training or continuing education.

Added by Laws 2005, c. 472, § 1, eff. July 1, 2005. Amended by Laws 2011, c. 231, § 1, eff. Nov. 1, 2011; Laws 2016, c. 24, § 1, emerg. eff. April 11, 2016.

§70-5-200. Contracting with an educational management organization - Disclosure of financial details - Binding contracts with teachers and board of education.

A. As used in this section, "educational management organization" means a for-profit or nonprofit organization that receives public funds to provide administration and management services for a charter school, statewide virtual charter school or traditional public school.

B. A charter school that contracts with an educational management organization shall use the Oklahoma Cost Accounting System (OCAS) to report the total amount paid to an educational management organization as well as itemized expenditure information for the goods or services provided by the management organization as defined by OCAS expenditure codes, including the total compensation package of the superintendent including the base salary, insurance, retirement and other fringe benefits.

C. Any owner of an educational management organization shall be required to disclose to the governing board of the school in a public meeting any ownership position in any business that contracts or proposes to contract with the same public school that the educational management organization is managing.

D. Whenever any person shall enter into a contract with any school district or public charter school in the state to teach in such school district or public charter school the contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from the teaching position or released by the board of education from the contract. Except as provided in Section 5-106A of Title 70 of the Oklahoma Statutes, until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by the original contract. If upon written complaint by the board of education in a district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education, including a public charter school board of education, without having been released from the former contract except as provided in Section 5-106A of Title 70 of the Oklahoma Statutes, the teacher, upon being found to be employed full-time for another public school, including a public charter school in the state, at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which the contract was made.
Added by Laws 2019, c. 272, § 2, emerg. eff. May 2, 2019.

§70-6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-6-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-1a. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-6-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-14. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-15. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-17. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-18. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-19. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-20. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-21. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-22. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-6-23. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-24. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-6-101. Teachers - Contract.

A. Except as provided in subsection E of this section, no person shall be permitted to teach in any school district of the state without a written contract, except as provided herein for substitute teachers and except teachers of classes in adult education. Except as provided in subsection J of this section, the board of education of each school district, wherein school is expected to be conducted for the ensuing year, shall employ and contract in writing with qualified teachers for and in the name of the district. One copy of the contract shall be filed with the clerk of the board of education and one copy shall be retained by the teacher.

B. Except as otherwise provided by subsections J and K of this section and any other law, no board of education shall have authority to enter into any written contract with a teacher who does not hold a valid certificate issued or recognized by the State Board of Education authorizing said teacher to teach the grades or subject matter for which the teacher is employed. Any board of education paying or authorizing the payment of the salary of any teacher not holding a certificate, as required herein, shall be adjudged to be guilty of a fraudulent expenditure of public funds and members voting for such payment shall be held jointly responsible for the return of the amount of any public monies thus expended, upon suit brought by the district attorney or by any interested citizen in the district where such funds have been expended.

C. It shall be the duty of the superintendent of schools under whose supervision teachers have been contracted to teach to certify to the treasurer of the contracting district the names of the teachers holding valid certificates and student teachers with whom contracts have been made and the names of substitute teachers employed in accordance with law. The treasurer shall not register any warrant issued in payment of salary to any teacher whose name is not included in such list and shall be liable on the official bond for the treasurer for the amount of any warrant registered in violation of the provisions of this section.

D. Whenever any person shall enter into a contract with any school district in Oklahoma to teach in such school district the contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from the teaching position or released by the board of education from the contract. Except as provided in Section 5-106A of this title, until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by the original contract. If upon written complaint by the board of education in a

district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education without having been released from the former contract except as provided in Section 5-106A of this title, the teacher, upon being found guilty of such charge at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which the contract was made.

E. A board of education shall have authority to enter into written contracts with teachers for the ensuing fiscal year prior to the beginning of such year. If, prior to the first Monday in June, a board of education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to reemploy the teacher for the ensuing fiscal year, and if, by fifteen (15) days after the first Monday in June, such teacher has not notified the board of education in writing by registered or certified mail that such teacher does not desire to be reemployed in such school district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and on the same salary schedule used for other teachers in the school district for the ensuing fiscal year, and such employment and continuing contract shall be binding on the teacher and on the school district.

F. Whenever a school district is engaged in contract negotiations with teachers employed by that school district after the school year has begun and the teachers are employed on a continuing contract basis, the school district shall, beginning at the first of the school year, pay the teachers any state-mandated salary increases and salary schedule increases to which each teacher is otherwise entitled.

G. No school district or any member of the board of education of a district shall be liable for the payment of compensation to a teacher or administrator under the provisions of any contract for the ensuing year, if it becomes necessary to close the school because of insufficient attendance, disorganization, annexation, consolidation, or by dispensing with the school according to law, provided, such cause is known or action is taken prior to July 1 of such ensuing year.

H. No school district or any member of a board of education shall be liable for the payment of compensation to any teacher or administrator for the unexpired term of any contract if the school building to which the teacher or administrator has been assigned is destroyed by accident, storm, fire, or otherwise and it becomes necessary to close the school because of inability to secure a suitable building or buildings for continuation of school. Teachers and administrators shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order

for such closing has been issued by a health officer authorized by law to issue the order.

I. A teacher may contract with more than one school district for the same school year as provided in Section 5-106A of this title.

J. A board of education shall have authority to enter into written contracts for the ensuing fiscal year prior to the beginning of the year with persons who are not certified to teach by the State Board of Education as long as the person is actively in the process of securing certification. The person shall not be allowed to teach in a classroom until the person has met or completed all of the requirements for certification as provided for in Section 6-190 of this title. If the person has not obtained valid certification by the first day of the ensuing school year, the contract shall be terminated.

K. A board of education of a school district shall have the authority to enter into written contracts for employment for the ensuing fiscal year with persons who are student teachers as defined in Section 1-116 of this title while such persons are still student teachers. A student teacher shall not be allowed to teach in a classroom during the ensuing fiscal year until meeting or completing all of the requirements for certification as provided for in Section 6-190 of this title. If the student teacher has not obtained valid certification by the first day of the ensuing school year, the contract shall be terminated. A board of education of a school district shall have the authority to commit to payment of a stipend or signing bonus to a student teacher as defined in Section 1-116 of this title while that person is still a student teacher, if that person has entered into a written contract for employment for the ensuing fiscal year. A board of education shall make any such student teacher stipend or signing bonus conditional on such person fulfilling the first year of their contract for the ensuing fiscal year. Any stipend or signing bonus paid under the terms of this subsection shall not be considered compensation for purposes of teacher retirement or the minimum salary schedule.

Added by Laws 1971, c. 281, § 6-101, eff. July 2, 1971. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 67, operative July 1, 1990; Laws 1991, c. 3, § 5, eff. July 1, 1991; Laws 1993, c. 239, § 28, eff. July 1, 1993; Laws 2001, c. 242, § 4, eff. July 1, 2001; Laws 2003, c. 455, § 3, eff. July 1, 2003; Laws 2005, c. 185, § 1, emerg. eff. May 17, 2005; Laws 2009, c. 270, § 1, eff. Nov. 1, 2009; Laws 2014, c. 124, § 4, eff. July 1, 2014; Laws 2016, c. 323, § 1, eff. July 1, 2016.

§70-6-101.1. Annuity contracts, custodial accounts or face amount investment annuity certificates - Teachers or employees.

A. A part of the salary, not to exceed the limitations on deferrals provided in Section 403(b) of the Internal Revenue Code of

1986, as amended, payable to a teacher or employee by a school district may, at the election of such teacher or employee, be deferred for the investment in an annuity contract from any insurance company authorized to do business in Oklahoma or by the investment in shares of regulated investment companies to be held in a custodial account as authorized by Section 403(b)(7) of the Internal Revenue Code of 1986, as amended, or by the investment in a face amount investment annuity certificate issued by a company authorized to do business in Oklahoma by the district for the teacher or employee, provided that such teacher or employee is eligible to defer a portion of their salary under the terms of the school district's 403(b) plan; and the teacher or employee shall be entitled to have such annuity contract, custodial account or face amount investment annuity certificate continued in force in succeeding years by such school district or any other school district subsequently employing the teacher. Provided, that such amounts contributed or paid by a school district must be made to vendors approved by such school district as eligible to receive the elective deferrals. Provided further, that a school district may revoke a previously approved vendor's eligibility to receive elective deferrals, thereby prohibiting future contributions or payments to such vendor until it regains its eligibility through subsequent approval from such school district. The amounts so contributed or paid by the school district for the annuity contract, custodial account or face amount investment annuity certificate, or to continue it in force, shall be considered as payment of salary, for the same amounts, to the teacher or employee for State Aid purposes, Teachers' Retirement System purposes, or Social Security purposes, but not for state income tax purposes. Provided that the amount received under such annuity contracts, custodial accounts or face amount investment annuity certificates shall be income subject to state income tax when actually received, unless otherwise exempt from income tax.

B. The provisions of subsection A of this section shall also apply to employees of institutions, agencies and boards comprising The Oklahoma State System of Higher Education who are eligible to defer a portion of their salary under the terms of such institution, agency or board's 403(b) plan. Such institutions, agencies and boards may purchase annuity contracts, custodial accounts or face amount investment annuity certificates from vendors approved by such institution, agency or board as eligible to receive such contributions or payments, provided that such vendor is:

1. An insurance company authorized to do business in Oklahoma;
2. A life insurance or annuity company organized and operated, without profit to any private shareholder or individual, exclusively for the purpose of aiding and strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit

of such institutions and individuals engaged in the services of such institutions; or

3. A broker dealer licensed to sell shares of regulated investment companies to be held in custodial accounts as authorized by Section 403(b)(7) of the Internal Revenue Code of 1986, as amended.

Provided further, that an institution, agency or board may revoke a previously approved vendor's eligibility to receive elective deferrals, thereby prohibiting future contributions or payments to such vendor until it regains its eligibility through subsequent approval from such institution, agency or board.

Added by Laws 1971, c. 281, § 6-102, eff. July 2, 1971. Amended by Laws 1972, c. 64, § 1, emerg. eff. March 28, 1972; Laws 1972, c. 205, § 1, emerg. eff. April 7, 1972; Laws 1987, c. 62, § 1, emerg. eff. May 4, 1987. Renumbered from Title 70, § 6-102 by Laws 1989, 1st Ex.Sess. c. 2, § 116, operative July 1, 1990. Amended by Laws 2008, c. 327, § 1, eff. July 1, 2008.

§70-6-101.2. Consultant services - Contracts with retired administrators - Contract requirements.

A. No local board of education or administration of a school district or State Board of Education shall enter into a contract for consultant services with any person who has retired as an administrator with any school district for two (2) years after the retirement date of such administrator. Nothing in this section shall prohibit a board of education from employing as a substitute teacher, a person who has retired as an administrator or teacher with a school district within two (2) years after the retirement date of the person.

B. In order for a local board of education, administration of a school district or the State Board of Education to enter into a contract with a person for consultant services as authorized by subsection A of this section, the contract shall contain:

1. A specific list of duties to be performed by the person or by any business entity, regardless of form, from which the person who actually performs the services is authorized to derive any economic benefit, whether direct or indirect;

2. A stated purpose for the contract and the specifically identified need for the services to be performed;

3. An estimate of the duration of the contract, including anticipated periods during which the contract may be renewed;

4. A requirement that the person or business entity performing the consultant service provide the office space, supplies, personnel and other items of expense required in order to perform the contract;

5. A requirement that the person or business entity performing the consultant service provide a written description of services

performed under the contract no less than one time each quarter of the year during which the contract is in effect; and

6. A specific identification of all persons who are authorized to perform obligations imposed pursuant to the contract upon behalf of the person or business entity providing consultant services.

C. No local board of education, administration of a school district or State Board of Education may enter into a contract with a natural person who will be employed for any period of time during which there is in force and effect a contract for consultant services to be performed by that person or by a business entity, regardless of form, from which the person employed is authorized to derive any economic benefit, whether direct or indirect. Nothing in this section shall prohibit a local board of education of a school district from contracting to pay for the attendance of school district employees at classes or workshops conducted by a company that employs one or more of the school district employees to conduct the classes or workshops.

Added by Laws 1988, c. 128, § 1, emerg. eff. April 12, 1988.

Renumbered from § 6-102.7 of this title by Laws 1989, 1st Ex. Sess., c. 2, § 116, operative July 1, 1990. Amended by Laws 1995, c. 295, § 1, eff. July 1, 1995; Laws 2000, c. 40, § 1, eff. July 1, 2000.

§70-6-101.3. Definitions.

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. is employed by a school district prior to the 2017-2018 school year and 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. is employed for the first time by a school district under a written continuing or temporary teaching contract during the 2017-2018 school year and thereafter:

(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 district evaluation

rating 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,

- (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 district evaluation rating of at least "effective" as measured pursuant to the TLE for the four-year period, and has received district evaluation 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. is employed by a school district prior to the 2017-2018 school year and has completed fewer than three (3) consecutive complete school years as a teacher in one school district under a written teaching contract, or
- b. is employed for the first time by a school district under a written teaching contract during the 2017-2018 school year and thereafter and 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;

8. "Teacher" means a person defined as a teacher in Section 1-116 of this title; and

9. "District evaluation rating" means the rating issued based on the components of the TLE as set forth in subsection B of Section 6-101.16 of this title.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 68, operative July 1, 1990. Amended by Laws 1991, c. 16, § 3, eff. July 1, 1991; Laws 2003, c. 434, § 8; Laws 2010, c. 291, § 8, eff. July 1, 2012; Laws 2011, c. 40, § 2; Laws 2013, c. 373, § 1; Laws 2014, c. 124, § 5, eff. July 1, 2014; Laws 2015, c. 365, § 1, eff. July 1, 2015; Laws 2016, c. 301, § 1, eff. July 1, 2016; Laws 2016, c. 360, § 2, eff. July 1, 2016.

NOTE: Laws 2011, c. 40, § 1 repealed by Laws 2012, c. 11, § 20, emerg. eff. April 4, 2012.

§70-6-101.4. Power and duties of district superintendent - Exercise of in elementary school districts.

The powers and duties set forth in Section 6-101 et seq. of Title 70 of the Oklahoma Statutes for the superintendent of a school district shall be exercised by the elementary superintendent in elementary school districts.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 69, operative July 1, 1990; Amended by Laws 1991, c. 16, § 4, eff. July 1, 1991.

§70-6-101.5. Rights created by this article subject to modification, amendment, termination and repeal.

Any rights created by Sections 6-101 et seq. of Title 70 of the Oklahoma Statutes are subject to modification, amendment, termination and repeal by the Legislature.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 70, operative July 1, 1990.

§70-6-101.6. Categories of employment contracts.

A. All contracts for employment of, or related employee information worksheets for, a teacher or administrator by a district board of education shall include the following categories in a clear and concise format:

1. Employee information including:

- a. employee's name,
- b. degree(s) employee holds,
- c. number of years of teaching credit for salary purposes, and
- d. step placement on salary schedule;

2. Salary information including:

- a. pay based on state minimum salary schedule,

- b. district salary supplement,
 - c. extra-duty or extracurricular salary amounts, itemized,
 - d. other salary,
 - e. total salary,
 - f. dollar amount of salary paid in cash, and
 - g. dollar amount of salary paid in fringe benefits, as defined and allowed by Section 18-114.14 of this title, with an itemized list of each benefit and amount paid toward it; and
3. Benefits information including:
- a. state-paid flexible benefit allowance amount,
 - b. district-paid retirement contributions (over any amount for retirement insurance paid as part of salary and excluding any amounts paid pursuant to Section 17-108.1 of this title),
 - c. district-paid health insurance (over any amount paid as part of salary),
 - d. other district-paid benefits, such as life, dental, disability, salary protection, vision, cancer, health supplemental insurance (over any amount paid as part of salary),
 - e. other benefits, with an itemized list of each benefit and dollar amount paid toward it (not including any benefits paid as part of salary), and
 - f. total district-paid benefits (not including any benefits paid as part of salary).

B. Beginning with the 2016-2017 school year, school districts shall annually provide to each teacher and administrator a copy of an employee information worksheet containing information for each teacher or administrator in the categories listed in subsection A of this section prior to the first payroll in November. School districts shall designate one or more persons to review the worksheet with any teacher or administrator upon request to answer any questions.

C. The State Department of Education shall require in its annual personnel report the amounts paid in each category set out in subparagraphs a through g of paragraph 2 and subparagraphs a through f of paragraph 3 of subsection A of this section, disaggregated by the categories of administrative personnel and certified teaching personnel.

Added by Laws 2003, c. 290, § 1. Amended by Laws 2016, c. 274, § 1; Laws 2016, c. 342, § 1.

§70-6-101.6a. Employment contracts - Status of applicant's children.

A. No contract for employment of, or related employee information worksheets for, a teacher, administrator or other school district personnel shall inquire of the applicant whether he or she

has children or where the applicant plans to enroll his or her children if hired.

B. Beginning with the 2013-2014 school year, a school district board of education and administrator shall be prohibited from taking into consideration or making a condition of employment the enrollment status of an applicant's children.

Added by Laws 2013, c. 9, § 1.

§70-6-101.6b. Prohibiting disciplinary action against teachers for reporting violations of law.

A. For purposes of this section, "teacher" means the term as defined in paragraph 1 of Section 1-116 of Title 70 of the Oklahoma Statutes.

B. No school district shall prohibit or take disciplinary action against teachers for:

1. Disclosing public information to correct what the teacher reasonably believes evidences a violation of the Oklahoma Constitution or law or a rule promulgated pursuant to law;

2. Reporting a violation of the Oklahoma Constitution or state or federal law; or

3. Taking any of the above actions without giving prior notice to the teacher's supervisor or anyone else in the teacher's chain of command.

C. For the purposes of this section, "reporting" means providing a spoken or written account to a supervising teacher, administrator, school board member, representative from the State Department of Education, law enforcement official, district attorney and/or parent or legal guardian of a student directly impacted by the actions.

D. Each school district shall prominently post or publish a copy of this section of law in locations where it can reasonably be expected to come to the attention of all teachers.

E. Nothing in this section shall be construed to allow a teacher to violate students' or parents' rights to confidentiality and protection under the Family Educational Rights and Privacy Act (FERPA).

Added by Laws 2017, c. 291, § 1, eff. Nov. 1, 2017.

§70-6-101.7. Repealed by Laws 2013, 1st Ex. Sess., c. 8, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 74, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-101.8.

§70-6-101.8. Restrictions on attorneys involved in due process hearings.

An attorney, representative, or other designee of the school district who has represented or represents a school district or the administration of a school district at a hearing held for the purpose of affording due process rights and requirements for an administrator as provided for in Section 6-101.13 of Title 70 of the Oklahoma Statutes, a teacher as provided for in Section 6-101.26 of Title 70 of the Oklahoma Statutes, or a support employee as provided for in Section 6-101.46 of Title 70 of the Oklahoma Statutes or who has been involved or participated in any prehearing actions of the school district with respect to a recommendation for the termination of employment or nonreemployment of an administrator, teacher, or support employee shall not:

1. Conduct or preside as the hearing officer or judge at a due process hearing or hearings; and

2. Attend, advise at, or in any way influence an executive session of the school district board of education that is held in conjunction with a due process hearing or hearings if the attorney, representative, or other designee of the school district conducted or presided over the due process hearing or hearings as the hearing officer or judge.

Added by Laws 2013, 1st Ex. Sess., c. 8, § 2, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-101.7, which was derived from Laws 2009, c. 228, § 74, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-101.10. Establishment of written policy of evaluation and corresponding professional development.

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 and corresponding professional development 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 the 2014-2015, 2015-2016 and 2016-2017 school years, the evaluation rating of teachers and administrators shall be based on the qualitative component of the TLE. For the 2016-2017 school year, the State Department of Education shall work with school districts to develop individualized programs of professional development as described in subsection B of this section. However, nothing in this subparagraph shall preclude a school district with an average daily attendance of more than thirty-five thousand (35,000) from continuing to use quantitative components which the district has incorporated at its own expense prior to the 2015-2016 school year into its evaluation system of teachers and administrators, as defined by the district's written policy,
- b. for evaluations of teachers and administrators conducted during the 2017-2018 school year, and each school year thereafter, school districts shall incorporate and put into operation the qualitative component of the TLE as provided for in subsection B of Section 6-101.16 of this title into the evaluations used in all school sites within the district. For the 2017-2018 school year, and each school year thereafter, teachers and administrators shall receive a district evaluation rating based on the components of the TLE as set forth in subsection B of Section 6-101.16 of this title. For the 2017-2018 school year, school districts shall incorporate the individualized programs of professional development as described in subsection B of this section on a pilot program basis, and
- c. for evaluations of teachers and administrators conducted during the 2018-2019 school year, and each school year thereafter, school districts shall fully incorporate and put into operation the individualized programs of professional development as described in subsection B of this section;

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 district evaluation rating of "superior" or "highly effective" under the TLE who may be evaluated once every three (3) 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, designee of the principal, supervisor, content expert, department chair, peer committee or other trained persons or groups of persons designated by the school district board of education.

B. 1. Every policy of professional development adopted by a school district board of education shall provide for the development of a focused and individualized program of professional development for the teacher or administrator that is consistent with the qualitative component of the TLE. The policy of professional development shall:

- a. establish an annual professional growth goal for the teacher or administrator that is developed by the teacher or administrator in collaboration with the evaluator,
- b. be tailored to address a specific area or criteria identified through the qualitative component of the TLE,
- c. allow the teacher or administrator to actively engage with learning practices that are evidence-based, researched practices that are correlated with increased student achievement, and
- d. be supported by resources that are easily available and supplied by the school district and the State Department of Education.

2. School districts shall monitor compliance with each individualized program of professional development implemented pursuant to this subsection. All professional development completed pursuant to an individualized program of professional development shall count toward the total number of points a teacher or administrator is required to complete as established by a school district board of education pursuant to Section 6-194 of this title. The implementation of the individualized program of professional development required by this subsection shall not be construed as increasing the professional development points requirements.

3. Individualized programs of professional development required by this subsection may include but are not limited to the following learning practices:

- a. presenter-led workshops,
- b. individual or faculty studies of books, scholarly articles and video productions,
- c. peer observations,
- d. committee studies to address student achievement issues,
- e. work related to a specific subject area or areas associated with obtaining an advanced degree or professional certification,
- f. action research projects designed to improve student achievement, and
- g. participation in local, regional or state initiatives associated with the development or implementation of curriculum standards.

C. 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.

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

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

F. The State Board of Education shall study continued implementation of the TLE to produce a system that promotes reflection and professional growth for teachers and leaders.

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

H. Data collected pursuant to this section shall not be subject to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act. Added by Laws 1977, c. 262, § 2, emerg. eff. June 17, 1977. Amended by Laws 1985, c. 329, § 16, emerg. eff. July 30, 1985; Laws 1986, c. 259, § 51, operative July 1, 1986; Laws 1987, c. 204, § 118, operative July 1, 1987; Laws 1989, 1st Ex. Sess., c. 2, § 71, operative July 1, 1990. Renumbered from § 6-102.2 of this title by Laws 1989, 1st Ex. Sess., c. 2, § 117, operative July 1, 1990. Amended by Laws 1991, c. 3, § 7, eff. July 1, 1991; Laws 1993, c. 239, § 29, eff. July 1, 1993; Laws 2010, c. 291, § 5, eff. July 1, 2010; Laws 2013, c. 10, § 1, eff. July 1, 2013; Laws 2013, c. 373, § 2; Laws 2014, c. 331, § 1, eff. July 1, 2014; Laws 2015, c. 365, § 2, eff. July 1, 2015; Laws 2016, c. 301, § 2, eff. July 1, 2016.

§70-6-101.11. Copy of evaluation to person evaluated - Disclosure at hearings - Confidentiality.

Whenever any evaluation is made of a teacher or administrator, a true copy of the evaluation shall be presented to the person evaluated, who shall acknowledge the written evaluation by signing the original. Within two (2) weeks after the evaluation, the person evaluated may respond and said response shall be made part of the record. Except by order of a court of competent jurisdiction, evaluation documents and the responses thereto shall be available only to the evaluated person, the board of education, the administrative staff making the evaluation, the board and administrative staff of any school to which such evaluated person applies for employment and such other persons as are specified by the teacher in writing and shall be subject to disclosure at any hearing involving a teacher or administrator's dismissal or nonrenewal from employment. Data collected pursuant to Section 6-101.10 shall be available to authorized representatives of the State Department of Education and its contracting designees who must be contractually bound to the Department to maintain confidentiality of all information received from the Department when such evaluation data is used by the Department for data collection/analysis purposes under the Oklahoma Teacher and Leader Effectiveness Evaluation System, and such other persons as are specified by the teacher in writing and shall be subject to disclosure at any hearing involving a teacher or administrator's dismissal or nonrenewal from employment.

Added by Laws 1977, c. 262, § 3, emerg. eff. June 17, 1977. Amended by Laws 1989, 1st Ex.Sess., c. 2, § 72, operative July 1, 1990. Renumbered from Title 70, § 6-102.3 by Laws 1989, 1st Ex.Sess, c. 2, § 117, operative July 1, 1990. Amended by Laws 2014, c. 331, § 2, eff. July 1, 2014.

§70-6-101.12. Repealed by Laws 1993, c. 155, § 4, eff. July 1, 1993.

§70-6-101.13. Full-time certified administrators - Dismissal or nonreemployment - Due process.

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 or her 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. Beginning with the 2017-2018 school year and thereafter, a principal who has received district evaluation 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.

Added by Laws 1985, c. 234, § 1, eff. Nov. 1, 1985. Amended by Laws 1986, c. 290, § 1, eff. Nov. 1, 1986. Renumbered from § 6-102.4 of this title by Laws 1989, 1st Ex. Sess., c. 2, § 118, operative July 1, 1990. Amended by Laws 2010, c. 291, § 9, eff. July 1, 2012; Laws 2013, c. 373, § 3; Laws 2015, c. 365, § 3, eff. July 1, 2015; Laws 2016, c. 301, § 3, eff. July 1, 2016.

§70-6-101.14. Administrators - Suspension.

Whenever the local board of education or the administration of a school district has reason to believe that cause exists for the dismissal of an administrator, and when they are of the opinion that the immediate suspension of an administrator would be in the best interests of the children in the district, the local board of education or the superintendent of the school district may suspend the administrator without notice or hearing. However, the suspension of the administrator shall not deprive the administrator of any compensation or other benefits to which he or she would otherwise be entitled under his or her contract or pursuant to law. Within ten (10) days' time after such suspension becomes effective, the local board of education shall initiate proceedings pursuant to Section 6-102.4 of this title to have the administrator dismissed. However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the administrator's case is finally adjudicated at a trial. Provided, however, such extension shall not include any appeal process.

Added by Laws 1986, c. 290, § 2, eff. Nov. 1, 1986. Renumbered from § 6-102.6 by Laws 1989, 1st Ex. Sess., c. 2, § 118, operative July 1, 1990. Amended by Laws 1995, c. 8, § 1, eff. July 1, 1995.

§70-6-101.15. Administrators - Conviction of felony - Criminal sexual activity or sexual misconduct.

A. An administrator shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such administrator 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.

B. An administrator 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.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 74, operative July 1, 1990. Amended by Laws 1998, c. 411, § 1, eff. July 1, 1998.

§70-6-101.16. Oklahoma Teacher and Leader Effectiveness Evaluation System.

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 incorporate the components of the TLE in all school districts by the 2017-2018 school year as provided for in Section 6-101.10 of this title.

B. The TLE shall include the following components:

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

2. A five-tier district evaluation rating system as follows:

- a. superior,
- b. highly effective,
- c. effective,
- d. needs improvement, and
- e. ineffective;

3. 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;

4. 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;

5. An individualized program of professional development for all teachers and administrators as adopted by the school district board of education as set forth in subsection B of Section 6-101.10 of this title;

6. For districts choosing to use, at their own expense, quantitative measures of teachers and leaders as part of the district evaluation rating, such measures shall include a minimum of one reliable, research-based measure as approved by the State Board of Education pursuant to subsection D of this section; and

7. For all district evaluations, student performance, including performance on the statewide criterion-referenced tests if available, shall be discussed with the teacher and may be one of the considerations for the teacher's district evaluation rating.

C. Career teachers receiving a district evaluation rating of "superior" or "highly effective" under the TLE may be evaluated once every three (3) years.

D. By December 1, 2015, the Teacher and Leader Effectiveness Commission shall recommend to the State Board of Education multiple reliable, research-based measures to provide a quantitative evaluation component for teachers. The State Board of Education shall approve and publish a list of approved measures by February 1, 2016.

E. A school district with an average daily attendance of more than thirty-five thousand (35,000) which has incorporated quantitative components of the TLE into its evaluation system of teachers and administrators prior to the 2015-2016 school year may continue using its evaluation system, as defined by the school 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. The State Department of Education shall provide to the Oklahoma State Regents for Higher Education and the Oklahoma Commission for 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. For purposes of this section, "leader" means a principal, assistant principal or any other school administrator who is responsible for supervising classroom teachers.

H. 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.

Added by Laws 2010, c. 291, § 6, eff. July 1, 2010. Amended by Laws 2011, c. 177, § 1, eff. July 1, 2011; Laws 2013, c. 10, § 2, eff. July 1, 2013; Laws 2013, c. 373, § 4; Laws 2014, c. 130, § 2, eff. Nov. 1, 2014; Laws 2015, c. 54, § 29, emerg. eff. April 10, 2015; Laws 2015, c. 365, § 4, eff. July 1, 2015; Laws 2016, c. 301, § 4, eff. July 1, 2016.

NOTE: Laws 2014, c. 331, § 3 repealed by Laws 2015, c. 54, § 30, emerg. eff. April 10, 2015.

§70-6-101.17. Repealed by Laws 2017, c. 3, § 5, eff. Nov. 1, 2017.

§70-6-101.20. Teacher Due Process Act of 1990 - Short title.

Sections 75 through 85 of this act shall be known and may be cited as the "Teacher Due Process Act of 1990".

Added by Laws 1989, 1st Ex.Sess., c. 2, § 75, operative July 1, 1990.

§70-6-101.21. Standards of performance and conduct for teachers.

A. The State Board of Education shall promulgate standards of performance and conduct for teachers. A copy of such standards, any amendments to such standards and any standards adopted by the board of education of the school district shall be provided by the board of education of each school district to each teacher on or before April 10 of each year.

B. The State Board of Education shall include the statutory grounds for dismissal and nonreemployment of career teachers within this standards document.

C. Standards which may be adopted by the board of education of a school district shall not conflict with state or federal law or standards promulgated by the State Board of Education.

D. In determining whether or not the professional performance of a teacher is adequate, the standards adopted by the State Board of Education shall be considered. Consideration may be given to any written standards of performance which have been adopted by any other education-oriented organization or agency. Professional performance or conduct of a teacher which is in compliance with standards adopted by the State Board of Education or the local board of education pursuant to Section 71 of this act shall not be considered in support of any dismissal or nonreemployment action against the teacher.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 76, operative July 1, 1990.

§70-6-101.22. Grounds for dismissal or nonreemployment.

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. During the 2017-2018 school year and thereafter:

1. A career teacher who has received a district evaluation rating of "ineffective" 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. However, the superintendent may recommend and the school district board of education may approve continued employment of the teacher; and

2. A career teacher who has received a district evaluation 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.

D. During the 2017-2018 school year and thereafter:

1. A probationary teacher who has received a district evaluation 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

2. A probationary teacher who has not attained career teacher status within a four-year period may 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 acts that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of Section 3-104 of this title.

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.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 77, operative July 1, 1990. Amended by Laws 1998, c. 411, § 2, eff. July 1, 1998; Laws 2006, c. 112, § 1, eff. July 1, 2006; Laws 2010, c. 291, § 10, eff. July 1, 2012; Laws 2013, c. 256, § 2, eff. July 1, 2013; Laws 2013, c. 373, § 5; Laws 2015, c. 365, § 5, eff. July 1, 2015; Laws 2016, c. 301, § 5, eff. July 1, 2016.

§70-6-101.23. Application of act - Exemptions.

A. The dismissal, suspension and nonreemployment provisions of the Teacher Due Process Act of 1990 shall not apply to:

1. Substitute teachers;
2. Adult education teachers; and
3. Teachers who are employed on temporary contracts.

B. The dismissal and suspension provisions of the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

C. The evaluation provisions in Sections 6-101.10 and 6-101.11 of this title and in the Teacher Due Process Act of 1990 shall apply to teachers who are employed on temporary contracts for a complete school year and to teachers who are employed in positions fully funded by federal or private categorical grants, except that such teachers shall be employed only for the duration of the temporary contract or the grant.

D. Teachers other than those specifically excepted in subsection A of this section who are employed on contracts shall be afforded all substantive and procedural rights set forth in the Teacher Due Process Act of 1990 including the dismissal, suspension, and nonreemployment provisions applicable to probationary or career teachers as defined in Section 6-101.3 of this title.

E. On and after the effective date of this act any teacher who has worked a complete school year under a temporary contract in a school district shall be granted a year of service credit toward career status in that district.

F. No teacher shall be hired on a temporary contract by a school district for more than four semesters or on multiple temporary contracts by a school district that together are for more than four semesters, except for a:

1. Teacher hired to replace a teacher who is on an approved leave of absence and who is expected to return to employment with the school district; or
2. Teacher who is a retired member of the Teachers' Retirement System of Oklahoma.

G. No teacher shall be offered a temporary contract with a school district without a full written disclosure at the time a position is offered by the administration of the school district which sets forth the terms and conditions of the temporary contract. In the event the school district fails to provide such written disclosure, the teacher shall be considered as employed on a continuing contract basis.

H. On and after the effective date of this act no teacher who is employed on a continuing contract basis by a school district shall be reemployed on a temporary contract in that school district.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 78, operative July 1, 1990. Amended by Laws 1999, c. 114, § 1, eff. July 1, 1999; Laws 2000, c. 357, § 1, eff. July 1, 2000; Laws 2009, c. 25, § 1, eff. July 1, 2009; Laws 2010, c. 34, § 1, eff. July 1, 2010; Laws 2013, c. 92, § 1, eff. July 1, 2013.

§70-6-101.24. Poor performance or conduct of teacher - Administrator's duties and responsibilities - Compliance with act required.

A. Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, when a teacher receives a rating as measured pursuant to the TLE as set forth in Section 6-101.16 of this title that may lead to a recommendation for the dismissal or nonreemployment of the teacher or when an administrator identifies poor performance or conduct that the administrator believes may lead to a recommendation for the dismissal or nonreemployment of the teacher, the administrator shall:

1. Admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and

2. Establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating on the evaluation or the nature and gravity of the performance or conduct.

B. If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator shall make a recommendation to the superintendent of the school district for the dismissal or nonreemployment of the teacher.

C. Whenever a member of the board of education, superintendent, or other administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or nonreemployment of a teacher within the district, the administrator who has responsibility for evaluation of the teacher shall be informed, and that administrator shall comply with the procedures set forth in this section. If the administrator fails or refuses to admonish the teacher within ten (10) days after being so informed by the board, superintendent, or other administrator, such board, superintendent or other administrator shall admonish the teacher pursuant to the provisions of this section.

D. Repeated negligence in performance of duty, willful neglect of duty, incompetency, instructional ineffectiveness or unsatisfactory teaching performance, for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless and until the provisions of this section have been complied with.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 79, operative July 1, 1990. Amended by Laws 1992, c. 34, § 1, eff. July 1, 1992; Laws 2010, c. 291, § 11, eff. July 1, 2012; Laws 2013, c. 373, § 6.

§70-6-101.25. Recommendation of dismissal or not to reemploy to be in writing - Basis or grounds.

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

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

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

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

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

C. Only school districts may request a copy of the recommendation from the State Board of Education, and only if a teacher is being considered for new employment or a teacher is currently employed by the requesting school district. The State Board of Education shall notify the teacher subject to the recommendation if such a request is made and provide the identity of the school district that made such request. The State Board of Education shall provide the requesting school district documents related to the recommendation as well as any supplementary information provided by the teacher subject to the recommendation,

and copies shall be contemporaneously forwarded to the teacher subject to the recommendation. Records provided to a requesting school district pursuant to this subsection shall be kept confidential.

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

E. If the State Board of Education or a school district that generated or received documents pursuant to subsection C of this section is served a subpoena requesting disclosure of the documents, the teacher subject to the recommendation shall immediately be notified and be provided the opportunity to object to the subpoena. Added by Laws 1989, 1st Ex.Sess., c. 2, § 80, operative July 1, 1990. Amended by Laws 2015, c. 366, § 1, eff. July 1, 2015.

§70-6-101.26. Mailing or delivery of recommendation to teacher - Teacher hearing.

A. Whenever a board of education receives a recommendation from the superintendent for the dismissal or nonreemployment of a teacher, the board or individual designated by the board shall mail a copy of the recommendation to the teacher by certified mail, restricted delivery, return receipt requested, by personal delivery to the teacher with a signed acknowledgement of receipt, or by delivery by a process server. By the same means, the board shall notify the teacher of the right to a hearing before the board and the date, time and place set by the board for the hearing, which shall be held within the school district not sooner than twenty (20) days or later than sixty (60) days after receipt of notice by the teacher, the date on the personal receipt by hand-delivery to the teacher, or the date of delivery by a process server. The notice shall specify the statutory grounds upon which the recommendation is based upon for a career teacher or shall specify the cause upon which the recommendation is based upon for a probationary teacher. The notice shall also specify the underlying facts supporting the recommendation. At the hearing, the teacher shall be entitled to all rights guaranteed under the circumstances by the United States Constitution and the Constitution of Oklahoma.

B. The teacher hearing shall be conducted by the district board according to procedures established by the State Board of Education.

C. Only after due consideration of the evidence and testimony presented at the hearing shall the district board decide whether to dismiss or nonreemploy the teacher. The vote of the board shall be made in an open meeting. The board shall also notify the teacher of the decision, including the basis for the decision, by certified mail, restricted delivery, return receipt requested, or substitute

process as provided by law. The decision of the board regarding a teacher shall be final and nonappealable. At the hearing the burden of proof shall be upon the superintendent or designee, and the standard of proof shall be by the preponderance of the evidence. The teacher shall receive any compensation or benefits to which the teacher is otherwise entitled until the decision of the board becomes final. If the hearing for a teacher is for nonreemployment, such compensation and benefits may be continued only until the end of the current contract of the teacher.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 81, operative July 1, 1990. Amended by Laws 2003, c. 434, § 9; Laws 2006, c. 112, § 2, eff. July 1, 2006; Laws 2010, c. 291, § 12, eff. July 1, 2012; Laws 2011, c. 40, § 4.

NOTE: Laws 2011, c. 40, § 3 repealed by Laws 2012, c. 11, § 21, emerg. eff. April 4, 2012.

§70-6-101.27. Repealed by Laws 2011, c. 40, §§ 6 and 7.

§70-6-101.28. Applicable procedure.

The applicable procedure in the event of a recommendation by the superintendent for the dismissal or nonreemployment of a teacher shall be that procedure provided by law on the date such dismissal or nonreemployment is recommended to the local board of education.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 83, operative July 1, 1990.

§70-6-101.29. Immediate suspension - Compensation and benefits - Hearing for dismissal.

Whenever the superintendent of a school district has reason to believe that cause exists for the dismissal of a teacher and is of the opinion that the immediate suspension of the teacher would be in the best interests of the children in the district, the superintendent or the local board of education upon receiving recommendation for suspension from the superintendent may suspend the teacher without notice or hearing. However, the suspension shall not deprive the teacher of any compensation or other benefits to which otherwise entitled. Within ten (10) days' time after the suspension becomes effective, the local board of education shall initiate a hearing for dismissal pursuant to law.

However, in a case involving a criminal charge or indictment, the suspension may extend until the case for the teacher is finally adjudicated at trial. The extension shall not include any appeal process.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 84, operative July 1, 1990. Amended by Laws 1992, c. 34, § 2, eff. July 1, 1992; Laws 2011, c. 40, § 5.

§70-6-101.30. Annexed or consolidated district to give teacher credit for years of service in annexed or consolidated district.

A. If a school district is annexed, either voluntarily or involuntarily, by another school district, the annexing district shall give teachers credit for all purposes for years of service performed in the annexed district as though said years of service were actually performed in the annexing district.

B. In the event school districts are consolidated, the consolidated school district shall give teachers credit for all purposes for years of service in the school districts which are consolidated as though said years of service were actually performed in the consolidated school district.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 85, operative July 1, 1990.

§70-6-101.31. Determining retention or reassignment of teachers and administrators.

Upon full implementation of the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as set forth in Section 6-101.10 of this title, the primary basis used in determining the retention or reassignment of affected teachers and administrators when a school district implements a reduction-in-force plan shall be the ratings of the teachers and administrators as measured pursuant to the TLE as set forth in Section 6-101.16 of this title.

Added by Laws 2010, c. 291, § 14, eff. July 1, 2012. Amended by Laws 2013, c. 373, § 7.

§70-6-101.32. Implementation of rules.

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

Added by Laws 2015, c. 365, § 6, eff. July 1, 2015.

§70-6-101.40. Suspension, demotion, termination or nonreemployment for cause of support employee.

A support employee who has been employed by a local board of education for more than one (1) year shall be subject to suspension, demotion, termination or nonreemployment only for cause, as designated by the policy of the local board of education, adopted as provided in Section 6-101.43 of this title. This section shall not be construed to prevent layoffs for lack of funds or work. For purposes of this act, "support employee" means a full-time employee of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employee who is employed a minimum of one hundred seventy-two (172) days and who provides those services, not performed by professional educators or certified

teachers, which are necessary for the efficient and satisfactory functioning of a school district and shall not include adult education instructors or adult coordinators employed by technology center school districts.

Added by Laws 1981, c. 122, § 1, eff. Jan. 1, 1982. Amended by Laws 1985, c. 143, § 3, eff. July 1, 1985. Renumbered from § 24-133 of this title by Laws 1989, 1st Ex. Sess., c. 2, § 119, operative July 1, 1990. Amended by Laws 1993, c. 215, § 2, emerg. eff. May 24, 1993; Laws 1993, c. 360, § 8, eff. July 1, 1993; Laws 2001, c. 33, § 79, eff. July 1, 2001; Laws 2014, c. 124, § 6, eff. July 1, 2014. NOTE: Laws 1993, c. 20, § 1 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§70-6-101.41. School support employees - Conviction of felony - Criminal sexual activity or sexual misconduct.

A. A school support employee as defined in Section 6-101.40 of this title shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such employee 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.

B. A school support employee 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.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 86, operative July 1, 1990. Amended by Laws 1998, c. 411, § 3, eff. July 1, 1998.

§70-6-101.42. Wage increase for 2018-19 school year.

A. For the 2018-19 school year, each school district shall provide to every support employee a wage increase over the base amount the employee earned during the 2017-18 school year if the support employee is employed by the same school district for the 2018-19 school year in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00). The dollar amount of salary increase authorized by this subsection shall be prorated based upon the number of total hours of work performed by a full-time-equivalent support employee.

B. The increase prescribed by this section shall be in addition to any other compensation and fringe benefits provided by the district, or mandated by law or collective bargaining agreement, unless the hours or duties of the support employee are reduced proportionately.

Added by Laws 2018, 2nd Ex. Sess., c. 15, § 1, eff. July 1, 2018.

§70-6-101.43. Adoption and publication of disciplinary policy for support personnel - Copies.

Each local board of education shall adopt a policy statement defining the causes and procedures for suspension, demotion, termination or nonreemployment of support personnel. Upon adoption of such policy, a copy thereof shall be furnished to each support employee.

Added by Laws 1981, c. 122, § 2, eff. Jan. 1, 1982. Renumbered from § 24-134 by Laws 1989, 1st Ex. Sess., c. 2, § 119, operative July 1, 1990. Amended by Laws 1993, c. 215, § 3, emerg. eff. May 24, 1993.

§70-6-101.44. Adoption of policy prerequisite to disciplinary action.

Beginning January 1, 1982, no suspension, demotion or termination of a support employee shall be effective or enforceable unless the local school board has adopted a policy as provided in Section 2 of this act.

Laws 1981, c. 122, § 3, eff. Jan. 1, 1982. Renumbered from § 24-135 by Laws 1989, 1st Ex.Sess, c. 2, § 119, operative July 1, 1990.

§70-6-101.45. Reasonable assurance of employment.

A. A school district, no later than ten (10) days after the effective date of the education appropriation bill or June 1, whichever is later, shall give reasonable assurance of employment in writing to any support employee that the school intends to employ for the subsequent school year.

B. This section shall not be construed to nullify the provisions of Sections 24-133 through 24-137 of this title or be construed to deprive any employee that the district is considering not employing for the subsequent year of any rights provided in such sections.

Added by Laws 1987, c. 101, § 1, emerg. eff. May 22, 1987. Amended by Laws 1989, c. 111, § 1. Renumbered from § 24-135.1 by Laws 1989, 1st Ex.Sess. c. 2, § 119, operative July 1, 1990.

§70-6-101.46. Procedure for disciplinary action.

A. After any suspension or prior to any demotion, termination or nonreemployment, a support employee shall receive notice of the right to a hearing. The hearing shall be conducted by the local board of education. All notices shall be by certified mail, with the postmark used to determine the timeliness of the notice. Failure of the

employee to request a hearing within ten (10) working days of such notice shall be considered a waiver of the employee's right to a hearing.

B. Nonreemployment shall mean nonrenewal of a support employee's contract upon expiration of the contract.

C. If an employee is to be suspended for a period to exceed ten (10) days, the superintendent of the district shall initiate proceedings for termination and shall follow the procedures set forth in subsection A of this section. However, in a case involving a criminal charge or indictment, the suspension may be delayed until the employee's case is adjudicated at the trial. Nothing in this act shall prevent the school board from proceeding against the employee during or after the suspension for termination as provided in this act.

Added by Laws 1981, c. 122, § 4, eff. Jan. 1, 1982. Renumbered from § 24-136 by Laws 1989, 1st Ex. Sess., c. 2, § 119, operative July 1, 1990. Amended by Laws 1993, c. 215, § 4, emerg. eff. May 24, 1993.

§70-6-101.47. Hearing.

If the employee selects a hearing before the local board of education, the hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting if the request for the hearing was received by the local board of education at least ten (10) days prior to the next, or next succeeding, regularly scheduled meeting. Provided, however, at the request of the employee or at the discretion of the local board of education, the local board shall call a special meeting to conduct the requested hearing, which shall be held no sooner than ten (10) days nor later than thirty (30) days after receipt of the employee's request. The decision of the local board of education at the hearing shall be final.

Laws 1981, c. 122, § 5, eff. Jan. 1, 1982. Renumbered from § 24-137 by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-6-101.48. Employees of business having contract with school - Conviction of sex offense or felony.

A. No person or business having a contract with a school or school district to perform work on a full-time or part-time basis that would otherwise be performed by school district employees shall allow any employee to work on school premises if the employee is convicted in this state, the United States or another state of any felony offense unless ten (10) years has elapsed since the date of the criminal conviction or the employee has received a presidential or gubernatorial pardon for the criminal offense.

B. Every person or business performing services not subject to subsection A of this section on the property of a school or school district shall at the time of contracting be required to sign a statement declaring that no employee working on school premises under

the authority of the business is currently registered or required to register under the provisions of the Oklahoma Sex Offenders Registration Act or the Mary Rippe Violent Crime Offenders Registration Act. Compliance with this statute shall be required of the person or private business, and there shall be no obligation placed upon a school district to ascertain the truthfulness of the affidavit.

C. A person or business having a written contract with a school or school district to perform work on a full-time or part-time basis that would otherwise be performed by school district employees may conduct a felony search of the employees of the person or entity who would be assigned that work through a request to the State Board of Education in the same manner as a felony search is afforded school districts by Section 5-142 of this title.

Added by Laws 1998, c. 411, § 4, eff. July 1, 1998. Amended by Laws 1999, c. 200, § 2, emerg. eff. May 24, 1999; Laws 2005, c. 205, § 2, eff. July 1, 2005; Laws 2008, c. 347, § 3, eff. Nov. 1, 2008; Laws 2009, c. 2, § 30, emerg. eff. March 12, 2009.

NOTE: Laws 2008, c. 162, § 4 repealed by Laws 2009, c. 2, § 31, emerg. eff. March 12, 2009.

§70-6-102. Renumbered as § 6-101.1 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 116, operative July 1, 1990.

§70-6-102.1. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-102.2. Renumbered as § 6-101.10 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 117, operative July 1, 1990.

§70-6-102.3. Renumbered as § 6-101.11 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 117, operative July 1, 1990.

§70-6-102.4. Renumbered as § 6-101.13 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 118, operative July 1, 1990.

§70-6-102.6. Renumbered as § 6-101.14 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 118, operative July 1, 1990.

§70-6-102.7. Renumbered as § 6-101.2 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 116, operative July 1, 1990.

§70-6-103. Repealed by Laws 1989, 1st Ex. Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.1. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.2. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.3. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.4. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.5. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.6. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.7. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.8. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.9. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.10. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.11. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.12. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.13. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.14. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-103.15. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-6-104. Sick leave - Emergency leave - Personal business leave - Medical benefits - Service as juror or witness.

A. 1. The board of education of each school district in the state shall provide for sick leave for all teachers employed in the

district and shall pay such teachers the full amount of their contract salaries during any absence from their regular school duties for a period of time and under such conditions as the board may determine, but not less than the minimum benefits hereafter specified. Payment for sick leave shall be made on the basis of the current salary rate then in effect for the teacher receiving the payment. The plan shall provide that a teacher may be absent from his or her duties due to personal accidental injury, illness or pregnancy, or accidental injury or illness in the immediate family without the loss of salary for not to exceed ten (10) days during each school year, except that said absence without loss of salary for teachers employed on an eleven-month contract shall not exceed eleven (11) days during each school year and for those teachers employed on a twelve-month contract shall not exceed twelve (12) days during each school year, if said contract is for the work period, and not merely for pay purposes. The right to such leave shall vest at the beginning of the school year. Each school district shall provide for all teachers a minimum of three (3) days for personal business leave, upon the request of the teacher. Salary deductions for such leave shall not exceed the salary level for substitute teachers. Provided further, that these terms for personal business leave shall not negate any locally negotiated leave policies which exceed the minimum benefits stated above. Each school district may provide not more than five (5) days each year for emergency leave. Each school district will determine the purposes for which emergency leave can be used. Those days shall not be chargeable to sick leave and will be noncumulative. Unused sick leave shall be cumulative up to a total of sixty (60) days, and cumulative sick leave shall be transferable to another school district or to the Oklahoma School for the Blind or the Oklahoma School for the Deaf where the teacher is employed the next succeeding school year, provided that the number of days transferred shall not exceed the maximum days permitted by the receiving school and that such transferred days shall be used first in case of illness and, provided further, that if the receiving school pays teachers for unused sick leave upon retirement or termination of contract, then said payments shall be for only those days accumulated in the receiving school. The school board of the sending district shall certify the exact number of days eligible for transfer.

2. If a teacher is employed at the Oklahoma School for the Blind or the Oklahoma School for the Deaf after July 1, 2017, any unused sick leave up to a total of sixty (60) days that is accumulated at a school district prior to such date shall be transferable.

B. The plan of each school district for sick leave benefits may include other terms and conditions, but shall not provide less sick leave benefits than those prescribed herein. Hospital and medical proceeds may not be charged against sick leave benefits, but the

proceeds received by the teacher from any insurance provided by the district for loss of compensable time may be charged against sick leave benefits. Provided the board of education may provide all or part of hospital and medical benefits, and sickness, accident, health and life insurance or any of the aforesaid for any or all of its employees. On authorization of the teacher, the district may approve payroll deductions for such teacher's portion of the aforesaid.

C. Each school district shall grant a teacher leave for jury service or as a witness subpoenaed in a criminal, civil or juvenile proceeding and shall pay the teacher during such service the full, current contract salary. Provided that the district may deduct any compensation received for serving as a juror or witness from the teacher's salary during such service.

D. A school district shall also provide for benefits for personnel other than teachers. Benefits for support personnel employees shall include provisions for paid sick leave of at least one (1) day per month of employment not to exceed the number of hours per day for which they are regularly employed cumulative to a total of sixty (60) days and cumulative sick leave shall be transferable to another school district where the person is employed the next succeeding school year; provided, that the number of days transferred shall not exceed the maximum days permitted by the receiving district and that such transferred days shall be used first in case of illness up to a maximum of ten (10) transferred days per school year unless the local board of education authorizes the use of additional transferred days during the school year in an amount set by the board and, provided further, that if the receiving district pays such person for unused sick leave upon retirement or termination of employment, then said payments shall be for only those days accumulated in the receiving district. The school board of the sending district shall certify the exact number of days eligible for transfer. Each school district shall provide for all support employees, a minimum of three (3) days for personal business leave, upon the request of the support employee. Salary deductions for personal business leave shall not exceed an amount necessary to cover the costs of services provided to the district by the support employee and shall not exceed the salary of the support employee. The terms for personal business leave provided by this subsection shall not negate any locally negotiated leave policies which exceed the minimum benefits stated above. Payment for such leave shall be calculated with regard to the definition of "support employee" provided by Section 6-101.40 of this title. Provided that such benefits shall not exceed those authorized for teachers hereunder. Added by Laws 1971, c. 281, § 6-104, eff. July 2, 1971. Amended by Laws 1972, c. 90, § 1; Laws 1975, c. 244, § 1, emerg. eff. June 2, 1975; Laws 1976, c. 286, § 1, operative July 1, 1976; Laws 1977, c. 240, § 1, emerg. eff. June 15, 1977; Laws 1980, c. 263, § 1; Laws

1982, c. 52, § 1; Laws 1985, c. 143, § 2, eff. July 1, 1985; Laws 1988, c. 104, § 1, eff. July 1, 1988; Laws 1991, c. 190, § 1, eff. July 1, 1991; Laws 2017, c. 21, § 1, eff. July 1, 2017.

§70-6-104.1. Exhaustion of sick and extended leave - Credit for leave without pay.

After exhausting sick leave and extended leave pursuant to Sections 6-104 and 6-104.5 of Title 70 of the Oklahoma Statutes, a full-time teacher who, with the proper approval of the district board of education, takes not more than ninety (90) school days of leave without pay to care for the teacher's child during the first year of the child's life, shall receive full credit for the days on leave without pay as though the teacher had been on leave with pay for purposes of computing experience for the minimum teacher salary schedule. A teacher on leave without pay pursuant to this section who pays the actuarial cost, as determined by the Board of Trustees of the Teachers' Retirement System, shall have the period during which such leave without pay is taken, counted toward retirement service credit as though the teacher had been on leave with pay. The teacher shall notify their employer and the System in writing within thirty (30) days from the date he or she returns to service that they will pay such actuarial cost. The teacher shall have up to twelve (12) months from the date he or she returns to service to pay such actuarial cost.

Added by Laws 1998, c. 402, § 1, eff. July 1, 1998.

§70-6-104.5. Exhausted sick leave - Unused sick leave upon termination.

A. If, after exhausting all sick leave, a teacher is absent from his or her duties due to personal accidental injury, illness or pregnancy, the teacher shall receive for a period of not to exceed twenty (20) days his or her full contract salary less the amount:

1. actually paid a certified substitute teacher for his or her position if a certified substitute teacher is hired; or
2. normally paid a certified substitute teacher for his or her position if a certified substitute teacher is not hired.

B. The district's plan may provide that the teacher is entitled to payment for accrued but unused sick leave upon termination of employment.

Amended by Laws 1985, c. 14, § 1, operative July 1, 1985.

§70-6-104.6. Leave sharing programs and banks.

A. The board of education of each school district may establish a leave sharing program for all district employees. The program shall permit district employees to donate sick leave to a fellow district employee who is pregnant or recovering from childbirth or who is suffering from or has a relative or household member suffering

from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate employment.

B. As used in this section:

1. "Relative of the employee" means a spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee;
2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;
3. "Severe" or "extraordinary" means serious, extreme or life-threatening including temporary disability resulting from pregnancy, miscarriage, childbirth and recovery therefrom; and
4. "District employee" means a teacher or any full-time employee of the school district.

C. A district employee may be eligible to receive shared leave pursuant to the following conditions:

1. The board of education determines that the employee meets the criteria described in this section; and
2. The employee has abided by district policies regarding the use of sick leave.

D. A district employee may donate annual leave to another district employee only pursuant to the following conditions:

1. The receiving employee has exhausted, or will exhaust, only sick leave earned pursuant to Section 6-104 of this title due to pregnancy, miscarriage, childbirth and recovery therefrom, an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, a relative of the employee or household member;
2. The condition has caused, or is likely to cause, the employee to go on leave without pay or to terminate employment;
3. The board of education of the district permits the leave to be shared with an eligible employee;
4. The amount of leave to be donated is within the limits set by the board of education of the district; and
5. District employees may not donate excess sick leave that the donor would not be able to otherwise take.

E. The board of education of each school district shall determine the amount of donated leave an employee may receive.

F. The board of education shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

G. Donated sick leave is transferable between employees of different school districts in the state with the agreement of both boards of education of each school district.

H. The receiving employee shall be paid the regular rate of pay of the employee. The sick leave received will be designated as shared sick leave and be maintained separately from all other sick leave balances.

I. Any donated sick leave may only be used by the recipient for the purposes specified in this section.

J. Only sick leave earned pursuant to Section 6-104 of this title available for use by the recipient must be used prior to using shared sick leave.

K. Any shared sick leave not used by the recipient during each occurrence as determined by the board of education shall be returned to the donor. The shared sick leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the annual leave balance of each donor.

L. All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

M. In addition to the sick leave sharing program provided for in this section, the board of education of each school district may establish a sick leave sharing bank for all district employees. A district employee may donate sick leave to a common fund which may be used by any district employee who is eligible to receive shared leave as set forth in subsection A of this section. The terms and conditions for donation and use of sick leave to a leave sharing bank shall be subject to the provisions of this section, unless negotiations, entered into pursuant to Section 509.1 et seq. of this title, between district employees and the school district establish terms and conditions for a sick leave sharing bank in excess of those provided for in this section.

Added by Laws 1993, c. 30, § 1, eff. July 1, 1993. Amended by Laws 1994, c. 3, § 1, emerg. eff. March 3, 1994; Laws 1995, c. 83, § 1, emerg. eff. April 12, 1995; Laws 1997, c. 160, § 1, eff. July 1, 1997.

§70-6-104.7. National disaster leave.

A. The board of education of each school district may grant leave with pay not to exceed fifteen (15) working days to a district employee who is affected by a presidentially declared national disaster in Oklahoma after May 1, 1999, if:

1. The employee suffered a physical injury as a result of the disaster;

2. A relative or household member of the employee suffered a physical injury or died as a result of the disaster; or

3. The domicile of the employee or the domicile of a relative of the employee was damaged or destroyed as a result of the disaster.

B. As used in this section:

1. "Relative of the employee" shall be limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee; and

2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

C. The authority to grant leave with pay pursuant to subsection A of this section shall extend for a period of not more than six (6) months after the date of a presidentially declared national disaster.

D. Annual leave, sick leave, or compensatory time which was charged to a school district employee as a result of the presidentially declared national disaster resulting from the May 3, 1999, tornadoes that would have otherwise been eligible for the leave provision in subsection A of this section, may be reinstated by the governing body. A school district employee entitled to leave with pay pursuant to this section who was charged leave without pay shall be compensated at the base rate of pay of the employee.

E. A district board of education may amend an existing leave sharing program or establish a leave sharing program to allow district employees to share sick or annual leave with district employees who are eligible for leave pursuant to subsection A of this section. The disaster-related leave sharing plan shall be subject to the following conditions:

1. An employee eligible for disaster-related leave may receive up to fifteen (15) days donated leave;

2. The donated leave must be used for disaster-related injuries or matters;

3. The eligible employee shall not be required to take or exhaust any of the employee's regular sick, personal, or emergency leave in order to receive donated leave;

4. Donated leave may be used to reinstate regular emergency, sick, or personal leave an employee used after May 1, 1999, for disaster-related injuries or matters;

5. An eligible employee who was required to take leave without pay for disaster-related injuries or matters may be compensated for up to fifteen (15) days if leave is donated to cover the leave without pay; and

6. The district may require documentation to support a request to use donated leave pursuant to this section.

Added by Laws 1999, c. 306, § 6, eff. July 1, 1999.

§70-6-105. Payment - Duration of employment - Leave of absence for military service - Contracts for training and employment of substitutes.

A. If, because of sickness or other reason, a teacher is temporarily unable to perform regular duties, a substitute teacher may be employed for the position for the time of the absence. A substitute teacher shall be paid in an amount and under such terms as may be agreed upon in advance by the substitute teacher and the board of education or according to regulations of the board. If a teacher is absent for reason of personal business the school district shall deduct from the salary of the teacher only the amount necessary to pay the substitute.

B. No substitute teacher shall be employed for a total period of time in excess of one hundred thirty-five (135) school days during a school year; or one hundred forty-five (145) school days during the school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree; or no limit of school days during the school year if the substitute teacher holds a valid certificate. Each school district shall adopt a policy which sets forth the maximum number of days a substitute teacher may be employed for the same assignment if the substitute teacher does not hold a valid certificate.

C. Substitute teachers who do not hold a valid certificate and who are employed to teach special education for students with physical disabilities or students with intellectual disabilities shall not be subject to the restrictions on total time a substitute teacher may be employed if no certified teachers are available to teach such students and the students would be denied instruction in special education if the substitute teacher were not employed. Beginning with the 2007-08 school year, any substitute teacher employed to teach special education for the same assignment for more than fifteen (15) consecutive or thirty (30) total school days during a school year who does not hold a valid certificate to teach special education shall be required to complete in-service training as prescribed by the State Board of Education. The training shall be provided at no cost to the substitute teacher. Availability of certified teachers shall be determined after the school has consulted the State Board of Education and any other resources for filling the vacant position with a certified teacher.

D. A school district may request a waiver of the restrictions on total time a substitute teacher may be employed from the State Board of Education for a substitute teacher who does not hold a valid certificate. The school district shall submit evidence on the availability of certified substitute teachers and the qualifications of the substitute teacher. The Board shall develop procedures for

the filing and processing of substitute teacher waivers pursuant to this subsection.

E. Payment of salary to a substitute shall have no effect on the amount of salary to which the absent regular teacher is entitled under the applicable leave plan.

F. Any substitute or cadet teacher employed in any school system on a monthly or annual basis shall hold a certificate and have a written contract in the manner and under the same conditions as for regular teachers.

G. Teachers who are members of the Reserve Forces of the Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed Forces of the United States, including members of the Air or Army National Guard, shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating and without loss of pay during the first thirty (30) days of such leave of absence.

H. School districts in this state may contract with outside providers for the training and employment of substitute teachers. The State Board of Education shall promulgate guidelines to assist school districts in the sanctioning and approval of an outside provider in accordance with this section.

Added by Laws 1971, c. 281, § 6-105, eff. July 2, 1971. Amended by Laws 1976, c. 286, § 3, operative July 1, 1976; Laws 1979, c. 154, § 1, emerg. eff. May 9, 1979; Laws 1987, c. 71, § 1, eff. Nov. 1, 1987; Laws 1991, c. 34, § 1, eff. July 1, 1991; Laws 1994, c. 205, § 1, eff. Sept. 1, 1994; Laws 1997, c. 45, § 1, eff. July 1, 1997; Laws 2000, c. 289, § 1, eff. July 1, 2000; Laws 2006, c. 278, § 2, eff. July 1, 2006; Laws 2010, c. 79, § 1, eff. Nov. 1, 2010; Laws 2012, c. 78, § 1, eff. Nov. 1, 2012; Laws 2019, c. 12, § 1, eff. Nov. 1, 2019; Laws 2019, c. 475, § 60, eff. Nov. 1, 2019.

§70-6-105A. Construction of agreements

Nothing in this act shall be construed to annul, modify or to preclude the renewal or continuation of any existing agreement heretofore entered into between any school district and any organizational representative of its employees.

Added by Laws 1976, c. 286, § 4, operative July 1, 1976.

§70-6-106. Salary - Twelve monthly payments.

Boards of education are hereby authorized to contract with and pay all teachers in their respective districts in twelve (12) monthly payments or fractional parts of the fiscal year, to be made on the basis of legal contracts between said board and teachers. Procedures for paying teachers shall be in accordance with any plan approved by the State Department of Education.

The aggregate amount of such salary payments in any fiscal year shall be as agreed upon by the board and the teacher. Under the terms of a contract for a ten-month school year as defined in Section 1-109 of this title and made in keeping with the provisions of this section, no duties shall be expected or required of the teacher in excess of one hundred ninety (190) days; provided, nothing herein shall be construed as prohibiting the making of contracts for school years of more than ten (10) months. Any district adopting this plan of payment may make it applicable to any or all teachers employed therein. Such plan shall be permissive rather than mandatory and may be discontinued at the close of any fiscal year.

All salaries paid in twelve (12) installments pursuant to the provisions of this section shall be for calendar months or fractional parts thereof.

Amended by Laws 1982, c. 287, § 44, operative July 1, 1982; Laws 1989, c. 335, § 18, eff. July 1, 1989.

§70-6-106.1. Distribution of Mentor Teacher Stipend funds.

If funds are appropriated to the State Board of Education for Mentor Teacher Stipends, the funds shall be distributed by the Board to the school districts to provide a stipend of not more than Five Hundred Dollars (\$500.00) for each mentor teacher as defined in Section 6-182 of this title. In addition to the distribution of the five-hundred-dollar stipend, each district shall also receive the district's contribution amount necessary to meet the Federal Insurance Contributions Act (F.I.C.A.) requirements.

Added by Laws 1995, c. 305, § 10, eff. July 1, 1995. Amended by Laws 2003, c. 415, § 29, eff. July 1, 2003.

§70-6-106.2. "Direct deposit system" and "employee" defined - Implementation and administration of direct deposit system.

A. As used in this section:

1. "Direct deposit system" means a method of electronically transferring a payroll claim for an employee to a financial institution; and

2. "Employee" means any certified or support employee as defined in Section 26-103 of Title 70 of the Oklahoma Statutes employed by any school district in this state.

B. A school district board of education may adopt a policy implementing a direct deposit system for employees of the school district.

C. No school district which chooses to implement a direct deposit system may charge any employee of that school district any fee or assessment as a result of the implementation and administration of a direct deposit system.

Added by Laws 2008, c. 186, § 2, eff. July 1, 2008.

§70-6-106.3. Support employee schedule of payments.

A school district board of education, including a technology center school district board of education, may contract with and pay all support employees, as defined in Section 6-101.40 of Title 70 of the Oklahoma Statutes, monthly, semimonthly or biweekly over ten (10), eleven (11) or twelve (12) calendar months or in twelve monthly payments which may be for calendar months or fractional parts thereof in the same manner as provided for the payment of teachers in Section 6-106 of Title 70 of the Oklahoma Statutes.

Added by Laws 2013, c. 45, § 2, eff. July 1, 2013.

§70-6-107. Employment of person not holding valid certificate of qualification - Violation - Criminal history record check.

A. Except for employment of a director of a public developmental research school as authorized in Section 1210.577 of this title and except as provided for in Section 6-101 of this title, it shall be unlawful for a member of the board of education of a school district to employ, approve or vote for the employment of any person to perform services for the district unless the person employed holds a valid certificate of qualification issued in accordance with the rules of the State Board of Education to perform the services the person is employed to perform.

B. The State Department of Education shall require each person offered a position within the agency that requires working directly with children to furnish fingerprints to be used for a state and national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

Added by Laws 1971, c. 281, § 6-107, eff. July 2, 1971. Amended by Laws 1993, c. 257, § 11, emerg. eff. May 26, 1993; Laws 2003, c. 204, § 9, eff. Nov. 1, 2003; Laws 2005, c. 185, § 2, emerg. eff. May 17, 2005.

§70-6-108. Certificate of qualifications - Unlawful to teach without.

Except for service as a director of a public developmental research school and service by a faculty member of a higher education institution affiliated with a public developmental research school as specifically authorized in this act and except as provided for in Section 6-101 of this title, it shall be unlawful for any person to serve, or to contract or agree to serve, as superintendent, elementary superintendent, principal, supervisor, librarian, school nurse, classroom teacher or other instructional, supervisory or administrative employee of a school district unless the person holds a valid certificate of qualification issued in accordance with the rules of the State Board of Education to perform the services the person performs or contracts or agrees to perform. The State Board

of Education shall provide for the certification of elementary superintendents.

Added by Laws 1971, c. 281, § 6-108, eff. July 2, 1971. Amended by Laws 1991, c. 16, § 5, eff. July 1, 1991; Laws 1993, c. 257, § 12, emerg. eff. May 26, 1993; Laws 2005, c. 185, § 3, emerg. eff. May 17, 2005.

§70-6-108.1. Expired license or certificate notice - Renewal applications.

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.

Added by Laws 2015, c. 315, § 1, eff. July 1, 2015.

§70-6-109. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-6-110. Agents of school authorities - Payment or acceptance of bribes.

It shall be unlawful and a misdemeanor for any officer or employee of the State Board of Education, a member of a board of education, or other person acting as an agent of the State Board of Education or any board of education, or of any school teacher, or of any person or organization, to pay or accept any fee, commission or remuneration of any kind or character in payment for services rendered in securing positions for teachers in any of the public schools of this state.
Laws 1971, c. 281, § 6-110, eff. July 2, 1971; Laws 1993, c. 239, § 30, eff. July 1, 1993.

§70-6-111. Gratuities or rewards - Unlawful to give.

It shall be unlawful and a misdemeanor for any person to give, or agree or offer to give, any gratuity or reward in consideration that he or any other person shall be employed as a teacher in any public school of this state.

Added by Laws 1971, c. 281, § 6-111, eff. July 2, 1971.

§70-6-112. Teachers - Gratuities or rewards in connection with employment.

It shall be unlawful and a misdemeanor for any person, directly or indirectly, to ask or receive, or promise to receive any gratuity or reward or promise of a gratuity or reward for employing another person as a teacher in any public school of this state or for procuring for another person employment as a teacher in any public school of this state.

Added by Laws 1971, c. 281, § 6-112, eff. July 2, 1971.

§70-6-113. Renumbered as § 650.7 of Title 21 by Laws 1995, c. 241, § 3, eff. July 1, 1995.

§70-6-113.1. Materials on effective classroom discipline techniques to be furnished.

The State Department of Education shall provide each local board of education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 38, emerg. eff. April 25, 1990.

§70-6-114. Renumbered as § 24-100.4 of this title by Laws 2002, c. 149, § 5, eff. Nov. 1, 2002.

§70-6-115. Information concerning student - Violation.

It shall be unlawful for any teacher to reveal any information concerning a student obtained by the teacher in their capacity as a teacher except as may be required in the performance of the contractual duties of the teacher or as otherwise required by law.

The information may be provided to the parent or guardian of the student upon request or as otherwise required by law. Any violation of this section shall upon conviction be considered a misdemeanor. Added by Laws 1971, c. 281, § 6-115, eff. July 2, 1971. Amended by Laws 2003, c. 430, § 3, eff. July 1, 2003.

§70-6-116. Repealed by Laws 1983, c. 147, § 1.

§70-6-117. Repealed by Laws 1983, c. 147, § 1.

§70-6-118. Repealed by Laws 1983, c. 147, § 1.

§70-6-119. Repealed by Laws 1983, c. 147, § 1.

§70-6-120. Repealed by Laws 1977, c. 262, § 20, emerg. eff. June 17, 1977.

§70-6-120.1. Repealed by Laws 1983, c. 147, § 1.

§70-6-121. Repealed by Laws 1983, c. 147, § 1.

§70-6-122. Repealed by Laws 1977, c. 262, § 20, emerg. eff. June 17, 1977.

§70-6-122.1. Repealed by Laws 1989, 1st Ex. Sess., c. 2, § 122, operative July 1, 1990.

§70-6-122.2. Blank.

§70-6-122.3. Alternative placement teaching certificate -
Alternative placement programs - Adjunct teachers.

A. The State Board of Education shall grant an alternative placement teaching certificate to a person who makes application to the Board and meets the following criteria:

1. a. holds at least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has attained a retention grade point average of not less than 2.50 on a 4.0 scale, or
- b. has successfully completed a terminal degree, such as a doctorate of philosophy, a doctorate in education, professional doctorates, a master of fine arts degree or a master of library science degree, from an institution accredited by a national or regional accrediting agency which is recognized by the Secretary of the United States Department of Education. The

- Oklahoma State Regents for Higher Education shall be consulted to verify other terminal degrees, or
- c. holds at least a baccalaureate degree from an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and has qualified work experience in a field that corresponds to an area of certification as determined by the State Board of Education, and
 - d. in addition to the requirements of subparagraphs a, b and c of this paragraph, has demonstrated competency or completed a major in a field that corresponds to an area of specialization for an Elementary-Secondary Certificate or a Secondary Certificate as determined by the State Board of Education or a vocational-technical certificate as recommended by the Oklahoma Department of Career and Technology Education;

2. Declares the intention to earn standard certification by means of an alternative placement program in not more than three (3) years. The State Board of Education shall determine the subject matter and the number of clock or semester hours required for the professional education component for each person making application for an alternative placement teaching certificate based on the criteria of paragraph 1 of this subsection.

The State Board of Education shall establish a core minimum of six (6) semester hours or ninety (90) clock hours and a maximum of eighteen (18) semester hours or two hundred seventy (270) clock hours for the professional education component.

The requirements set forth in this subsection shall exclude all student teaching requirements pursuant to the provisions of subsection E of this section;

3. Has passed the general education and subject area portions of the competency examination required in Section 6-187 of this title in the area of specialization for which certification is sought; and

4. Either presents a document from an accredited public school district in this state offering employment in the area of specialization for which certification is sought on condition that the person enroll in an alternative placement program approved by the State Board of Education or declares the intention to seek employment as a teacher at an accredited public school district in this state. The certificate granted pursuant to this subsection shall be considered a "valid certificate of qualification" for the purposes of Sections 6-107 and 6-108 of this title, and the holder of the certificate shall be considered an inductee for the purposes of Section 6-195 of this title.

B. An alternative placement teaching certificate shall be renewed for not more than a maximum of three (3) years upon presentation of a document from an accredited public school district

in this state offering renewed employment in the same area of specialization and a document from a teacher education institution verifying satisfactory progress in an appropriate alternative placement program.

C. Persons enrolled in an alternative placement program shall:

1. Have never been denied admittance to a teacher education program approved by the Oklahoma State Regents for Higher Education, the North Central Association of Colleges and Schools and by the Oklahoma Commission for Teacher Preparation to offer teacher education programs, nor have enrolled in and subsequently failed courses necessary to successfully meet the minimum requirements of the program, except those persons who hold a certificate;

2. Have on file with the director of teacher education at an Oklahoma institution of higher education a plan for meeting standard certification requirements within three (3) years; and

3. Participate in an induction program as required in Section 6-195 of this title and have the same duties and responsibilities as other inductees.

D. The State Board of Education may grant an exception to the requirements for certification and, upon demonstration by an individual of specific competency in the subject area of specialization, may grant a certificate to the individual. The State Board may establish other requirements necessary to grant exceptions.

E. Student teaching and a prestudent teaching field experience shall not be required of alternative placement program participants for standard certification.

F. The State Board of Education shall promulgate rules authorizing adjunct teachers who shall be persons with distinguished qualifications in their field. Adjunct teachers shall not be required to meet standard certification. Adjunct teachers shall be limited to two hundred seventy (270) clock hours of classroom teaching per semester.

G. Each teacher education institution shall provide the Oklahoma Commission for Teacher Preparation an annual report of information as specified by the Commission regarding participation in the alternative placement programs offered by the institution.

H. The Oklahoma Commission for Teacher Preparation shall not accredit, renew the accreditation of, or otherwise approve any teacher education program of any institution of higher education in this state that has not implemented alternative placement programs in at least four areas of specialization, including mathematics, science and a foreign language. Each institution shall allow individuals who meet the criteria of subsections A and C of this section to be:

1. Admitted to an alternative placement program without further qualification; and

2. Offered the opportunity to complete the requirements for standard certification set forth in subsection A of this section

during the summer preceding and the summer following the first year of teaching with an alternative placement teaching certificate. Any person seeking standard certification through an alternative placement program shall be permitted to take necessary courses during regular semesters if offered.

I. The criteria specified in subsection H of this section can be met through a cooperative arrangement entered into by two or more institutions of higher education.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 23, emerg. eff. April 25, 1990. Amended by Laws 1991, c. 67, § 1, emerg. eff. April 12, 1991; Laws 1992, c. 308, § 9, eff. June 1, 1992; Laws 1995, c. 177, § 1, eff. July 1, 1995; Laws 1999, c. 202, § 1, eff. July 1, 1999; Laws 2001, c. 425, § 1, emerg. eff. June 5, 2001; Laws 2009, c. 82, § 1, eff. Nov. 1, 2009; Laws 2010, c. 61, § 1, eff. July 1, 2010; Laws 2010, c. 183, § 1, eff. July 1, 2010; Laws 2012, c. 76, § 1, eff. Nov. 1, 2012; Laws 2014, c. 124, § 7, eff. July 1, 2014; Laws 2016, c. 272, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 31; Laws 2017, c. 63, § 1, eff. July 1, 2017; Laws 2018, c. 165, § 2, eff. Nov. 1, 2018.

NOTE: Laws 2016, c. 30, § 1 repealed by Laws 2017, c. 42, § 32.

§70-6-122.4. License for Teach for America Program participant - Exemption from residency program.

A. The State Board of Education shall issue a two-year, nonrenewable license to teach to any person who has been accepted into the Teach for America Program and 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 license which shall be effective until receipt of the national fingerprint-based criminal history record. The person applying for a license shall be responsible for the cost of the criminal history records.

B. Notwithstanding any other provision of law, the State Board of Education shall issue a certificate to teach to any individual who has:

1. Been issued a license pursuant to subsection A of this section;
2. Completed the coursework requirements established for participants of the Teach for America Program;
3. Successfully passed the assessment requirements established by Teach for America for participants of the Teach for America Program; and
4. Submitted an application and payment of the certification fee as prescribed by the Board.

Added by Laws 2008, c. 152, § 1, eff. Nov. 1, 2008. Amended by Laws 2009, c. 270, § 2, eff. Nov. 1, 2009.

§70-6-122.5. Alternative Placement teaching certificate - Troops to Teachers.

A. The State Board of Education shall grant an Alternative Placement teaching certificate to any person:

1. Who meets the eligibility requirements for the Troops to Teachers program operated by the United States Department of Defense and managed by the Defense Activity for Non-Traditional Education Support (DANTES); and

2. Who meets the requirements set forth in Section 6-122.3 of Title 70 of the Oklahoma Statutes.

B. The State Board of Education shall adopt rules to implement the provisions of this section.

Added by Laws 2009, c. 89, § 1.

§70-6-122.6. Temporary teaching certificate.

A. The State Board of Education shall issue a one-year, nonrenewable secondary or middle level certificate to teach to any person who has attained certification by an alternative teacher certification organization as set forth in subsection C of this section and 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.

B. Notwithstanding the provisions of Section 6-195 of this title, teachers issued a certificate pursuant to this section shall not be subject to the requirements of the residency program, but shall participate in the mentoring program provided by the alternative teacher certification organization as set forth in subsection C of this section. Upon successful completion of such mentoring program, the teacher shall be issued a certificate to teach by the State Board of Education after completion of the application and payment of the certification fee as prescribed by the State Board of Education.

C. For purposes of this section, the State Board of Education shall identify an alternative teacher certification organization that was founded with grant funding from the United States Department of Education and that developed the Passport to Teaching program, which is a certification program designed for professionals who want to change careers and become teachers. The program shall require

candidates to hold a bachelor's degree, pass a professional teaching knowledge exam, pass a subject area exam, and pass a background check. The organization shall provide candidates with access to workshops, an experienced teacher-advisor, and optional access to comprehensive subject matter refresher courses. The organization shall also provide an intensive mentoring and induction program.

D. The State Board of Education shall adopt rules to implement the provisions of this section.

Added by Laws 2009, c. 89, § 2. Amended by Laws 2014, c. 124, § 8, eff. July 1, 2014.

§70-6-122.7. Issuance of certificates to teach in the area of mild-moderate or severe-profound disabilities.

A. Notwithstanding any other provision of the law, the State Board of Education shall issue a one-year provisional certificate to teach in the area of mild-moderate or severe-profound disabilities to any qualified candidate who has:

1. Earned a bachelor's level college degree from an accredited institution of higher education;
2. Been recommended for a certificate by a school district board of education or an accredited institution of higher education;
3. Satisfactorily completed a one-hundred-fifty-clock-hour special education program prescribed by the Board; and
4. On file with the Board a national criminal history record check as required pursuant to Section 5-142 of this title. The individual applying for a provisional certificate shall be responsible for the cost of the national criminal history record check.

B. The one-year provisional certificate issued pursuant to this section may be renewed for two (2) additional periods of one-year each upon proof from an accredited institution of higher education that the individual has successfully completed at least six (6) credit hours of prescribed coursework during the previous year in a nontraditional route to certification program in either mild-moderate or severe-profound disabilities or toward a master's degree in special education.

C. Notwithstanding any other provision of law, the State Board of Education shall issue a standard certificate in the area of mild-moderate or severe-profound disabilities to any individual who has:

1. Been issued one or more provisional certificates pursuant to this section;
2. Successfully completed the prescribed coursework of a nontraditional route to certification program in either mild-moderate or severe-profound disabilities or a master's degree in special education from an accredited institution of higher education within three (3) years of issuance of the original provisional certificate

and any examinations required to obtain a standard certificate in mild-moderate or severe-profound disabilities;

3. Successfully completed the appropriate subject area competency examination as required pursuant to Section 6-187 of this title; and

4. Submitted an application and payment of the required certification fee.

D. Notwithstanding any other provision of law, an individual who holds a current provisional certificate pursuant to subsection A or B of this section or a current standard certificate pursuant to subsection C of this section may satisfy the highly qualified teacher requirement for early childhood education or elementary education by successful completion of the early childhood education or elementary education examinations.

E. To obtain standard certification in early childhood education or elementary education, an individual shall complete an appropriate teacher education program approved by the Oklahoma Commission for Teacher Preparation.

F. Nothing in this section shall change the requirements an individual is required to satisfy to be considered highly qualified in a secondary core academic area.

G. The State Board of Education shall adopt rules to implement the provisions of this section.

Added by Laws 2013, c. 336, § 1, eff. July 1, 2013. Amended by Laws 2014, c. 120, § 1, eff. July 1, 2014.

§70-6-122.8. Issuance of standard certificate to teach in the area of mild-moderate or severe-profound disabilities.

A. Notwithstanding any other provision of law, the State Board of Education shall issue a standard certificate in the area of mild-moderate or severe-profound disabilities to any individual who has:

1. Earned a bachelor's level college degree from an accredited institution of higher education;

2. Successfully completed the prescribed coursework that may be required for a master's degree in special education from an accredited institution of higher education and any examinations required to obtain a standard certificate in mild-moderate or severe-profound disabilities;

3. Successfully completed the appropriate subject area competency examination as required pursuant to Section 6-187 of this title;

4. On file with the State Board of Education a national criminal history record check as required pursuant to Section 5-142 of this title; and

5. Submitted an application and payment of the required certification fee.

B. Notwithstanding any other provision of law, an individual who holds a current standard certificate pursuant to subsection A of this section can satisfy the highly qualified teacher requirement for early childhood education or elementary education by successful completion of the early childhood education or elementary education examinations.

C. To obtain standard certification in early childhood education or elementary education, the individual shall complete an appropriate teacher education program approved by the Oklahoma Commission for Teacher Preparation.

Added by Laws 2013, c. 336, § 2, eff. July 1, 2013. Amended by Laws 2014, c. 120, § 2, eff. July 1, 2014.

§70-6-122.9. Issuance of standard certificate for individuals with alternative certification to teach in the area of mild-moderate or severe-profound disabilities.

A. Notwithstanding any other provision of law, the State Board of Education shall issue a standard certificate in the area of mild-moderate or severe-profound disabilities to any individual certified via an alternative certification route in early childhood education or elementary education who has:

1. Earned a bachelor's level college degree from an accredited institution of higher education;
2. Successfully completed the mild-moderate or severe-profound disabilities competency examinations; and
3. Submitted an application and payment of the required certification fee.

B. Notwithstanding any other provision of law and with the exception of paraprofessionals under the Career Development areas, the State Board of Education shall issue a standard certificate in the area of mild-moderate or severe-profound disabilities to any individual certified via an alternative certification route in a core academic area, which includes Mathematics, Science, English, Language Arts, History, Foreign Language, Music, Art, Elementary Education and Early Childhood Education, who has:

1. Earned a bachelor's level college degree from an accredited institution of higher education;
2. Successfully completed the mild-moderate or severe-profound disabilities competency examinations; and
3. Submitted an application and payment of the required certification fee.

Added by Laws 2014, c. 120, § 3, eff. July 1, 2014.

§70-6-123. Repealed by Laws 1991, c. 67, § 7, eff. July 1, 1991.

§70-6-123.1. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-124. Repealed by Laws 1991, c. 67, § 7, eff. July 1, 1991.

§70-6-124.1. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-125. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-126. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-127. Teacher's assistants - Employment - Criteria - Qualifications - Duties - Students to be included in meeting percentage requirement - Bilingual assistants not to qualify as.

A. Beginning with the 1990-91 school year, every school site shall employ a teacher's assistant or use a volunteer for each class in grades kindergarten through two which has a class size of more than twenty (20) students in average daily membership as of September 15 of each year and which is composed of students, at least twenty percent (20%) of whom meet the criteria specified in subsection B of this section; provided, this requirement shall not apply to classes that are not subject to class size limitations pursuant to subsection D of Section 18-113.1 of this title or to pull-out sections for Chapter 1 or to Special Education students. Assistants shall be required as of September 15 of each year. The State Board of Education shall establish regulations that prescribe the qualifications for and duties of teacher assistants in public schools. The State Board of Education shall also establish standards and regulations which provide for a determination of how and when each assistant may be used as an appropriate and necessary part of classroom instruction. In addition to any other duties which the Board may deem appropriate, teacher assistants may perform or assist a classroom teacher in the performance of hallroom duty, bus duty, playground duty, lunchroom duty, extracurricular activities involving school functions or any other noninstructional duty the Board may prescribe. Provided, nothing in this section shall construe teacher assistants to be defined as personnel as set out in Section 6-108 of this title or require teacher assistants to possess the certification required for teachers.

B. Any student who meets the criteria established by the State Board which are commensurate with established eligibility criteria for participation in the National School Lunch Act of 1946, 42 U.S.C. Section 1751 et seq. as amended, shall be included in the percentage necessary to meet the requirement of subsection A of this section for the entitlement to a teacher's assistant for such class.

C. For the purposes of this section, and for Sections 18-113.1 and 18-113.2 of this title, a federally funded bilingual assistant shall not qualify as a teacher's assistant. Amended by Laws 1982, c. 73, § 1; Laws 1988, c. 207, § 2, operative July 1, 1988; Laws 1989, 1st Ex.Sess., c. 2, § 31, emerg. eff. April 25, 1990.

§70-6-127A. Public school paraprofessionals.

A. The Oklahoma Legislature recognizes that public school paraprofessionals play an important role in educating school children and in assisting teachers. The Legislature further recognizes the increasing role of public school paraprofessionals in the school system in light of teacher shortages. To achieve the goal of excellence for all persons who have an impact on student learning, it is the intent of the Oklahoma Legislature that public school paraprofessionals be afforded career opportunities and economic incentives through a career development program.

B. The State Board of Education shall adopt a program for the career development of public school paraprofessionals. The purpose of the program is to provide to public school paraprofessionals a system of career development which is based upon education and training advancement to encourage excellence among public school paraprofessionals. Nothing in this section shall be construed to require public school paraprofessionals to participate in the career development program.

C. The board of education of a school district shall have authority to extend an existing contract with a public school paraprofessional that provides for the payment of compensation for paraprofessional services rendered for the same time period during which the paraprofessional is also assigned to the school district for practice teaching as a student teacher.

D. For the purposes of this section, a public school paraprofessional is an employee of a school district whose position is either instructional in nature, or who delivers other direct services to students and/or their parents. A public school paraprofessional serves in a position for which a teacher or another professional has the ultimate responsibility for the design, implementation, and evaluation of the individual educational programs or related services and student performance.

Added by Laws 1999, c. 295, § 1, eff. July 1, 1999. Amended by Laws 2017, c. 333, § 2, eff. July 1, 2017.

§70-6-128. Repealed by Laws 1999, c. 62, § 2, eff. July 1, 1999.

§70-6-129. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995; Laws 1993, c. 155, § 4, eff. July 1, 1993.

§70-6-129.1. Minority Teacher Recruitment Advisory Committee.

A. There is hereby re-created until July 1, 2010, in accordance with the Oklahoma Sunset Law, a Minority Teacher Recruitment Advisory Committee which shall have oversight over implementation of the Minority Teacher Recruitment Center and shall advise the operation of such Center. The Advisory Committee shall be composed of nineteen (19) members. The presence of ten Advisory Committee members or their designees shall constitute a quorum. Appointments shall be made by July 1 with members serving a term of two (2) years unless no longer eligible. The Advisory Committee members shall be appointed as follows:

1. The Speaker of the House of Representatives shall appoint:
 - a. two members from the Oklahoma House of Representatives,
 - b. two members from an institution of higher education in The Oklahoma State System of Higher Education. One appointee shall be from a comprehensive university. One appointee shall be from a two-year college,
 - c. one member who is a public school teacher who is a minority,
 - d. one member who is a superintendent or designee of a public school district, and
 - e. two members representing a community with a high minority population. One appointee shall be African-American. One appointee shall be Hispanic;
2. The President Pro Tempore of the Senate shall appoint:
 - a. two members from the Oklahoma State Senate,
 - b. two members from an institution of higher education in The Oklahoma State System of Higher Education with a teacher preparation program. One appointee shall be from a regional university,
 - c. one member who is a public school teacher who is a minority,
 - d. one member who is a principal of a public high school, and
 - e. two members representing a community with a high minority population. One appointee shall be American Indian. One appointee shall be Asian-American;
3. The State Superintendent of Public Instruction or a designee shall serve as a member of the Advisory Committee;
4. The Chancellor of Higher Education or a designee shall serve as a member of the Advisory Committee; and
5. The Executive Director of the Oklahoma Commission for Teacher Preparation or a designee shall serve as a member of the Advisory Committee.

B. Members of the Advisory Committee shall be reimbursed for attendance at the Advisory Committee meetings by the appointing agency pursuant to the State Travel Reimbursement Act or Section 456

of Title 74 of the Oklahoma Statutes. Members of the Advisory Committee shall designate from among the members a chairperson and vice-chairperson. Staff assistance shall be provided by the Minority Teacher Recruitment Center.

C. Persons who are members on the effective date of this act shall retain their membership until their terms are completed.

D. The Minority Teacher Recruitment Advisory Committee shall:

1. Make recommendations on the annual operating budget of the Minority Teacher Recruitment Center and verify that the funds allocated to the Center through the Oklahoma State Regents for Higher Education are utilized exclusively by the Center by function;

2. Advise the Oklahoma State Regents for Higher Education of unmet needs within the state in the implementation of the Center's activities;

3. Annually comment publicly on the progress of the Center;

4. Assist the Oklahoma State Regents for Higher Education in developing and reporting information about the Center when necessary;

5. Meet as often as necessary to conduct business; and

6. Keep official minutes of the Committee meetings which shall be made available to the public upon request.

E. As used in this section and Section 6-130 of this title, "minority" means a person who is a lawful resident of the State of Oklahoma and who is:

1. African-American, a person having origins in any of the black racial groups of Africa;

2. Hispanic, a person of Mexican, Puerto Rican, Cuban, Central or South American descent;

3. Asian-American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

4. American Indian and Alaskan Native, a person having origins in any of the original peoples of North America.

Added by Laws 1998, c. 139, § 1, eff. July 1, 1998. Amended by Laws 2004, c. 24, § 1.

§70-6-130. Minority Teacher Recruitment Center.

Recognizing the future significance and challenge of educating a growing and highly diverse student population in Oklahoma common schools and acknowledging the underrepresentation of minority teachers among the state's professional education staff, the Oklahoma State Regents for Higher Education shall have authority to establish the Minority Teacher Recruitment Center and staff and administer its work. Upon recommendations and advice from the Minority Teacher Recruitment Advisory Committee re-created pursuant to Section 1 of this act, the Oklahoma State Regents for Higher Education are hereby directed to work with the State Board of Education, the Oklahoma Commission for Teacher Preparation and other agencies, boards and

education organizations in the interests of recruiting, retaining and placing minority teachers in the public schools of the State of Oklahoma. Such efforts shall include, but not be limited to:

1. The provision and coordination of support services to teacher training programs in state institutions of higher education, including the funding of grants for campus-based recruitment, retention and placement programs that assist minority students who intend to become teachers;

2. The establishment and development of recruiting programs for potential minority teachers, including pre-collegiate curricular courses that emphasize school success and the opportunity to investigate teaching as a career choice, future teacher clubs and collegiate programs designed to recruit students making transitions from other careers and other areas of study;

3. The hosting of conferences dealing with issues that effect minority teacher recruitment, retention, and placement;

4. The creation of activities in the public and private schools of Oklahoma which enhance the image of the teaching profession; and

5. The creation and development of placement services providing assistance to both minority educators and school districts seeking to hire qualified minority teachers.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 52, emerg. eff. April 25, 1990. Amended by Laws 1992, c. 324, § 9, eff. July 1, 1992; Laws 1995, c. 322, § 27, eff. July 1, 1995; Laws 1997, c. 344, § 1, emerg. eff. June 9, 1997; Laws 1998, c. 139, § 2, eff. July 1, 1998.

NOTE: Laws 1998, c. 20, § 1 repealed by Laws 1998, c. 205, § 2 and Laws 1998, c. 412, § 7, eff. Sept. 1, 1998.

§70-6-131. Teacher recruitment programs.

Subject to the availability of funds, the State Department of Education and the Oklahoma State Regents for Higher Education, working in cooperation, shall:

1. Develop and implement programs to identify talented students and recruit those students and other persons into the teaching profession. Persons targeted for recruitment may include anyone eligible for lawful employment;

2. Develop and distribute materials that emphasize the importance of the teaching profession and inform individuals about state-funded loan forgiveness and tuition assistance programs;

3. Give priority to developing and implementing recruitment programs to address the areas of teacher shortage identified and the recommendations made in the educator supply-and-demand study as required by Section 6-211 of Title 70 of the Oklahoma Statutes. The Department may use discretionary funds to carry out the provisions of this paragraph;

4. Encourage cooperation between the business community and school districts to develop recruitment programs designed to attract

and retain capable teachers, including programs to provide summer employment opportunities for teachers; and

5. Encourage major education associations to cooperate in developing a long-range program promoting teaching as a prestigious, respected and desirable career and to assist in identifying local activities and resources that may be used to promote the teaching profession.

Added by Laws 2017, c. 149, § 1, eff. July 1, 2017.

§70-6-132. Oklahoma Teacher Recruitment Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1 of Enrolled Senate Bill No. 14 of the 1st Session of the 56th Oklahoma Legislature, for Oklahoma License to Educate license plates shall be deposited to the Oklahoma Teacher Recruitment Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Oklahoma Teacher Recruitment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Education pursuant to the provisions of subsection A of this section and any donations, grants and gifts from any public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of operating teacher recruitment programs. 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.

Added by Laws 2017, c. 149, § 2, eff. July 1, 2017.

§70-6-133. Pilot program for new pathways to teacher certification.

A. As used in this section:

1. "Provider" means an eligible entity that seeks or has obtained approval of an alternative teacher preparation program consistent with this section; and

2. "Program" means content provided by a provider that leads toward licensure in a specific content area.

B. The State Board of Education shall identify providers to implement new and innovative pathways toward teacher certification on a pilot program basis. Providers seeking to participate in the pilot program shall submit applications to the State Board of Education.

C. A provider chosen by the State Board of Education to participate in the pilot program shall offer a program that:

1. Provides evidence and history of fiscal solvency, capacity, operation and program effectiveness;

2. Provides evidence of necessary infrastructure to provide accurate, timely and secure data for the purpose of admission, teacher candidate monitoring, testing and certification recommendations;

3. Has policies and procedures in place ensuring the security of teacher candidate records under applicable laws and regulations;

4. Has the instructional capacity or ability to obtain the instructional capacity to provide adequate instruction in accordance with this subsection;

5. Offers an instructional phase that provides intensive preparation before the teacher candidates assume classroom responsibilities;

6. Offers a research-based and results-oriented approach focused on best teaching practices to increase student achievement and growth measured against state academic standards;

7. Provides assessment, supervision and evaluation of teacher candidates to determine their specific needs throughout the program and to support efforts to successfully complete the program;

8. Provides intensive and ongoing professional development opportunities that accelerate a teacher candidate's professional growth, support student learning and provide a workplace orientation, professional staff development and mentoring;

9. Offers peer review focused on standards of professional practice and continuous professional growth; and

10. Provides a process to review a teacher candidate's final competency of required certification content standards that leads to a potential candidate being recommended for teacher certification in accordance with subsection F of this section.

D. The State Board of Education shall ensure that providers approved to participate in the pilot program allow teacher candidates to demonstrate pedagogy and content standard proficiency in school-based programs and through other nontraditional means. Nontraditional means may include but not be limited to previous work experience, teacher experience, educator evaluations, industry-recognized certifications and other essentially equivalent demonstrations.

E. If the State Board of Education determines that a provider fails to meet or is deficient in any of the requirements of this section, it may suspend or revoke the approval of the provider after providing notification of the deficiencies and an opportunity to remedy the deficiencies.

F. A teacher candidate that completes a program offered by an approved provider shall be eligible for certification, provided he or she meets the certification requirements set forth in Section 6-187 of Title 70 of the Oklahoma Statutes in the area of specialization for which certification is sought and is recommended for certification by the approved provider.

G. The State Board of Education shall issue a certificate to teach to any person who meets the requirements set forth in this section and who has 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. The person applying for the certificate shall be responsible for the cost of the criminal history records.

H. A provider shall submit a report to the State Department of Education after one (1) year of operation showing the percentage of teacher candidates who have completed the program and who have successfully completed or who have failed the competency examinations for certification and the provider's efforts to help candidates successfully pass the examinations. A provider shall annually submit evidence to the State Department of Education after the pilot year with evidence of the success of the program.

I. The State Board of Education may promulgate rules to implement the provisions of this section.

J. The pilot program created in this section shall end no later than July 1, 2024.

Added by Laws 2019, c. 351, § 1.

§70-6-140. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 75, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.1.

§70-6-141. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 76, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.2.

§70-6-142. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 77, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.3.

§70-6-143. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 78, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas

v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.4.

§70-6-144. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 79, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.5.

§70-6-145. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 80, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.6.

§70-6-146. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 81, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.7.

§70-6-147. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 82, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.8.

§70-6-148. Repealed by Laws 2013, 1st Ex. Sess., c. 7, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 83, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 70, § 6-149.9.

§70-6-149.1. Short title - School Protection Act.

Sections 2 through 10 of this act shall be known and may be cited as the "School Protection Act".

Added by Laws 2013, 1st Ex. Sess., c. 7, § 2, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-140, which was derived from Laws 2009, c. 228, § 75, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas

v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.2. Purpose of act.

The purpose of the School Protection Act is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 3, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-141, which was derived from Laws 2009, c. 228, § 76, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.3. Definitions.

As used in the School Protection Act:

1. "Education employee" means any individual who is an employee of a school; and

2. "School" means a public school district, governmental entity that employs teachers as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, or private kindergarten, elementary, or secondary school.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 4, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-142, which was derived from Laws 2009, c. 228, § 77, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.4. False accusations of criminal activity against education employees - Penalties.

A. Except as otherwise provided in this section, any person eighteen (18) years of age or older who acts with specific intent in making a false accusation of criminal activity against an education employee to law enforcement authorities or school district officials, or both, shall be guilty of a misdemeanor and, upon conviction, punished by a fine of not more than Two Thousand Dollars (\$2,000.00).

B. Except as otherwise provided in this section, any student between seven (7) years of age and seventeen (17) years of age who acts with specific intent in making a false accusation of criminal activity against an education employee to law enforcement authorities or school district officials, or both, shall, upon conviction, at the discretion of the court, be subject to any of the following:

1. Community service of a type and for a period of time to be determined by the court; or

2. Any other sanction as the court in its discretion may deem appropriate.

C. The provisions of this section shall not apply to statements regarding individuals elected or appointed to an educational entity.

D. This section is in addition to and does not limit the civil or criminal liability of a person who makes false statements alleging criminal activity by another.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 5, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-143, which was derived from Laws 2009, c. 228, § 78, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.5. Awarding of costs and attorney fees - Expert witness fees.

A. In any civil action or proceeding against a school or an education employee, the court may award costs and reasonable attorney fees to the prevailing party. In any civil action or proceeding by or between any education employee and a school or other education employee, the provisions of this section shall not apply.

B. Expert witness fees may be included as part of the costs awarded under this section.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 6, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-144, which was derived from Laws 2009, c. 228, § 79, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.6. Insurance indemnification not a waiver of defenses.

Unless otherwise provided by law, the existence of any policy of insurance indemnifying a school or an education employee against liability for damages is not a waiver of any defense otherwise available to the educational entity or its employees in the defense of the claim.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 7, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-145, which was derived from Laws 2009, c. 228, § 80, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.7. Student assault or acts reasonably causing injury to education employees or volunteers - Penalties - Education employee immunity.

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

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

Added by Laws 2013, 1st Ex. Sess., c. 7, § 8, emerg. eff. Sept. 10, 2013. Amended by Laws 2015, c. 135, § 1.

NOTE: Text formerly resided under repealed Title 70, § 6-146, which was derived from Laws 2009, c. 228, § 81, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.8. Benefits not lost by leaves of absence due to assault or battery.

An education employee who is injured as a result of an assault or battery upon the person of the employee while the employee is in the performance of any duties as an education employee shall be entitled to a leave of absence from employment with the school without a loss of leave benefits.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 9, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-147, which was derived from Laws 2009, c. 228, § 82, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-149.9. Act does not limit other laws.

The School Protection Act shall be in addition to and shall not limit or amend The Governmental Tort Claims Act or any other applicable law.

Added by Laws 2013, 1st Ex. Sess., c. 7, § 10, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 70, § 6-148, which was derived from Laws 2009, c. 228, § 83, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§70-6-150. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-151. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-152. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-153. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-154. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-154.1. Renewal of Standard Teaching Certificate.

A. The State Board of Education shall promulgate rules by which a person who holds a valid Oklahoma Standard Teaching Certificate may satisfy requirements for renewal of the Standard Teaching Certificate by completing staff development programs, conferences and seminars in lieu of teaching experience or higher education credits required by the State Board of Education for certificate renewal. Only programs, conferences and seminars recognized for staff development credit by an Oklahoma public school district at the time the teacher attends the program, conference or seminar may be used to fulfill requirements under this section. The State Board of Education shall not require more staff development credit to be earned for certificate renewal than the Board requires teachers and administrators to earn pursuant to Section 6-158 of Title 70 of the Oklahoma Statutes.

B. District boards of education may charge a reasonable fee for a holder of a valid Oklahoma Standard Teaching Certificate who is not employed as a teacher or administrator in an Oklahoma public school to attend district-sponsored staff development programs or seminars. Added by Laws 1993, c. 350, § 2, emerg. eff. June 10, 1993.

§70-6-155. Repealed by Laws 1992, c. 308, § 15, eff. July 1, 1995.

§70-6-155.1. Repealed by Laws 1988, c. 225, § 26.

§70-6-156. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-157. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-158. Repealed by Laws 1992, c. 308, § 15, eff. July 1, 1995.

§70-6-158.1. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-159. Repealed by Laws 1995, c. 322, § 33, eff. July 1, 1995.

§70-6-160. Renumbered as § 6-191 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

§70-6-161. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995; Laws 1993, c. 155, § 4, eff. July 1, 1993.

§70-6-162. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-163. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-164. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-165. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-166. Blank.

§70-6-167. Blank.

§70-6-168. Blank.

§70-6-169. Blank.

§70-6-170. Repealed by Laws 1992, c. 308, § 15, eff. Sept. 1, 1995.

§70-6-171. Renumbered as § 6-181 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

§70-6-172. Renumbered as § 6-183 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

§70-6-173. Repealed by Laws 1995, c. 322, § 33, eff. July 1, 1995.

§70-6-174. Repealed by Laws 1995, c. 322, § 33, eff. July 1, 1995.

§70-6-175. Renumbered as § 6-188 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

§70-6-176. Repealed by Laws 1995, c. 322, § 33, eff. July 1, 1995.

§70-6-177. Repealed by Laws 1995, c. 322, § 33, eff. July 1, 1995.

§70-6-178. Renumbered as § 6-199 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

§70-6-180. Short title.

This act shall be known and may be cited as the "Oklahoma Teacher Preparation Act".

Added by Laws 1995, c. 322, § 1, eff. July 1, 1995.

§70-6-181. Legislative declaration - Interpretation of act.

The Legislature, recognizing its obligation to the children of this state to ensure their opportunity to receive an excellent education, and recognizing that the single most important factor affecting the quality of education is the quality of the individual teacher in the classroom, hereby calls for the development, implementation and administration of a new competency-based teacher preparation system in Oklahoma.

It is the intent of the Legislature that this act shall be in addition to existing laws governing teachers, and nothing herein shall be construed as repealing or amending any protection to teachers prescribed, or as removing or diminishing any existing power, authority or responsibility of the local boards of education and the State Board of Education not in conflict with the provisions of this act. Nondegreed vocational teachers and school nurses certified under rules promulgated by the State Board of Education shall be exempt from the provisions of this act, except for those provisions concerning professional development programs.

Added by Laws 1992, c. 308, § 1, eff. June 1, 1992. Amended by Laws 1994, c. 224, § 1, eff. Sept. 1, 1994; Laws 1995, c. 322, § 2, eff. July 1, 1995. Renumbered from § 6-171 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

§70-6-182. Definitions.

As used in the Oklahoma Teacher Preparation Act:

1. "Board" means the State Board of Education;
2. "Commission" means the Commission for Educational Quality and Accountability;
3. "State Regents" means the Oklahoma State Regents for Higher Education;
4. "Professional development program" means the program mandated by the Oklahoma Teacher Preparation Act for the continuous improvement and enrichment of the certified and licensed teachers of this state;

5. "Teacher education professional development committee" means the committee created in Section 6-186 of this title for the continuous improvement and enrichment of higher education faculty in teacher education programs in institutions of higher education;

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

7. "Induction" means a program that provides support, mentorship and coaching to educators at the beginning of their careers or as they transition to new roles within a school or district. Induction programs work with inductees to assist in all matters concerning classroom management and professional development for that teacher. Induction programs may involve a committee of one or more mentor teachers, the principal or an assistant principal of the employing school, one or more administrators designated by the school district board of education, a teacher educator in a college or school of education of an institution of higher education or an educator in a department or school outside the institution's teacher education unit;

8. "Teacher" means a person defined as a teacher in Section 1-116 of this title;

9. "Inductee" means any certified teacher who is employed in an accredited school to serve as a teacher and the school district has elected to place under the guidance and assistance of a mentor teacher or induction committee. Inductees shall include those individuals having completed the program of the college or school of education of the accredited institution of higher education from which the person has been graduated, and shall have successfully completed the competency examination in areas of approval in which the inductee seeks certification, those individuals eligible for the alternative placement teaching certificate according to Section 6-122.3 of this title, and those individuals issued an emergency or provisional certificate according to Section 6-187 of this title. All teachers working in a new role, including classroom teachers transitioning to a new role, shall be considered inductees for purposes of induction programs;

10. "Certified teacher" means any teacher who has been issued a certificate by the Board in accordance with the Oklahoma Teacher Preparation Act and the rules of the Board;

11. "Mentor teacher" means any teacher who has been appointed to provide guidance, support, coaching and assistance to an inductee employed by the school district. A mentor teacher shall be a current or former classroom teacher and have a minimum of two (2) years of classroom teaching experience as a certified teacher.

When possible, a mentor teacher shall have participated in mentor teacher professional development and have expertise in the teaching field of the inductee;

12. "Higher education faculty" means any individual who is employed in a teaching capacity in an institution of higher

education, approved or accredited by the Commission for the preparation of education personnel; and

13. "Competency examination" means the assessment required in the Oklahoma Teacher Preparation Act for certification as a teacher and shall consist of tests over general education, professional education and subject areas as defined by the Commission for Educational Quality and Accountability.

Added by Laws 1995, c. 322, § 3, eff. July 1, 1995. Amended by Laws 1997, c. 344, § 2, emerg. eff. June 9, 1997; Laws 2005, c. 280, § 1, eff. July 1, 2005; Laws 2012, c. 223, § 8, eff. Jan. 1, 2013; Laws 2014, c. 124, § 9, eff. July 1, 2014; Laws 2016, c. 108, § 1, eff. July 1, 2016; Laws 2018, c. 165, § 3, eff. Nov. 1, 2018.

§70-6-183. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-184. Authority of the Oklahoma Commission for Teacher Preparation, the State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education.

A. Beginning July 1, 1997 through July 1, 2014, the Oklahoma Commission for Teacher Preparation shall have authority for approval and accreditation of teacher education programs and for assessment of candidates for certification according to the provisions of the Oklahoma Teacher Preparation Act. As part of this duty the Oklahoma Commission for Teacher Preparation shall:

1. Include the State Board of Education in the process;
2. Review and assess approved, accredited and new programs of teacher education; and
3. Encourage studies and research designed to improve teacher education.

B. Until July 1, 2014, before adopting any rule pertaining to approval or accreditation of teacher education programs or assessment of candidates for certification, the Oklahoma Commission for Teacher Preparation shall solicit comments from the State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education on the proposed rule. Within forty-five (45) days of the receipt of the proposed rule from the Oklahoma Commission for Teacher Preparation, the State Board of Education, the State Regents and the State Board of Career and Technology Education shall separately review the proposed rule and return their recommendations to the Commission on the proposed adoption. Each recommendation shall include the rationale for the recommendation. The Oklahoma Commission for Teacher Preparation shall accord the recommendations due deliberation in its subsequent consideration of the adoption of each proposed rule. If the action of the Commission on a proposed rule is not consistent with the recommendation made by any of the reviewing entities, within ten (10)

days of the Oklahoma Commission for Teacher Preparation's formal action on the rule, the Commission shall submit a report providing justification for its actions to the Commission for Educational Quality and Accountability.

C. Until July 1, 2014, the State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall also have authority to recommend to the Oklahoma Commission for Teacher Preparation rules for teacher education program approval and accreditation and rules for teacher assessment. Any such rule recommended shall be considered by the Commission within sixty (60) days of receipt of the rule by the same process provided in subsection A of this section for rules proposed by the Oklahoma Commission for Teacher Preparation.

D. Until July 1, 2014, before adopting any rule pertaining to teacher certification, residency or professional development, the State Board of Education shall solicit comments from the Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education on the proposed rule. Within forty-five (45) days of the receipt of a proposed rule from the State Board of Education, the Oklahoma Commission for Teacher Preparation, the State Regents and the State Board of Career and Technology Education shall separately review the proposed rule and return their recommendations to the Board on the proposed adoption. Each recommendation shall include the rationale for the recommendation. The State Board of Education shall accord the recommendations due deliberation in its subsequent consideration of the adoption of each rule. If the action of the State Board of Education on a proposed rule is not consistent with the recommendation made by any of the reviewing entities, within ten (10) days of the State Board of Education's formal action on the rule, the State Board of Education shall submit a report providing justification for its action to the Education Oversight Board.

E. Until July 1, 2014, the Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall have authority to recommend to the State Board of Education rules for adoption in the areas of teacher certification, residency and professional development. Any such rule recommended shall be considered by the State Board of Education within sixty (60) days of the receipt of the rule by the same process provided in subsection C of this section for rules proposed by the State Board of Education.

F. Beginning July 1, 2014, the State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall have the authority to submit proposed rules regarding teacher education program approval, accreditation, and for teacher assessment to the Commission for Educational Quality and Accountability. All proposed rules shall be

considered by the Commission within sixty (60) days of receipt of the proposed rule. The proposed rules shall be considered by the Commission in the same process provided in subsection B of this section for rules proposed by the Oklahoma Commission for Teacher Preparation.

G. Beginning July 1, 2014, before adopting any rule pertaining to teacher leadership and effectiveness or professional development, the State Board of Education shall solicit comments from the Commission for Educational Quality and Accountability, the Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education on the proposed rule. Within forty-five (45) days of the receipt of a proposed rule from the State Board of Education, the Commission for Educational Quality and Accountability, the State Regents and the State Board of Career and Technology Education shall separately review the proposed rule and return their recommendations to the Board on the proposed rule. Each recommendation shall include the rationale for the recommendation. The State Board of Education shall accord the recommendations due deliberation in its subsequent consideration of the adoption of each rule.

Added by Laws 1995, c. 322, § 5, eff. July 1, 1995. Amended by Laws 2001, c. 33, § 80, eff. July 1, 2001; Laws 2012, c. 223, § 9, eff. Jan. 1, 2013; Laws 2014, c. 124, § 10, eff. July 1, 2014.

§70-6-185. Competencies and methods to be incorporated into teacher preparation system.

A. The following competencies and methods shall be incorporated into the programs approved by the Commission for Educational Quality and Accountability for the competency-based teacher preparation system provided for in the Oklahoma Teacher Preparation Act:

1. The teacher preparation system shall include, but not be limited to, the following competencies:

- a. excellence in the arts and sciences,
- b. an in-depth knowledge of the subject matter to be taught,
- c. the ability to identify and cultivate talent and potential in students,
- d. an understanding of child and human development,
- e. teaching skills developed through a variety of learning experiences,
- f. the ability to interact effectively with all students,
- g. skills necessary for working with parents, guardians and custodians of students in the education process,
- h. skills necessary to involve the community in education,
- i. skills to foster teamwork within and among schools,
- j. for administrators, skills necessary to be an effective leader of a school or school district, and

- k. skills in effective classroom management and student discipline;

2. The preservice program shall include the following methods to achieve the competencies listed in paragraph 1 of this subsection:

- a. require teacher candidates to study arts and sciences at the undergraduate level,
- b. require secondary and elementary/secondary teacher candidates to have undergraduate majors, or their equivalents, in a subject area, and require teacher candidates in early childhood, elementary, and special education to have subject area concentrations which allow qualification as a generalist,
- c. require teacher candidates to study the individuality of students, the capacity of students to learn and the process of learning,
- d. integrate curriculum from other disciplines with the education curriculum,
- e. require teacher candidates to have training experiences and personal contact with parents, guardians or custodians of school-age children,
- f. require teacher candidates to have community involvement experience,
- g. structure courses so as to require teamwork activities, and
- h. require teacher candidates to study, in existing coursework, substance abuse symptoms identification and prevention, mental illness symptoms identification and mental health issues, classroom management skills, trauma-informed responsive instruction and classroom safety and discipline techniques; and

3. The Commission for Educational Quality and Accountability shall not require more than a four-year program of one hundred twenty-four (124) semester hours to complete a teacher education degree.

B. It is the intent of the Legislature that institutions of higher education which offer teacher education programs hold such programs accountable for meeting the certification competencies approved by the State Board of Education. It is the intent of the Legislature that the teacher education programs incorporate a curriculum to achieve the competency-based system and include integration of the teacher preparation curricula with the arts and sciences departments curricula. Each institution of higher education which seeks accreditation or approval for its teacher education program shall develop an institution plan which follows the State Board of Education competencies for certification. In developing such institution plans, the higher education institution shall establish a process which seeks information and input from teacher

preparation faculty, faculty from arts and sciences and other programs and disciplines which are appropriate, students within the teacher education program, teachers, administrators, parents, guardians or custodians of students and business and community leaders. Each institution shall report annually to the Commission for Educational Quality and Accountability the procedures used to inform the public regarding the institution's teacher education program and the manner through which public input is solicited and received. The institution's plan shall be accessible to any interested party under the Oklahoma Open Records Act. No institution of higher education's teacher education program shall be approved by the Commission unless the institution plan has been approved by that institution's governing board. The Oklahoma State Regents for Higher Education may facilitate the development of institution plans to assist institutions of higher education.

Added by Laws 1995, c. 322, § 6, eff. July 1, 1995. Amended by Laws 1997, c. 344, § 3, emerg. eff. June 9, 1997; Laws 1999, c. 202, § 2, eff. July 1, 1999; Laws 2003, c. 295, § 1, eff. July 1, 2003; Laws 2010, c. 61, § 2, eff. July 1, 2010; Laws 2010, c. 296, § 1, eff. July 1, 2010; Laws 2012, c. 223, § 10, eff. Jan. 1, 2013; Laws 2014, c. 124, § 11, eff. July 1, 2014; Laws 2019, c. 234, § 1, eff. Nov. 1, 2019.

§70-6-186. Criteria for approval and accreditation of teacher education programs.

A. Criteria for the approval and accreditation of teacher education programs in Oklahoma institutions of higher education shall include, but not be limited to, substantial evidence that persons who enter teacher education programs demonstrate:

1. Competency in the oral and written use of the English language;
2. A minimum grade point average as established by the Commission for Educational Quality and Accountability; and
3. The ability to meet criteria established pursuant to the Oklahoma Teacher Preparation Act at the completion of the teacher education program and provide evidence of having worked with children or youth in a variety of situations.

Criteria shall also include a greater emphasis upon field work in accredited schools by prospective teachers under the supervision of higher education faculty.

B. The Commission for Educational Quality and Accountability shall work with the Oklahoma State Regents for Higher Education and the various institutions of higher education in developing guidelines for a paid teacher internship program which may be offered at each institution for prospective teachers. The purpose of each program shall be to provide mentorship and support for prospective teachers. Students enrolled in a teacher education program shall be eligible to

participate in the program. Only students who have completed the minimum teacher internship requirement as established by the institution shall be eligible to participate in the paid teacher internship program.

C. It is hereby declared to be the intent of the Legislature that the Commission for Educational Quality and Accountability work with the Oklahoma State Regents for Higher Education and the various institutions of higher education in establishing a procedure whereby full-time teacher education faculty continue their professional development during their tenure at an institution of higher education to ensure that the future teachers of this state are taught by professional educators fully trained in their area of expertise. Each approved or accredited program of teacher education shall have a system for documenting and reporting the annual professional development activities of all teacher education faculty members. Faculty professional development reports shall be reviewed by the Commission along with professional development activities as a normal part of the accreditation process.

It is further declared to be the intent of the Legislature that such professional development plans provide alternative means of education including, but not limited to:

1. Professional development programs;
2. Higher education courses;
3. Exchange programs with public school classroom teachers, administrators, and other school personnel; and
4. Programs whereby all full-time teacher education faculty members directly involved in the teacher education process, including all administrators of the teacher education program, are required to serve in a state accredited public school for at least ten (10) clock hours per school year in responsibilities related to their respective teacher education teaching fields.

All public school systems shall participate in the programs provided for in this subsection when needed.

D. The Commission for Educational Quality and Accountability shall adopt rules requiring specific improvements to strengthen the screening of student applicants and field activity and placement as set out in subsection A of this section. Such rules shall be reviewed and amended or readopted by the Commission at least once every five (5) years.

E. To assist the Commission in setting specific requirements as set out in subsections A and D of this section, the Commission shall annually prepare a statistical report showing the percentage of students from each of the Oklahoma institutions of higher education who have successfully completed or who have failed the competency examination for certification. The annual report shall show the percentages for each institution of higher education and each assessment area separately by student degree status and shall be

distributed annually to each member of the Commission for Educational Quality and Accountability, the Oklahoma State Regents for Higher Education, the governing board of each institution which has an approved or state accredited teacher education program, the State Board of Education, the State Board of Career and Technology Education and the Legislature.

F. By November 1, 2017, the Commission shall adopt rules requiring coursework or training in the use of digital and other instructional technologies as a requisite for program accreditation. Added by Laws 1995, c. 322, § 7, eff. July 1, 1995. Amended by Laws 2001, c. 33, § 81, eff. July 1, 2001; Laws 2010, c. 61, § 3, eff. July 1, 2010; Laws 2014, c. 124, § 12, eff. July 1, 2014; Laws 2017, c. 5, § 1, eff. July 1, 2017; Laws 2019, c. 273, § 2, emerg. eff. May 2, 2019.

§70-6-187. Competency examinations.

A. Prior to July 1, 2014, a competency examination shall be adopted by the Oklahoma Commission for Teacher Preparation and beginning July 1, 2014, a competency examination shall be adopted by the Commission for Educational Quality and Accountability for the general education, professional education and various subject areas and grade levels for purposes of ensuring academic achievement and competency of each teacher candidate or teacher in the subject area the person is seeking certification to teach which shall also include certification as an administrator, as prescribed by the State Board of Education.

The Commission, consistent with the purposes of this section, shall promulgate rules and procedures to guarantee the confidentiality of examinations.

B. No teacher candidate shall be eligible for certification until successfully completing the competency examination except those candidates who make application to the State Board and meet the criteria for the alternative placement program pursuant to Section 6-122.3 of this title. Certification shall be limited to areas of approval in which the certified teacher has successfully completed the examination. Subject to the provisions of subsection C of this section, testing for certification for subjects in which a teacher candidate or teacher is seeking a minor teaching assignment or an endorsement to teach shall be limited to the specific subject area test.

A teacher candidate or teacher may take the general education, professional education or subject area portions of the examination subject to any limit imposed by the Commission.

C. 1. Except as otherwise provided for in this subsection, a teacher may be certified in as many areas as the teacher meets the necessary requirements provided by law and has successfully completed the subject area portion of the examination.

2. Except as otherwise provided for in this paragraph, certification in early childhood, elementary, or special education shall require completion of an appropriate teacher education program approved by the Commission.

Any teacher who is certified to teach elementary education may be certified in early childhood education upon meeting the requirements provided in law and successful completion of the appropriate subject area portion of the examination. Any teacher who is certified to teach early childhood education may be certified in elementary education upon meeting the requirements provided in law and successful completion of the appropriate subject area portion of the examination. Any special education teacher who becomes certified to teach through completion of an accredited teacher preparation program may be certified in early childhood or elementary education upon meeting the requirements provided in law and successful completion of the appropriate subject portion of the examination. Any teacher who becomes certified to teach through completion of an accredited teacher preparation program or becomes alternatively certified to teach through the Troops to Teachers program may be certified in special education upon meeting the requirements provided in law and successful completion of the appropriate subject area portion of the examination. Any special education teacher who has not completed a Commission-approved teacher education program in elementary education or early childhood education but who has successfully completed the subject area portion of the examination may be certified in elementary education or early childhood education for the purpose of providing direct instruction and serving as the teacher of record for grading purposes in special education settings only.

D. The Commission shall offer the competency examination at least four times per calendar year on dates to be established by the Commission.

E. If a teacher candidate or teacher is a non-native-English speaker, the Commission shall offer the subject area competency examination in the native language of the teacher candidate or teacher only if the teacher candidate or teacher is employed or has been offered employment by a school district as a teacher in a foreign language immersion program offered by the school district. If a non-native-English speaker who has received certification in a subject area after taking the subject area competency examination in the native language of the speaker seeks to add a certification area in the future and that person is no longer employed as a teacher in a foreign language immersion program, the examination for the additional certification area shall be taken in English. The State Board of Education shall issue a restricted license or certificate to any teacher who has completed a subject area competency examination in the native language of the teacher as provided for in this

subsection restricting the teacher to teaching only in a foreign language immersion program.

F. Nothing in the Oklahoma Teacher Preparation Act shall restrict the right of the State Board of Education to issue an emergency or provisional certificate, as needed. Provided, however, prior to the issuance of an emergency certificate, the district shall document substantial efforts to employ a teacher who holds a provisional or standard certificate. In the event a district is unable to hire an individual meeting this criteria, the district shall document efforts to employ an individual with a provisional or standard certificate in another curricular area with academic preparation in the field of need. Only after these alternatives have been exhausted shall the district be allowed to employ an individual meeting minimum standards as established by the State Board of Education for the issuance of emergency certificates.

Added by Laws 1995, c. 322, § 8, eff. July 1, 1995. Amended by Laws 1997, c. 344, § 4, emerg. eff. June 9, 1997; Laws 1999, c. 62, § 1, eff. July 1, 1999; Laws 2001, c. 425, § 2, emerg. eff. June 5, 2001; Laws 2002, c. 236, § 2, eff. July 1, 2002; Laws 2009, c. 82, § 2, eff. Nov. 1, 2009; Laws 2010, c. 61, § 4, eff. July 1, 2010; Laws 2011, c. 82, § 1, eff. July 1, 2011; Laws 2012, c. 18, § 1, eff. July 1, 2012; Laws 2012, c. 223, § 11, eff. Jan. 1, 2013; Laws 2013, c. 336, § 3, eff. July 1, 2013; Laws 2014, c. 149, § 1, eff. July 1, 2014; Laws 2015, c. 54, § 31, emerg. eff. April 10, 2015; Laws 2017, c. 50, § 1, eff. Nov. 1, 2017.

NOTE: Laws 2014, c. 124, § 13 repealed by Laws 2015, c. 54, § 32, emerg. eff. April 10, 2015.

§70-6-187A. Competency examinations - Refund.

If a company that provides competency examinations within this state requires payment from a teacher candidate for an examination prior to the release of the previous competency examination results for that candidate, it shall be required to provide a full refund to the teacher candidate in the event he or she successfully passes the previous examination.

Added by Laws 2013, c. 141, § 1, eff. Nov. 1, 2013.

§70-6-187B. Teaching Certification Scholarship Program

A. The Commission for Educational Quality and Accountability shall establish the Teaching Certification Scholarship Program. The purpose of the program shall be to provide qualifying teacher candidates who are seeking certification with a scholarship toward the cost of competency examinations required by Section 6-187 of Title 70 of the Oklahoma Statutes, subject to the availability of funds.

B. The Commission shall establish eligibility criteria for the Teaching Certification Scholarship Program.

C. Scholarships granted pursuant to this section shall be limited to one per teacher candidate.

D. A teacher candidate who accepts a scholarship shall be required to submit to the Commission a declaration to teach for a minimum of one (1) year in an accredited school district in Oklahoma. If the teacher candidate does not teach at a school district in Oklahoma upon achieving certification, he or she shall be required to reimburse the Commission for the full amount awarded.
Added by Laws 2016, c.17, § 1, eff. Jan. 1, 2017.

§70-6-187C. Teaching Certification Scholarship Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Office of Educational Quality and Accountability to be designated the "Teaching Certification Scholarship Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of Educational Quality and Accountability from the Legislature and any donations, grants and gifts from any public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of Educational Quality and Accountability for the purpose of implementing the Teaching Certification Scholarship Program. 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.
Added by Laws 2016, c. 17, § 2, eff. Jan. 1, 2017.

§70-6-187D. Promulgation of rules

The Commission for Educational Quality and Accountability shall promulgate rules necessary to implement the provisions of this act.
Added by Laws 2016, c. 17, § 3, eff. Jan. 1, 2017.

§70-6-188. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-189. Certification system.

A. The certification system required by the Oklahoma Teacher Preparation Act as part of the new teacher preparation system shall be competency-based. The competencies for certification shall be integrated with competencies specified in Section 6-185 of this title. By July 1, 1996, the State Board of Education shall adopt general competencies for certification, and by January 1, 1997, the Board shall have adopted full competencies and implemented the certification system as required in this act. No higher education courses or credit hours may be specified by the State Board of Education in rules for certification. Nothing in the certification rules adopted by the Board shall prohibit the Oklahoma State Regents for Higher Education from adopting policies and procedures it deems

appropriate for coursework, grade point average, or credit hours for teacher preparation at institutions in The Oklahoma State System of Higher Education.

B. The certification requirements for a school principal not alternatively certified under subsection D of this section shall include not less than:

1. Completion of a standard master's degree;
2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on curriculum, instruction and building-level leadership skills;
3. Any other professional education and requirements as may be fixed by the State Board of Education;
4. A passing score on the subject area competency examination required in Section 6-187 of this title; and
5. A minimum of two (2) years of successful teaching experience in public or private schools accredited by the State Board of Education or by the proper accrediting authority of another state of the United States.

C. The certification requirements for a superintendent of schools not alternatively certified under subsection D of this section shall include not less than:

1. Certification as a school principal or completion of the certification requirements for a school principal as set forth in subsection B of this section;
2. Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on district-level leadership skills, and which shall include the following competencies:
 - a. instructional leadership,
 - b. organizational leadership, including education finance, education law, and risk management,
 - c. collaborative and community leadership, and
 - d. ethical leadership, or

The requirement in this paragraph shall not apply to any person who has completed an Oklahoma Commission for Teacher Preparation approved Master's Degree in Education Administration or has completed a program in education administration that included competencies that are substantially equal to those listed in this paragraph, and if the degree or program was completed between the effective date of this act and July 1, 2005;

3. Any other professional education and requirements as may be fixed by the State Board of Education;
4. A passing score on the subject area competency examination required in Section 6-187 of this title; and
5. A minimum of two (2) years of administrative experience in public or private schools accredited by the State Board of Education

or by the proper accrediting authority of another state of the United States.

D. 1. The standards for alternative certification for superintendents of schools and principals shall include:

- a. the completion of a standard master's degree,
- b. two (2) years of relevant work experience in a supervisory or administrative capacity,
- c. a passing score on the subject area competency examination required in Section 6-187 of this title, and
- d. filing with the director of teacher education at an Oklahoma accredited institution of higher education a plan for completing an alternative administrative preparation program within three (3) years. Relevant work experience and coursework may be considered and applied to complete the plan.

2. An alternative certificate for superintendent of schools and principals shall not exceed three (3) years and shall not be renewable.

3. Upon successful completion of an alternative administrative preparation program by a participant, the State Board of Education shall issue a standard certificate for superintendent or principal, as applicable, to the applicant.

4. Any person participating in an alternative certification program for superintendent of schools and principals on the effective date of this act shall be subject to the program requirements in effect prior to the effective date of this act.

E. The certification requirements for a superintendent of a technology center school district shall include not less than a standard master's degree, any other professional education requirements as may be fixed by the State Board of Education, and a minimum of four (4) years teaching, supervisory or administrative experience, which may include teaching of full-time adult students, in a technology center school district. A person meeting the requirements set forth in subsection C of this section shall be eligible for a certificate for superintendent of a technology center school district.

F. The State Board of Education and the State Board of Career and Technology Education shall promulgate rules for a certification system option specifically for teachers and instructors in the technology center school districts. The teacher preparation system shall be competency-based. The competencies for certification shall be integrated with competencies of this title, as well as reflect industry-based skills, standards and certifications.

G. Certificates issued by the State Board of Education may be revoked by the State Board of Education for willful violation of any rule of the Board or of any federal or state law or other proper

cause but only after sufficient hearing has been given before the Board.

H. Teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate.

Added by Laws 1995, c. 322, § 10, eff. July 1, 1995. Amended by Laws 2003, c. 360, § 1; Laws 2004, c. 5, § 83, emerg. eff. March 1, 2004; Laws 2005, c. 212, § 1; Laws 2007, c. 110, § 1, eff. July 1, 2007; Laws 2010, c. 213, § 1, emerg. eff. May 6, 2010; Laws 2012, c. 360, § 1; Laws 2014, c. 124, § 14, eff. July 1, 2014; Laws 2018, c. 287, § 1, eff. July 1, 2018.

NOTE: Laws 2003, c. 228, § 1 repealed by Laws 2004, c. 5, § 84, emerg. eff. March 1, 2004.

§70-6-189.1. Certification of mathematics teachers - Middle level certification or endorsement - Required curriculum of professional development institutes.

A. Beginning July 1, 2000, no school district shall employ any teacher to teach mathematics in grades seven or eight, unless the teacher is certified to teach middle or secondary level mathematics or has received middle level endorsement pursuant to subsection B of this section.

B. Any teacher who became certified to teach prior to September 1, 1999, does not have middle or secondary level certification in mathematics, and is serving in a school as a mathematics teacher for grades seven or eight shall be required to obtain middle level certification or middle level endorsement before September 1, 2003. For such teachers, middle level certification or middle level endorsement may be obtained as follows:

1. Middle level mathematics certification - A teacher may obtain middle level certification by successfully completing the appropriate Oklahoma Subject Area Test for middle level mathematics administered by the Oklahoma Commission for Teacher Preparation. The teacher shall not be required to take the Oklahoma Professional Teacher Examination for secondary students administered by the Oklahoma Commission for Teacher Preparation. A teacher granted middle level certification pursuant to this paragraph shall be entitled to teach mathematics in grades seven and eight for high school graduation credit; and

2. Middle level endorsement - A teacher may obtain a middle level endorsement by successfully completing a professional development institute in middle level mathematics developed and administered by the Oklahoma Commission for Teacher Preparation. Any professional development institute developed pursuant to this paragraph shall meet the criteria as established in subsection H of this section. A teacher granted middle level endorsement pursuant to this paragraph shall not be entitled to teach mathematics for high school graduation credit.

C. Any teacher serving in a school as a mathematics teacher for grade six may obtain middle level endorsement by successfully completing a professional development institute in middle level mathematics developed pursuant to this section. Such teacher shall be eligible to participate in a professional development institute in middle level mathematics developed and administered by the Oklahoma Commission for Teacher Preparation one time free of charge.

D. Any teacher seeking middle level certification or middle level endorsement pursuant to subsection B of this section shall be eligible to take the Oklahoma Subject Area Test in middle level mathematics one time free of charge after July 1, 2000, or participate in a professional development institute in middle level mathematics developed and administered by the Oklahoma Commission for Teacher Preparation one time free of charge after July 1, 2000.

E. A teacher who is granted middle level certification in mathematics, pursuant to subsection B of this section, may teach grade nine only if the teacher successfully completes the Oklahoma Professional Teacher Examination for secondary students.

F. A teacher who is granted middle level endorsement pursuant to subsection B or C of this section may teach mathematics courses in grades seven or eight for high school credit only if the teacher has completed a minimum of twenty-four college credit semester hours of mathematics as specified by the State Department of Education.

G. Any teacher who became certified to teach prior to September 1, 1999, did not have middle or secondary level certification in mathematics and successfully completed the appropriate Oklahoma Subject Area Test for middle level mathematics between July 1, 1999, and July 1, 2000, shall be granted a middle level certificate pursuant to subsection B of this section.

H. 1. Any professional development institute in middle level mathematics developed pursuant to this section and administered by the Oklahoma Commission for Teacher Preparation shall:

- a. consist of a minimum of thirty (30) clock hours,
- b. be competency based,
- c. emphasize effective learning practices,
- d. require collaboration among participants, and
- e. require each participant to prepare a work product which can be utilized in the classroom by the participant.

2. Any professional development institute in middle level mathematics developed pursuant to this section and administered by the Oklahoma Commission for Teacher Preparation shall be chosen through a competitive bid process, be reviewed by a professional development committee and other constituencies, and be subject to peer review. Invitations to bid for a professional development institute shall be open to any public or private entity.

I. Beginning July 1, 2013, any teacher with certification or endorsement to teach at the secondary level may teach the subject area in which the teacher has received certification or endorsement in grades five and six.

Added by Laws 1999, c. 320, § 4, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 4, eff. July 1, 2000; Laws 2002, c. 291, § 1, eff. July 1, 2002; Laws 2005, c. 171, § 1, eff. July 1, 2005; Laws 2013, c. 8, § 1, eff. July 1, 2013; Laws 2014, c. 124, § 15, eff. July 1, 2014.

§70-6-189.2. School psychologist or psychometrist - Certification.

A. Any person seeking certification as a school psychologist or school psychometrist shall be exempt from the requirement to successfully complete the general education and professional education portions of the competency examination required pursuant to Sections 6-187 and 6-190 of this title.

B. Any person certified as a school psychologist or school psychometrist pursuant to a substitution or exemption as provided in this section shall be required to complete all portions of the competency examination as required pursuant to Sections 6-187 and 6-190 of this title if such person seeks to add certification in another subject in the future.

C. The Oklahoma Commission for Teacher Preparation shall adopt rules to implement the provisions of this section.

Added by Laws 2010, c. 184, § 1, eff. July 1, 2010. Amended by Laws 2014, c. 124, § 16, eff. July 1, 2014.

§70-6-190. Qualifications for teacher employment and certification.

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 Commission for Educational Quality and Accountability;

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 the requirements set forth in subsection F of this section;
2. Holds certification from the National Board for Professional Teaching Standards;
3. Holds an out-of-country certificate and meets the requirements set forth in subsection F of this section; or
4. Has successfully completed a competency examination used in the majority of other states or comparable customized exam and meets the requirements set forth in subsection G of this section.

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 or to a person who holds a valid out-of-country certificate and meets any requirements established by the Board. 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 or out-of-country certificate.

2. A person who meets the requirements of paragraph 1 of this subsection 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 or out-of-country 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.

4. The Board shall promulgate rules establishing a process by which out-of-country certificates will be reviewed and evaluated for purposes of awarding a certificate to teach pursuant to this subsection.

G. 1. The Board shall issue a certificate to teach to a person who has successfully completed a competency exam used in a majority of the other states. The certificate to teach shall only be for those subject areas and grade levels that correspond with a certification area used in Oklahoma.

2. 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.

H. The Board shall issue a lead teaching certificate to any person who upon application:

1. Has successfully completed the requirements of this subsection;

2. Has a minimum of five (5) years of experience as a teacher;

3. Participates in a meaningful individualized program of professional development, as provided for in Section 6-101.10 of this title;

4. Has earned a "highly effective" or "superior" rating pursuant to Section 6-101.16 of this title; and

5. May have a teaching load of not more than seventy-five percent (75%) student instruction to allow the teacher to mentor other teachers.

I. 1. The Board shall issue a master teaching certificate to any person who upon application:

a. has successfully completed the requirements of this subsection,

- b. has a minimum of seven (7) years of experience as a teacher, and
- c. (1) has earned a "superior" rating pursuant to Section 6-101.16 of this title, or
(2) has earned a "highly effective" rating pursuant to Section 6-101.16 of this title and holds or has held a National Board certification from the National Board for Professional Teaching Standards.

2. Teachers with a master teaching certificate may assume leadership roles that include but are not limited to:

- a. the planning and delivery of professional development activities designed to improve instructional strategies,
- b. the facilitation of an instructional leadership team within the building or school district in which the lead teacher is assigned, and
- c. the mentoring of other teachers and participation in evaluations of other teachers.

3. Teachers with a master teaching certificate may have a teaching load of not more than fifty percent (50%) student instruction to allow the lead teacher to spend time on:

- a. co-teaching,
- b. co-planning,
- c. peer reviews, and
- d. other duties mutually agreed upon by the superintendent and the master teacher, and may be used to satisfy the qualitative evaluation component for teachers as required by Section 6-101.16 of this title by performing the duties set forth in this paragraph.

J. The State Board of Education shall adopt rules to implement a renewal schedule and associated fees for lead and master teaching certificates. The rules shall allow a teacher that no longer meets the requirements of a lead or master teaching certificate to make application for the standard teaching certificate.

K. The terms of the contracts issued to those holding lead and master teaching certificates shall include the following:

1. Lead: an additional ten (10) days to be used to strengthen instructional leadership. A person with a lead teaching certificate shall receive an annual salary supplement of at least Three Thousand Dollars (\$3,000.00) or the district's daily rate of pay, whichever is higher, in addition to the salary for which the teacher qualifies pursuant to Section 18-114.14 of this title; and

2. Master: an additional fifteen (15) days to be used to strengthen leadership. A person with a master teaching certificate shall receive an annual salary supplement of at least Five Thousand Dollars (\$5,000.00) or the district's daily rate of pay, whichever is

higher, in addition to the salary for which the teacher qualifies pursuant to Section 18-114.14 of this title.

If a person with a lead or master teaching certificate changes school districts during the life of the certificate, the terms of the contracts required in this subsection shall be subject to approval by the new employing school district.

L. 1. Any person who is eligible for a lead or master teaching certificate described in this section shall make application for the following school year with the State Board of Education. The application shall include a recommendation from the local board of education and determination that the applicant has met the statutory criteria. In reviewing an application, the local school board of education and the superintendent shall consider the ability of the school district to fulfill the additional requirements described in subsections H and I of this section before making a recommendation to the State Board of Education.

2. The State Department of Education shall develop an application to implement the provisions of this subsection and make it available to school districts.

M. Beginning in the 2021-2022 school year, the Department shall make the teaching certificates provided for in this section available for any person who has received a recommendation from their local board of education and who meets the eligibility criteria.

N. For the 2019-2020 and 2020-2021 school years, the Department shall identify school districts to implement the teaching certificates provided for in this section on a pilot program basis with the assistance of public-private partnerships, funding from philanthropic organizations or federal grants.

O. The Department shall seek funding necessary for the administration of this section. If funding for the administration of the teaching certificates listed in paragraphs H and I is not available, the Department shall not be required to fulfill the requirements listed in subsections K, L, M and N of the section.

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

Added by Laws 1995, c. 322, § 11, eff. July 1, 1995. Amended by Laws 1997, c. 344, § 5, emerg. eff. June 9, 1997; Laws 2001, c. 34, § 2, eff. Nov. 1, 2001; Laws 2001, c. 425, § 3, emerg. eff. June 5, 2001; Laws 2002, c. 236, § 3, eff. July 1, 2002; Laws 2003, c. 204, § 10, eff. Nov. 1, 2003; Laws 2004, c. 438, § 1, eff. July 1, 2004; Laws 2005, c. 185, § 4, emerg. eff. May 17, 2005; Laws 2014, c. 124, § 17, eff. July 1, 2014; Laws 2015, c. 137, § 1, emerg. eff. July 1, 2015; Laws 2016, c. 322, § 1, eff. July 1, 2016; Laws 2018, c. 229, § 1, eff. Nov. 1, 2018.

§70-6-190.1. Extension of provisional speech-language certificates.

Individuals who held a provisional certificate during the 1998-1999 school year in Speech-Language Pathology shall be granted an extension of the provisional certificate by the State Board of Education. On and after July 1, 2005, provisional certificates may be renewed on an annual basis, provided the individual documents admission to and progress toward completion of the relevant master's degree program.

Added by Laws 1999, c. 311, § 3, emerg. eff. June 4, 1999. Amended by Laws 2003, c. 434, § 10.

§70-6-191. Revolving fund.

Until July 1, 1998, there is created in the State Treasury a revolving fund for the State Board of Education, to be designated the "Teachers' Curriculum Examination Revolving Fund". The fund shall consist of curriculum examination fees paid to the Board pursuant to statutory authority. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the administrative authority of the State Board of Education. Expenditures from said fund shall be made to maintain the curriculum examination process as set out in this act. Warrants for expenditure shall be drawn by the State Treasurer on claims signed by an authorized employee or employees of the State Board of Education and approved by the Director of the Office of Management and Enterprise Services.

On July 1, 1997, the State Board of Education shall transfer any unencumbered funds in the Teachers' Curriculum Examination Revolving Fund to the Teachers' Competency Examination Revolving Fund. Any funds which are unexpended on January 1, 1998, shall be transferred to the Teachers' Competency Examination Revolving Fund. On July 1, 1997, there shall be created in the State Treasury a revolving fund for the Oklahoma Commission for Teacher Preparation, to be designated the "Teachers' Competency Examination Revolving Fund". The fund shall consist of all monies received by the Commission from competency examination fees paid pursuant to statutory authority. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the administrative authority of the Oklahoma Commission for Teacher Preparation. Expenditures from said fund shall be made to maintain the competency examination process set out in the Oklahoma Teacher Preparation Act. Warrants for expenditure shall be drawn by the State Treasurer on claims signed by an authorized employee or employees of the Oklahoma Commission for Teacher Preparation and approved by the Director of the Office of Management and Enterprise Services.

Added by Laws 1980, c. 284, § 13, emerg. eff. June 10, 1980. Amended by Laws 1995, c. 322, § 12, eff. July 1, 1995. Renumbered from § 6-160 of this title by Laws 1995, c. 322, § 34, eff. July 1, 1995.

Amended by Laws 1997, c. 344, § 6, emerg. eff. June 9, 1997; Laws 2012, c. 304, § 598.

§70-6-192. Professional development - Legislative intent.

A. It is hereby declared to be the intent of the Legislature to establish a professional development procedure whereby all teachers in the state continue their education beyond initial certification by the state to ensure that the children of the state are taught by professional educators, fully prepared in their areas of expertise. Furthermore, such professional development procedure shall provide alternative means of education, including one or more of the following: In-service programs, higher education courses, or other alternative means of education designed to help teachers enrich their professional abilities.

B. The professional development procedure shall include digital teaching and learning standards to enhance content delivery to students and improve student achievement.

Added by Laws 1995, c. 322, § 13, eff. July 1, 1995. Amended by Laws 2014, c. 124, § 18, eff. July 1, 2014; Laws 2017, c. 5, § 2, eff. July 1, 2017.

§70-6-193. Funding for professional development programs.

Each school district shall receive an appropriate amount of funds for the exclusive purpose of professional development. These funds shall be expended for professional development programs within guidelines adopted by the State Board of Education. All funds provided to local school districts shall be provided by and subject to the approval of plans submitted to the State Board of Education by each local school district no later than May 10 of each year. Such funds shall be deposited in a special account within the general fund of the local school district. A list of all expenditures made from such account shall be provided to the professional development committee upon request of the committee chairperson.

Added by Laws 1995, c. 322, § 14, eff. July 1, 1995.

§70-6-194. District professional development programs.

A. The district boards of education of this state shall establish professional development programs for the certified teachers and administrators of the district. Programs shall be adopted by each board based upon recommendations of a professional development committee appointed by the board of education for the district. For the fiscal years ending June 30, 2011, and June 30, 2012, a school district board of education may elect not to adopt and offer a professional development program for certified teachers and administrators of the district. If a school district elects not to adopt and offer a professional development program, the district may expend any monies allocated for professional development for any

purpose related to the support and maintenance of the school district as determined by the board of education of the school district.

B. Each professional development committee shall include classroom teachers, administrators, school counselors or licensed mental health providers, and parents, guardians or custodians of children in the school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected by a designated administrator of the school district from a list of names submitted by the teachers in the school district. The members selected shall be subject to the approval of a majority vote of the teachers in the district.

C. In developing program recommendations, each professional development committee shall annually utilize a data-driven approach to analyze student data and determine district and school professional development needs. The professional development programs adopted shall be directed toward development of competencies and instructional strategies in the core curriculum areas for the following goals:

1. Increasing the academic performance data scores for the district and each school site;
2. Closing achievement gaps among student subgroups;
3. Increasing student achievement as demonstrated on state-mandated tests and the ACT;
4. Increasing high school graduation rates; and
5. Decreasing college remediation rates.

Each program may also include components on classroom management and student discipline strategies, outreach to parents, guardians or custodians of students, special education, and racial and ethnic education, which all personnel defined as teachers in Section 1-116 of this title shall be required to complete on a periodic basis. The State Board of Education shall provide guidelines to assist school districts in developing and implementing racial and ethnic education components into professional development programs.

D. At a minimum of once an academic year a program shall be offered which includes the following:

1. Training on recognition of child abuse and neglect;
2. Recognition of child sexual abuse;
3. Proper reporting of suspected abuse; and
4. Available resources.

E. One time per year, beginning in the 2009-2010 school year, training in the area of autism shall be offered and all resident teachers of students in early childhood programs through grade three shall be required to complete the autism training during the resident year and at least one time every three (3) years thereafter. All other teachers and education support professionals of students in early childhood programs through grade three shall be required to

complete the autism training at least one time every three (3) years. The autism training shall include a minimum awareness of the characteristics of autistic children, resources available and an introduction to positive behavior supports to challenging behavior. Each adopted program shall allow school counselors to receive at least one-third (1/3) of the hours or credit required each year through programs or courses specifically designed for school counselors.

Districts are authorized to utilize any means for professional development that is not prohibited by law including, but not limited to, professional development provided by the district, any state agency, institution of higher education, or any private entity.

F. One time per year, beginning in the 2020-2021 school year, a dyslexia awareness program shall be offered. At a minimum, the program shall include:

1. Training in awareness of dyslexia characteristics in students;
2. Training in effective classroom instruction to meet the needs of students with dyslexia; and
3. Available dyslexia resources for teachers, students and parents.

G. Except as otherwise provided for in this subsection, each certified teacher in this state shall be required by the district board of education to meet the professional development requirements established by the board, or established through the negotiation process. Except as otherwise provided for in this subsection, the professional development requirements established by each board of education shall require every teacher to annually complete a minimum number of the total number of points required to maintain employment. Failure of any teacher to meet district board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the board. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher. For the fiscal years ending June 30, 2011, and June 30, 2012, a certified teacher shall not be required to complete any points of the total number of professional development points required. Provided, a teacher may elect to complete some or all of the minimum number of points required for the two (2) fiscal years and any points completed shall be counted toward the total number of points required to maintain employment. If a teacher does not complete some or all of the minimum number of points required for one (1) or both fiscal years, the total number of points required to maintain employment shall be adjusted and reduced by the number of points not completed.

H. Each district shall annually submit a report to the State Department of Education on the district level professional development needs, activities completed, expenditures, and results

achieved for each school year by each goal as provided in subsection C of this section. If a school district elects not to adopt and offer a professional development program as provided for in subsection A of this section, the district shall not be required to submit an annual report as required pursuant to this subsection but shall report to the State Department of Education its election not to offer a program and all professional development activities completed by teachers and administrators of the school district.

I. Subject to the availability of funds, the Department shall develop an online system for reporting as required in subsection H of this section. The Department shall also make such information available on its website.

Added by Laws 1995, c. 322, § 15, eff. July 1, 1995. Amended by Laws 1996, c. 350, § 1, eff. July 1, 1996; Laws 1997, c. 349, § 5, eff. July 1, 1997; Laws 1998, c. 5, § 23, emerg. eff. March 4, 1998; Laws 2000, c. 289, § 2, eff. July 1, 2000; Laws 2003, c. 295, § 2, eff. July 1, 2003; Laws 2005, c. 127, § 1, eff. July 1, 2005; Laws 2006, c. 227, § 3, eff. July 1, 2006; Laws 2007, c. 1, § 69, emerg. eff. Feb. 22, 2007; Laws 2007, c. 52, § 1, eff. Nov. 1, 2007; Laws 2008, c. 399, § 2, eff. Nov. 1, 2008; Laws 2010, c. 457, § 3; Laws 2011, c. 1, § 41, emerg. eff. March 18, 2011; Laws 2013, c. 83, § 10, eff. July 1, 2013; Laws 2014, c. 124, § 19, eff. July 1, 2014; Laws 2015, c. 246, § 1, eff. Nov. 1, 2015; Laws 2019, c. 16, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1997, c. 342, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 2006, c. 192, § 1 repealed by Laws 2007, c. 1, § 70, emerg. eff. Feb. 22, 2007. Laws 2006, c. 278, § 3 repealed by Laws 2007, c. 1, § 71, emerg. eff. Feb. 22, 2007. Laws 2010, c. 455, § 1 repealed by Laws 2011, c. 1, § 42, emerg. eff. March 18, 2011.

NOTE: Laws 1996, c. 350, § 1 superseded Section 7 of Enrolled Senate Bill No. 1100 of the 2nd Session of the 45th Oklahoma Legislature, which was vetoed by the Governor.

§70-6-194.2. Scholarships for attending Great Expectations Summer Institutes for Teachers.

A. Beginning with the 1997-98 school year, the State Board of Education shall award scholarships to public school districts who wish to have teachers and administrators from certain school sites attend the Great Expectations Summer Institutes for Teachers offered by an institution within The Oklahoma State System of Higher Education. Any school district applying for a scholarship for teachers and administrators from a school site which is currently, or has been, identified as a school in need of improvement pursuant to the provisions of Section 1210.541 of this title for any of the previous three (3) school years, shall be given priority for receipt of such scholarship. Scholarships shall be awarded based on the

amount of funds allocated to the State Department of Education for such purpose.

B. The State Board of Education shall develop criteria for scholarship awards and shall promulgate rules as necessary to implement the process by which the scholarships shall be awarded. Added by Laws 1997, c. 335, § 2, eff. July 1, 1997. Amended by Laws 2000, c. 156, § 1, emerg. eff. April 28, 2000; Laws 2013, c. 83, § 11, eff. July 1, 2013.

§70-6-194.3. Information, training and resources for school employees to address mental health needs of students.

A. The State Department of Education and the Department of Mental Health and Substance Abuse Services, in consultation with school district superintendents and school district boards of education, shall develop and make available to school districts information, training and resources to help school employees recognize and address the mental health needs of students.

B. The information made available to school districts shall include but not be limited to:

1. Information about the services provided by community-based organizations related to mental health, substance abuse and trauma;

2. Information about the impact trauma and adverse childhood experiences can have on a student's ability to learn;

3. The availability of mental health evaluation and treatment available by telemedicine; and

4. Information about evidence-based strategies for prevention of at-risk behaviors.

Added by Laws 2019, c. 286, § 1, eff. July 1, 2019.

§70-6-194a. Northeastern Oklahoma State University Great Expectations Summer Institutes for Teachers.

A. Beginning with the 1996-97 school year, the State Board of Education shall award scholarships, on a first-come first-serve basis, to public school districts who wish to have teachers and administrators from certain school sites attend Northeastern Oklahoma State University Great Expectations Summer Institutes for Teachers. Provided, any school district applying for a scholarship for teachers and administrators from a school site which is currently, or has been declared, a high challenge school pursuant to the provisions of subsection B of Section 1210.541 of Title 70 of the Oklahoma Statutes for any of the previous three (3) school years, shall be given priority for receipt of such scholarship. Scholarships shall be awarded based on the amount of funds allocated for such purpose.

B. The State Board of Education shall promulgate rules as necessary to implement the process by which the scholarships shall be awarded.

Added by Laws 1996, c. 350, § 2, eff. July 1, 1996.

NOTE: Laws 1996, c. 350, § 2 superseded Section 9 of Enrolled Senate Bill No. 1100 of the 2nd Session of the 45th Oklahoma Legislature which was vetoed by the Governor.

§70-6-195. Induction program.

A. As funds are available, the State Department of Education in consultation with the Office of Educational Quality and Accountability shall administer an induction program for teachers which shall be approved by the State Board of Education. Beginning with the 2015-2016 school year, each school district shall participate in the induction program. The program shall include, but not be limited to:

1. Guidance to school districts for successful induction programs;
2. Training for school districts to include the selection, function and duties of mentors; and
3. Resources for appropriate professional development, support, mentorship and coaching for the inductee and mentors.

B. The State Board of Education may promulgate rules for administration of the induction program.

Added by Laws 1995, c. 322, § 16, eff. July 1, 1995. Amended by Laws 2001, c. 403, § 1, eff. July 1, 2001; Laws 2003, c. 434, § 11; Laws 2009, c. 25, § 2, eff. July 1, 2009; Laws 2014, c. 124, § 20, eff. July 1, 2014; Laws 2018, c. 165, § 4, eff. Nov. 1, 2018.

§70-6-195.1. Continuing education for mathematics teachers - Implementation contingency - Verification of expenditure levels.

A. It is hereby declared to be the intent of the Legislature to establish a continuing education program whereby teachers employed to teach mathematics may obtain certification in mathematics and teachers certified to teach mathematics in the state may take higher education courses in order to obtain the competencies needed to enable the teacher to successfully complete the subject area examinations and become certified to teach any of the core curriculum mathematics courses recommended by the American College Test. The program shall pay up to One Hundred Dollars (\$100.00) per credit hour up to a maximum of twenty-four (24) credit hours for a teacher to take higher education courses in mathematics. Teachers required to gain certification as provided in Section 6-189.1 of this title shall be given priority in the funding for the continuing education program. The purpose of the program is to improve the knowledge and skills of teachers and to ensure that the children of the state are taught by professional educators, fully prepared in the area of mathematics.

B. Implementation of this section shall be contingent upon the appropriation of state funds by the Legislature for the specific purpose of implementing this section. Nothing in this section shall

prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

C. Implementation of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this section, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. This section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.

Added by Laws 1999, c. 320, § 45, eff. July 1, 1999. Amended by Laws 2001, c. 201, § 2; Laws 2003, c. 434, § 21.

§70-6-195.2. Mathematics professional development programs.

A. Subject to the availability of funds, the Oklahoma Commission for Teacher Preparation shall develop and administer mathematics professional development programs which will be provided for any teacher who became certified to teach in elementary education or early childhood education prior to July 1, 2001, and is serving as a teacher in a public school in this state in kindergarten through third grade. The purpose of the professional development program shall be to improve the knowledge and skills of the teachers and to ensure that the elementary grade students of the state are taught by professional educators fully prepared in the area of mathematics.

B. Any professional development program offered to teachers pursuant to the provisions of this section shall:

1. Be scientifically research-based professional development; and

2. Meet state law requirements for professional development administered by the Commission.

C. The professional development program offered to teachers pursuant to the provisions of this section shall address both content skill and methodology, and may contain a technology component.

Added by Laws 2011, c. 274, § 1. Amended by Laws 2014, c. 124, § 21, eff. July 1, 2014.

§70-6-196. Review of contracts with professional development centers.

A. The State Board of Education shall review all contracts with the professional development centers used for professional development purposes prior to entering into any contracts with such centers. The State Board of Education shall examine:

1. The purpose of the contract;
2. The expenditure of funds provided for in the previous year by the state to each center provided for in this section;
3. The budgeted salaries of employees and administrators of such centers; and
4. Any other item the State Board of Education determines is necessary.

B. The State Board of Education shall submit an annual report to the Governor and Legislature by January 1 of each year, which gives the information specified in subsection A of this section for each individual center and which includes the following:

1. The purpose of the center;
2. The hours and days of operation of the center throughout the year;
3. The number of school districts actually served and the number of actual teachers by school district served;
4. The number and kinds of sponsored professional development activities and dates and any related performance evaluations;
5. All sources of funding and actual full-time-employees (FTE); and
6. Evidence of evaluation of services by users.

Added by Laws 1995, c. 322, § 17, eff. July 1, 1995.

§70-6-197. Persons subject to certification procedures.

A. All students graduating from an accredited institution of higher education approved or accredited by the Oklahoma Commission for Teacher Preparation for the preparation of educational personnel on or after September 1, 1999, and seeking to enter the public education system as a teacher shall be subject to the assessment and certification procedures established in the Oklahoma Teacher Preparation Act. Except as provided for in subsection B of this section, all students graduating from an accredited institution of higher education prior to September 1, 1999, and seeking to enter the public education system as a teacher shall be subject to the assessment and certification requirements in effect before July 1, 1997.

B. Any person who graduates from an accredited institution of higher education prior to September 1, 1999, and seeks certification

or endorsement subsequent to September 1, 1999, to teach a subject area which the teacher was not certified to teach prior to September 1, 1999, following completion of the required higher education shall be required to successfully complete the competency examination for such subject area prior to receiving such certification or endorsement.

Added by Laws 1995, c. 322, § 18, eff. July 1, 1995. Amended by Laws 2014, c. 124, § 22, eff. July 1, 2014.

§70-6-198. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-199. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-200. Professional development institutes.

A. Subject to the availability of funds, the State Board of Education shall have authority to develop and administer training for residency committees and training for professional development through professional development institutes. Included in the professional development institutes training shall be technology training. Professional development institutes shall be defined as continuing education experiences which consist of a minimum of thirty (30) clock hours. The institutes shall be competency-based, emphasize effective learning practices, require collaboration among participants, and require each participant to prepare a work product which can be utilized in the classroom by the participant. Any state professional development institutes administered by the Board shall be chosen through a competitive bid process and if funds are available subject to peer review. The Board, prior to offering any professional development institute, shall promulgate rules related to administering state professional development institutes.

B. The State Board of Education shall develop, offer and administer professional development institutes to train elementary school teachers in reading education and if funds are available, which may include but not be limited to grant, foundation, or other funds, to train middle school teachers in reading education. Funds appropriated for this purpose shall be used for the cost of developing, administering and contracting for the professional development institutes. When possible, certified reading specialists shall be included as consultants. All costs of the institutes shall be included in the contract price and no tuition or registration fee shall be collected from teachers attending the institutes. The institutes shall be offered by or through the Commission. Working in conjunction with the State Department of Education, the Commission shall develop a state plan for administration of such institutes and shall report on or before November 1 of each year to the Governor and the Legislature on the format of and participation in the institutes. The State Department of Education shall cooperate with and provide

any information requested, including data available through the state student record system, to the State Board of Education as is necessary to carry out the provisions of this section.

C. Subject to the availability of funds, the State Board of Education shall:

1. Contract for an independent evaluation of the reading professional development institutes. The evaluation shall determine adherence to program requirements as provided in this section and the program's effectiveness in increasing teacher knowledge and student achievement; and

2. Provide continued support of the reading professional development institutes through ongoing teacher development at individual school sites. Funds may be used for the cost of mentor training, payment for substitute teachers, on-site facilitation, and any other costs necessary to ensure improved reading by students.

D. 1. For the purpose of implementing comprehensive reading reform and systemic change, the State Board of Education shall award one-year grants renewable for up to two (2) additional years to public schools that serve students in kindergarten through third grade. The grants will provide for:

- a. a five-day initial professional development institute in elementary school reading for teachers of kindergarten through third grade, instructional leaders, and principals,
- b. a three-day follow-up professional development institute in elementary school reading for teachers of kindergarten through third grade and instructional leaders, and
- c. continued support through ongoing teacher development at school sites, including four (4) days of professional development for principals and literacy resource specialists, and six (6) days of on-site visits by a program consultant.

2. In order to qualify for a grant pursuant to this subsection, the following requirements shall be met:

- a. at least eighty percent (80%) of the teachers of kindergarten through third grade at the school shall have demonstrated support for the training program provided pursuant to this subsection,
- b. the principal shall ensure that all members of the leadership team and all teachers of kindergarten through third grade will participate in all phases of the training program,
- c. the school district shall ensure that any new teacher of kindergarten through third grade or principal at the school will participate in all phases of the training program, and

- d. the school district shall employ a literacy resource specialist for at least two (2) years after completion of the training provided in this subsection. One or more districts may share a literacy resource specialist upon approval of the Board.

3. Any school which has been determined by the State Board of Education to be a school in need of improvement shall be given priority for receipt of a grant. Grants to local school districts may be awarded based on the amount of funds allocated to the State Board of Education for the purposes of this section. Funds may be used for payment for substitute teachers, program consultants, on-site facilitation, and literacy resource specialists.

4. For program evaluation purposes, each school awarded a grant pursuant to this subsection shall provide to the Commission student-level data and results of the reading assessments administered pursuant to the Oklahoma School Testing Program Act for the year prior to the grant award, for each year a grant is received by the school, and for three (3) years after completion of the program. If funds are not sufficient to award grants to all eligible applicants, schools may be placed on a waiting list for priority consideration for the following year's round of grant awards which shall be superior to the priority given to schools as provided in paragraph 3 of this subsection, if the school provides student data for the current year to the Board as provided in this paragraph.

5. The professional development institutes in elementary reading provided pursuant to this section shall incorporate the requirements of the Reading Sufficiency Act.

E. As additional funds become available for such purpose, the Board shall develop and offer professional development institutes in:

1. Mathematics for teachers in grades kindergarten through nine;
2. The use of technology in the classroom;
3. Training of residency committee members in teacher mentoring;

and

4. Hands-on inquiry-based science for elementary teachers.

Added by Laws 1995, c. 322, § 21, eff. July 1, 1995. Amended by Laws 1997, c. 356, § 1, eff. July 1, 1997; Laws 1998, c. 5, § 24, emerg. eff. March 4, 1998; Laws 1998, c. 332, § 3, eff. July 1, 1998; Laws 2000, c. 289, § 3, eff. July 1, 2000; Laws 2007, c. 249, § 1, eff. July 1, 2007; Laws 2008, c. 152, § 2, eff. Nov. 1, 2008; Laws 2009, c. 94, § 1, eff. July 1, 2009; Laws 2012, c. 223, § 12, eff. Jan. 1, 2013; Laws 2013, c. 83, § 12, eff. July 1, 2013.

NOTE: Laws 1997, c. 344, § 8 and Laws 1997, c. 349, § 4 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§70-6-201. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-202. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-202.1. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-203. Repealed by Laws 2018, c. 165, § 6, eff. Nov. 1, 2018.

§70-6-204. Short title.

This act shall be known and may be cited as the "Education Leadership Oklahoma Act".

Added by Laws 1997, c. 181, § 1, eff. July 1, 1997.

§70-6-204.1. Definitions.

For purposes of the Education Leadership Oklahoma Act:

1. "Salary bonus" means additional monies granted to eligible teachers as provided for in subsection I of Section 6-204.2 of this title maintaining National Board certification;

2. "Salary increment" means the National Board certification salary category as set forth in Section 3 of this act which is granted to eligible teachers as provided for in subsection I of Section 6-204.2 of this title maintaining National Board certification;

3. "Certification" means National Board certification;

4. "Commission" means the Oklahoma Commission for Teacher Preparation;

5. "National Board" means the National Board for Professional Teaching Standards;

6. "National Board certification" means National Board certification as provided by the National Board for Professional Teaching Standards; and

7. "Teacher" means a classroom teacher, counselor, or librarian employed by a public school district on a full-time basis.

Added by Laws 1997, c. 181, § 2, eff. July 1, 1997. Amended by Laws 2003, c. 434, § 22; Laws 2013, c. 394, § 1.

§70-6-204.2. Education Leadership Oklahoma program.

A. The Oklahoma Commission for Teacher Preparation and the State Board of Education are authorized to establish the Education Leadership Oklahoma program.

B. The purposes of the Education Leadership Oklahoma program are to:

1. Provide teachers throughout the state information about National Board certification and the Education Leadership Oklahoma program services;

2. Provide technical assistance and National-Board-certified mentors to all teachers seeking National Board certification upon request;

3. Reward teachers who are seeking National Board certification by awarding them a portion of the application processing charge and

assessment fee and scholarship as provided in subsection D of this section; and

4. Provide recognition to National-Board-certified teachers.

C. To fulfill the objectives of the Education Leadership Oklahoma Act, the Oklahoma Commission for Teacher Preparation shall:

1. Inform teachers of the Education Leadership Oklahoma program and services it provides to teachers seeking National Board certification, emphasizing recruiting efforts toward teachers at high-poverty schools, schools identified as in need of improvement and in counties with the lowest percentage of teachers who have achieved National Board certification; and

2. Ensure that all teachers seeking National Board certification receive adequate information regarding the level of commitment required to acquire National Board certification.

D. The Commission shall select not more than one hundred applicants to participate in the program each fiscal year for whom the Commission shall pay one-half (1/2) of the application processing charge and assessment fee for National Board certification. The total amount paid by the Commission shall not exceed One Thousand Three Hundred Dollars (\$1,300.00). In addition the Commission shall also provide to the selected applicants a scholarship in the amount of Five Hundred Dollars (\$500.00) to cover other expenses associated with obtaining National Board certification.

E. The Commission shall promulgate rules establishing a process for accepting applications for the Education Leadership Oklahoma program and for providing to applicants selected for the program up-front payment of the application processing charge and assessment fee and scholarship. If a selected applicant who receives the up-front payment does not complete National Board certification within three (3) years, the applicant shall repay the Commission the full amount paid by the Commission pursuant to subsection D of this section. All selected applicants who do not receive an up-front payment and successfully complete National Board certification shall be reimbursed by the Commission for the application processing charge and assessment fee. The total amount of reimbursement paid by the Commission shall not exceed One Thousand Three Hundred Dollars (\$1,300.00).

F. It is the intent of the Legislature that the Oklahoma Commission for Teacher Preparation contract with Southeastern Oklahoma State University to establish Education Leadership Oklahoma program training in higher education teacher preparation programs in the state to assist teachers in meeting the requirements to obtain National Board certification.

G. All teachers seeking National Board certification shall be eligible to participate in Education Leadership Oklahoma program training to assist them in meeting the requirements of the National Board certification process, free of charge.

H. Subject to district board of education policy or collective bargaining agreement, additional professional leave days may be granted to teachers seeking National Board certification for National Board certification portfolio development. During the two (2) days of the additional professional days granted to teachers for National Board certification portfolio development, a substitute teacher shall be provided by the school district at no cost to the teacher.

I. 1. The State Board of Education shall provide to teachers who attained National Board certification prior to June 30, 2013, a bonus in the amount of Five Thousand Dollars (\$5,000.00) annually over a ten-year period, to be paid no later than January 31 each year. The Board shall provide a bonus to any teacher who attains National Board certification after June 30, 2013, if the teacher was selected for the Education Leadership Oklahoma program before June 30, 2013, or the teacher has submitted an application for National Board certification to the National Board for Professional Teaching Standards before June 30, 2013.

2. The teachers eligible to receive the annual bonus as provided for in paragraph 1 of this subsection shall receive the annual bonus for the ten-year duration of their National Board certification and so long as they are teaching in the classroom full-time in an Oklahoma public school. No school or school district shall be liable for payment of bonuses pursuant to this section.

3. The bonus shall not be included in the calculation of the teacher's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of compensating Oklahoma Teachers' Retirement System contributions or benefits.

4. Teachers eligible to receive the annual bonus as provided for in paragraph 1 of this subsection shall not be eligible to receive the additional salary increment for National Board certification as set forth in the minimum salary schedule in Section 3 of this act.

5. Teachers who attain National Board certification after June 30, 2013, shall be eligible to receive the additional salary increments for National Board certification as set forth in the minimum salary schedule in Section 3 of this act.

6. The State Board of Education shall promulgate rules for a process by which a National-Board-certified teacher will verify that:

- a. the National Board certification has not lapsed,
- b. the teacher is still a full-time teacher, and
- c. for teachers eligible for the bonus, the teacher has not exceeded the limit of annual bonus payments as provided for in paragraph 1 of this subsection.

J. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education incorporate the National Board certification portfolio development into all programs in education leading to a master's level degree.

Added by Laws 1997, c. 181, § 3, eff. July 1, 1997. Amended by Laws 1998, c. 350, § 1, emerg. eff. June 5, 1998; Laws 1999, c. 303, § 1, eff. July 1, 1999; Laws 2001, c. 201, § 3; Laws 2002, c. 236, § 4, eff. July 1, 2002; Laws 2003, c. 434, § 23; Laws 2007, c. 197, § 1; Laws 2010, c. 457, § 4; Laws 2012, c. 360, § 2; Laws 2013, c. 83, § 13, eff. July 1, 2013; Laws 2013, c. 394, § 2.

NOTE: Laws 1999, c. 320, § 46 repealed by Laws 2001, c. 201, § 12.

§70-6-204.3. Education Leadership Oklahoma Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Commission for Teacher Preparation to be designated the "Education Leadership Oklahoma Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated or transferred to the fund by the Legislature. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Commission for Teacher Preparation to provide assistance and scholarships for candidates seeking National Board certification. 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.

Added by Laws 1997, c. 181, § 4, eff. July 1, 1997. Amended by Laws 2012, c. 304, § 600.

§70-6-204.4. Oklahoma National Board Certification Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Oklahoma National Board Certification Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated or transferred to the fund by the Legislature. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to provide an annual bonus for those teachers possessing National Board certification. 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. The State Board of Education shall transfer all funds deposited into the Oklahoma National Board Certification Revolving Fund for the fiscal year ending June 30, 1998, to the Education Leadership Oklahoma Revolving Fund, created in Section 6-204.3 of this title, less expenditures and encumbrances as adjusted by transfer on July 1, 1998.

Added by Laws 1997, c. 181, § 5, eff. July 1, 1997. Amended by Laws 1998, c. 350, § 3, emerg. eff. June 5, 1998; Laws 2012, c. 304, § 601.

§70-6-204.5. Professional Development Institutes Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Commission for Teacher Preparation to be designated the "Professional Development Institutes Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated or transferred to the fund by the Legislature. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Commission for Teacher Preparation to develop and administer professional development programs for teachers and administrators and training for residency committee members. Expenditures 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.

Added by Laws 1997, c. 302, § 1, eff. July 1, 1997. Amended by Laws 2012, c. 304, § 602.

§70-6-205. Repealed by Laws 2012, c. 223, § 17, eff. July 1, 2014.

§70-6-206. Annual bonus for school psychologist, speech-language pathologist, audiologist - Qualifications - Calculation - Increase.

A. Subject to the availability of funds, the State Board of Education shall provide an annual salary bonus in the amount of Five Thousand Dollars (\$5,000.00) no later than January 31 of each year to the following employees of public school districts:

1. Any school psychologist who has been designated as a Nationally Certified School Psychologist by the National School Psychology Certification Board; and

2. Any speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association.

B. The State Board of Education shall adopt rules for the provision of the bonus pursuant to this section to include, but not be limited to, a process by which a nationally certified school psychologist, speech-language pathologist and audiologist may verify that:

1. The individual is still employed by a school district;

2. The certification required in subsection A of this section has been attained and has not lapsed; and

3. The individual is licensed to practice in this state.

C. An individual who qualifies for the bonus pursuant to this section and who is employed by a school district on less than a full-time basis, shall receive a pro-rated bonus based on the proportionate equivalency to full-time employment.

D. No school or school district shall be liable for payment of bonuses pursuant to this section. The bonus shall not be included in

the calculation of salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

E. The amount of the salary bonus pursuant to subsection A of this section shall be increased to Seven Thousand Dollars (\$7,000.00) upon implementation of subsection N of Section 6-204.2 of this title. Added by Laws 2004, c. 311, § 1, eff. Nov. 1, 2004. Amended by Laws 2008, c. 186, § 3, eff. July 1, 2008.

§70-6-206.1. Oklahoma School Psychologist, Speech-Language Pathologist, and Audiologist National Certification Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Oklahoma School Psychologist, Speech-Language Pathologist, and Audiologist National Certification Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated or transferred to the fund by the Legislature. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to provide an annual bonus for individuals meeting the requirements of Section 6-206 of this title. 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.

Added by Laws 2004, c. 311, § 2, eff. Nov. 1, 2004. Amended by Laws 2012, c. 304, § 603.

§70-6-207. Oklahoma Mathematics Improvement Program.

A. The State Board of Education shall establish the Oklahoma Mathematics Improvement Program. The purpose of the program is to improve student mastery of the subject matter standards adopted by the State Board of Education for sixth-grade mathematics through Algebra I by enhancing sixth-, seventh- and eighth-grade public school teachers' mastery of the subject matter content and process skills.

B. For purposes of this section, "middle-level mathematics" means the subject matter standards for sixth- through eighth-grade mathematics and Algebra I.

C. Each sixth-, seventh-, or eighth-grade public school teacher of a middle-level mathematics course who completes a professional development program approved by the State Board of Education, as authorized in subsection E of this section, shall receive a stipend in the amount of One Thousand Dollars (\$1,000.00) if, prior or subsequent to completion of the professional development program, the teacher successfully completes the middle-level/intermediate mathematics Oklahoma Subject Area Test administered by the Oklahoma

Commission for Teacher Preparation. The State Board of Education shall provide the stipend to qualifying teachers who meet the requirements of this section. The stipend shall not be included in the calculation of the teacher's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

D. The State Department of Education shall issue a request for proposals on or before October 1, 2005, seeking applications for the Oklahoma Mathematics Improvement Program. The State Department of Education shall review the applications for compliance with the established requirements.

E. The State Board of Education may approve programs that meet the requirements set forth in this subsection. Each participating teacher shall take a preassessment to establish current subject matter knowledge, and, based on the results of the preassessment, the teacher will participate in one of the three programs listed below:

1. Mathematics academies consisting of a minimum of forty (40) contact hours of training and twenty (20) contact hours of follow-up training through lesson study with identified mathematics specialists on-site and through video technology.

The mathematics academies shall incorporate both content knowledge and process knowledge that shall be modeled for teachers in the areas of problem-solving, reasoning, and critical thinking as applied to the mathematical concepts in the subject matter standards. The ultimate goal of the mathematics academies shall be to significantly increase the number of children becoming proficient in mathematics as demonstrated on assessments administered pursuant to the Oklahoma School Testing Program Act. The mathematics academies shall be accepted for professional development purposes and shall be defined as continuing education experiences that consist of a minimum of forty (40) clock hours. The mathematics academies shall be designed to provide instruction that includes peer coaching;

2. Other programs including customized higher education courses and/or on-line courses similar in scope and nature to those described in this subsection designed to improve middle school mathematics knowledge including Algebra I, as approved by the State Board of Education; and

3. Small learning community lesson studies facilitated by a mathematics coach and utilizing the Internet and video technology, as approved by the State Board of Education.

F. On or before December 15, 2005, the State Department of Education shall forward applications that the Department has determined meet the requirements of this section to the State Board of Education. On or before February 1, 2006, the Board shall award, through a competitive bid process, one or more grants for professional development programs approved by the Department.

G. The State Board of Education shall contract for independent evaluations of programs funded pursuant to this section.

H. Beginning June 30, 2006, and each year thereafter for which the Oklahoma Mathematics Improvement Program is funded, the State Board of Education shall prepare and submit a report to the Legislature and the Governor containing:

1. Descriptions of professional development programs approved and funded through the Oklahoma Mathematics Improvement Program;
2. Number and amount of grants awarded;
3. Number of teachers completing approved programs;
4. Number of teachers successfully completing the Oklahoma Subject Area Test for middle level/intermediate mathematics after completion of a program created pursuant to this section;
5. Amount of stipends paid to teachers pursuant to this section; and
6. Student achievement data for students in classes taught by teachers completing one of the program options authorized pursuant to this section.

Added by Laws 2005, c. 432, § 2, eff. July 1, 2005. Amended by Laws 2014, c. 430, § 1, emerg. eff. June 5, 2014.

§70-6-210. Inner City Schools Rescue program.

A. The Oklahoma Commission for Teacher Preparation is authorized to establish the Inner City Schools Rescue program. The purpose of the program shall be to recruit and train certified teachers to work in inner city schools and to provide technical assistance and support to those teachers who participate in the program and become employed in an inner city school.

B. For purposes of this section, an inner city school shall mean a school identified as in need of improvement as determined by the Commission pursuant to the No Child Left Behind Act or where ninety-five percent (95%) or more of the students enrolled in the school qualify for the free and reduced lunch program.

C. To fulfill the objectives of the Inner City Schools Rescue program the Commission shall:

1. Inform teachers of the program;
2. Collect and review applications for the program from interested teachers; and
3. Establish an applicant review committee to identify participants for the program.

D. Each year the Commission shall select a certain number of teachers, as determined by the Commission, who have demonstrated a commitment to excellence in teaching and to working with at-risk students in the inner city.

E. The Commission shall promulgate rules to implement the provisions of this section.

Added by Laws 2009, c. 259, § 1, eff. July 1, 2009. Amended by Laws 2013, c. 83, § 14, eff. July 1, 2013; Laws 2014, c. 124, § 23, eff. July 1, 2014.

§70-6-211. Educator supply-and-demand study.

The State Board of Education in cooperation with the Commission for Educational Quality and Accountability, the Oklahoma State Regents for Higher Education and institutions of higher education shall conduct an educator supply-and-demand study every three (3) years. The study shall identify areas of teacher shortage and make recommendations for addressing the areas of most critical need. The Board shall submit a report outlining the findings to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

Added by Laws 2014, c. 124, § 27, eff. July 1, 2014.

§70-6-301. Repealed by Laws 2018, c. 229, § 2, eff. Nov. 1, 2018.

§70-6-302. Repealed by Laws 2018, c. 229, § 2, eff. Nov. 1, 2018.

§70-6-303. Repealed by Laws 2018, c. 229, § 2, eff. Nov. 1, 2018.

§70-7. Repealed by Laws 1941, p. 416, § 8.

§70-7-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-7-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-7-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-7-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-7-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-7-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-7-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

NOTE: Former § 7-7 derived from Laws 1949, p. 548, art. 7, § 7 was repealed by Laws 1953, p. 384, § 30.

§70-7-8. Repealed by Laws 1953, p. 384, § 3.

§70-7-101. Boundaries - Petition or resolution to change - Election.

A. Except as otherwise provided for in Section 7-105 of this title for conditional consolidated school districts, the territory comprising all or part of a school district may be annexed to another school district or to two or more districts, when approved at an

annexation election called by the State Superintendent of Public Instruction, but except as provided in subsection B of this section, an annexation election may not be held unless the boards of education of the affected districts concur therein. Provided, that such concurrence of the boards of education affected shall not be required in cases of mandatory annexation by the State Board of Education:

1. In pursuance of a petition for annexation signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, said majority being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition as provided in this section; or

2. In pursuance of a resolution adopted by the board of education of the district in which the area affected is situated.

B. An annexation election shall be called by the State Superintendent of Public Instruction without the concurrence of the board of education of the school district which is proposed to be annexed, upon the filing of a petition with the State Superintendent of Public Instruction for annexation that is signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, said majority being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. The petition shall contain such information as the State Superintendent of Public Instruction may require.

C. Annexation elections held pursuant to this section shall be conducted pursuant to the following procedures:

1. Such election shall be held not less than sixty (60) days nor more than ninety (90) days after the State Superintendent of Public Instruction receives such petition, at some public place in the school district in which the area affected is situated, between the hours of 7 a.m. and 7 p.m., and notice thereof shall be given by the State Superintendent of Public Instruction in the same manner as notice of special elections of the school district electors of school districts is given, provided, that the State Superintendent of Public Instruction shall not be required to call an election for the purpose of annexing a part of a school district more than once during any twelve-month period. Such elections shall be conducted by the county election board;

2. The annexation shall be approved by a majority of the school district electors voting at such election:

a. of an entire school district, or

- b. if a majority of the members of a board of education of a school district losing the territory concur with the petitioners, or resolution, only the legal voters of the area so affected shall be eligible to vote at such election, or
- c. if the affected area is part of a school district with thirty thousand (30,000) or more average daily membership, if the boundaries of the affected area is not contiguous with the boundaries of the rest of the district, and if the boundary of the noncontiguous affected area is a least two (2) miles from the nearest boundary of the rest of the district, only the legal voters of the area so affected shall be eligible to vote at such election. Provided, if there is an incorporated city located wholly within the separate noncontiguous affected area, the annexation election being held shall not effect the area within the boundaries of the incorporated area unless a majority of the school district electors within the boundaries of the incorporated area also file a petition requesting annexation as required in subsection B of this section.

If the area proposed to be annexed constitutes less than two percent (2%) of the total area of the school district in which such area is located, and there are no qualified electors residing in such area, no election shall be held. In such instance the board of education of the school district wherein the area proposed to be annexed is located and the board of education of the school district to which such area is proposed to be annexed shall each adopt a resolution approving such annexation and shall transmit certified copies of both resolutions to the State Superintendent of Public Instruction who shall, within five (5) days after receiving copies of such resolutions, make an order declaring the annexation as approved in the resolutions. Copies of the annexation order shall be transmitted to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer, county assessor and to the boards of education of the school districts involved;

3. The annexation shall be approved by a majority of the school district electors of the area affected, voting at such election, if the area affected is an area within a school district in which, as a result of condemnation proceedings by the federal government, a majority of the pupils of said area have attended school, for at least one school term, in the district to which the petition requests annexation;

4. If the annexation of an entire district is approved, as provided for in this section, the State Superintendent of Public Instruction shall, within five (5) days after such election, issue an

order declaring the annexation as requested in the petition or resolution for annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies, but the annexation shall not become effective until the time for filing an appeal, as hereinafter provided, has expired. In the event a majority of the electors voting at such election do not vote for the annexation, the State Superintendent of Public Instruction shall, within five (5) days after such election, issue an order denying the annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies. Within ten (10) days after the order of the State Superintendent of Public Instruction is issued, twenty-five percent (25%) of the school district electors who were eligible to vote at the annexation election may appeal to the district court of the county in which the territory proposed to be annexed, or the largest part thereof if such territory lies in more than one county, is situated, and thereafter all proceedings shall be stayed until the district court has rendered judgment. The proceedings shall be given precedence over all other civil matters. In the event the court issues a final order upholding a partial annexation, the effective date of said partial annexation shall be July 1 following the final order. All pending annexation proceedings are hereby exempted from this act. The State Board of Education shall be required to change the boundary lines as described in the declaration after all litigation has expired;

5. Upon the effective date of the annexation of an entire school district to one or more school districts, the board of education of the school district whose territory was annexed shall be declared abolished by the State Superintendent of Public Instruction. If a school district to which the territory was annexed currently has a five-member board of education, that school district board of education shall have the option of forming a seven-member board of education pursuant to the provisions of Section 5-107A of this title upon the effective date of the annexation; and

6. If an independent district annexes to an elementary district not maintaining a high school, both boards of education are abolished. The Governor shall appoint three members of the newly formed district to the board of education and these members shall appoint the remaining two members.

Added by Laws 1971, c. 281, § 7-101, eff. July 2, 1971. Amended by Laws 1972, c. 215, § 1, emerg. eff. April 7, 1972; Laws 1974, c. 37, § 1, emerg. eff. April 13, 1974; Laws 1975, c. 73, § 1, emerg. eff. April 18, 1975; Laws 1977, c. 183, § 1, emerg. eff. June 8, 1977; Laws 1985, c. 193, § 7, eff. Nov. 1, 1985; Laws 1987, c. 154, § 1, eff. Nov. 1, 1987; Laws 1990, c. 257, § 7, eff. July 1, 1990; Laws

1991, c. 3, § 8, eff. July 1, 1991; Laws 1992, c. 324, § 11, eff. July 1, 1992; Laws 1993, c. 316, § 15, eff. Sept. 1, 1993; Laws 1994, c. 71, § 1, emerg. eff. April 15, 1994; Laws 1997, c. 332, § 1, eff. July 1, 1997; Laws 1999, c. 300, § 1, eff. July 1, 1999.
NOTE: Laws 1993, c. 239, § 31 repealed by Laws 1994, c. 71, § 2, emerg. eff. April 15, 1994.

§70-7-101.1. Mandatory annexation or consolidation - Rules and regulations regarding procedures - Notice to school district involved - Opportunity to appear before State Board of Education - Determination of issue.

A. The State Board of Education shall be authorized to promulgate rules and regulations regarding the procedures necessary to accomplish mandatory annexation or consolidation, as provided by and within the requirements of the provisions of Sections 2, 8, 9, 10, 11, 12 and 13 of this act, and as otherwise provided by law.

B. In any case where mandatory annexation of a school or school district is recommended by the State Department of Education, the Department shall notify, in writing, the board of education of the school district involved. Upon receipt of the notification, the school district board shall have fifteen (15) days to request an opportunity to appear before the State Board of Education. If the school district board fails to request an opportunity to appear, the State Board shall proceed without further notice or delay, to conclude the matter. If an opportunity to appear is requested by the school district board, the State Board shall decide the issues after hearing from representatives of the school or school district and the State Department and shall make a final determination on the recommendation of the Department.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 12, emerg. eff. April 25, 1990.

§70-7-102. Repealed by Laws 1979, c. 282, § 32, emerg. eff. June 7, 1979.

§70-7-103. Annexation or disorganization - Assumption of bonded indebtedness.

A. The component parts (or part) of the district annexed, whether the annexation is or was voluntary or mandatory under the provisions of this or any prior act, shall assume their full proportion of all legal bonded indebtedness of the district or districts to which they are or were annexed, and the district or districts to which they are or were annexed shall likewise assume a full proportion of all legal bonded indebtedness of the district annexed, or ratable proportion in ratio to the assessed valuation to the part annexed.

B. Provided, that if the area affected is or has been annexed under the provisions of this article to a school district (hereinafter referred to as the "first" district) having a bonded indebtedness at the time of said annexation, and if at the time of said annexation said area affected is or was not liable for any bonded indebtedness, and if within four (4) calendar months or less after said annexation all or any portion of the territory of the area affected is or has been detached from the first district to become a part of some other school district (hereinafter referred to as the "second" district) then:

1. If the detachment of said territory occurs in any fiscal year after the effective date of this subsection, and before the certification of the budgets and levies of the first district for said fiscal year to the State Auditor and Inspector, neither the said detached territory nor the second district shall have any liability for the payment of any part of the bonded indebtedness of the first district which existed when the area affected was annexed to the first district; or

2. If the detachment of said territory occurs in any fiscal year after the effective date of this subsection, and after the certification of the budgets and levies for said fiscal year of the first district to the State Auditor and Inspector, the said detached territory shall continue to bear its share of the bonded indebtedness of the first district as prescribed by subsection A of this section for the remainder of said fiscal year, but the second district shall not be liable for any part of the bonded indebtedness of the first district which existed at the time of the annexation of the area affected to the first district; and after the beginning of the next succeeding fiscal year neither the said detached territory nor the second district shall have any liability for any of the bonded indebtedness of the first district which existed at the time the area affected was annexed to the first district.

Laws 1971, c. 281, § 7-103, eff. July 2, 1971; Laws 1979, c. 30, § 48, emerg. eff. April 6, 1979.

§70-7-104. Division of property - Debts and obligations.

A. In case the area affected comprises an entire school district, and all of such area is annexed to only one other district, the district to which it is annexed shall become the owner of all the property and other assets of the disorganized district and shall be liable for the current debts and other obligations of such disorganized district, and said district shall also acquire title to and provide for permanent custody of all individual scholastic and other permanent records relating to each pupil who was previously enrolled in the annexed district.

B. In case the area affected comprises an entire school district, and is annexed to two or more districts, then the current

debts or obligations and property and other assets of the disorganized district shall be divided by agreement between the boards of education of the annexing districts, and the board of education of either of the annexing districts may purchase any such property or assets to effect a just division. If the boards of education are unable to agree, the matter shall be decided by the State Board of Education, and its decision shall be final.

C. In case the area affected is not an entire school district, the district to which the annexation is made shall not acquire any of the property or assets of the district from which the area affected is detached, except that any school building or buildings located in the affected area shall become the property of the district to which the affected area is annexed and all obligations pertaining thereto shall become the responsibility of the annexing district.

D. If any mandatory or voluntary annexation made under the provisions of this article shall occur after the election on school district levies for the ensuing fiscal year and before the tax levies of the ensuing year have been made and certified, the operating and building levies authorized for the annexing district shall be the levies for all the said district after such annexation. All mandatory or voluntary annexations made and ordered subsequent to the certification of the budgets and levies to the State Auditor and Inspector shall be forthwith effective regardless of any variation in such levies; and the budgetary assets of the annexed district or districts theretofore so certified as unexpended and unencumbered shall be merged by supplementary procedure with the budgetary assets of the annexing district.

E. In case the area affected is annexed to two or more districts or the area affected is not an entire school district, the individual scholastic and other permanent records relating to each pupil enrolled at the time of annexation shall be transferred to the respective districts where said pupils are transferred. All other individual scholastic and other permanent records relating to pupils in said areas or entire districts affected shall be filed with the county clerk of the county where supervision of the annexed school district is located.

Laws 1971, c. 281, § 7-104, eff. July 2, 1971; Laws 1972, c. 215, § 2, emerg. eff. April 7, 1972; Laws 1979, c. 30, § 49, emerg. eff. April 6, 1979; Laws 1993, c. 239, § 32, eff. July 1, 1993.

§70-7-105. Consolidation - Studies - Petition - Majority vote in entire territory - Plan of action - Conditional consolidation - Election - Initial board for new district - New district legal successor.

A. Two or more school districts may, whether adjacent or not adjacent, be consolidated into a single school district in accordance with standards, rules and procedures to be determined by the State

Board of Education. When the consolidation of two or more school districts is proposed, the State Board of Education shall conduct such studies of the populations, wealth, terrain, trade areas and other factors as may be necessary to determine the location of boundaries and the size of a proposed district which will most nearly ensure an efficient and economical administrative unit. The State Board of Education shall furnish the boards of education of the school districts which might be involved information and advice as to where the boundaries and what the size of the proposed new district should be. Nothing herein shall be construed to prevent the inclusion within a school district of territory lying within the boundaries of two or more counties.

B. Ten percent (10%) of the qualified school electors in any district may petition the board of education of such district to request such information, or a board of education of such district may on its own initiative ask for information and advice from the State Board of Education on the educational advantages and disadvantages of proposed consolidation to the children and residents of the area which might be affected. Upon the receipt of such a petition, the local board of education shall request the services of the State Board of Education and shall notify the boards of education in adjacent school districts that such a request has been made. The State Board of Education may on its own initiative make the study herein authorized of any area of the state and direct the board of education of such school districts as might be involved to set into operation in their districts the procedure for determining what, if any, consolidation should be carried on in the area under study.

C. Any rules or procedures which the State Board of Education may prescribe for consolidation of school districts shall include the opportunity for the qualified school electors in the school districts involved to express their wishes through a majority vote of the school electors in the entire territory involved.

D. Prior to an election for consolidation, the boards of education of the school districts involved may develop a plan which shall set forth the actions to be taken during and after consolidation. The plan of action shall include agreements relating to school site closing, disposition and utilization of property and equipment and such other agreements as may be necessary to facilitate the consolidation of the school districts. The plan of action shall also include provisions related to the technology center school district the newly formed district will be a part of which are consistent with the State Board of Career and Technology Education rules. The plan shall be placed on a separate ballot and voted on by the qualified school electors of each district at the time of the consolidation election. Both the plan and consolidation questions must be approved by a majority vote for the plan to take effect. The plan shall be binding on the board of education of the newly formed

district for at least three (3) years; provided, any provisions related to the expenditure of appropriated money shall not be binding beyond the current fiscal year. The newly formed district may alter or disregard the plan only if there is a significant change in circumstances, including a significant drop in revenue to the district or in student enrollment.

E. Two or more school districts may be consolidated into a single school district on a conditional basis. If the voters approve conditional consolidation of the school districts at an election for such purpose in accordance with the procedures set forth in this section, the newly formed school district shall be considered consolidated and shall go through the same procedure and meet the same requirements as any consolidated school district. Under a conditional consolidation plan, any subsequent decision to consolidate the new school district or annex all or part of the new school district, shall first be approved by a majority of the electors, voting at such election, of each of the original school districts. If one or more of the original school districts disapproves the subsequent consolidation or annexation plan, the plan shall not be approved. If all of the original school districts approve the subsequent consolidation or annexation plan, the plan shall be approved and thereafter, any further consolidation or annexation shall be subject to approval of the electors of all of the school districts as a whole. The original school district shall mean only the districts which independently voted to join the conditionally consolidated district.

F. An election for such purpose shall be held either upon:

1. A petition for consolidation or conditional consolidation, signed by forty percent (40%) of the school district electors of each school district included in the proposed consolidation, or conditional consolidation said percentage being applied to the highest number of voters voting in a regular school election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition; or

2. The concurrence of the boards of education of the school districts included in the proposed consolidation or conditional consolidation, as shown by a resolution adopted by each board. The election shall be called by the State Board of Education and conducted in accordance with the general election laws of this state. Any vote to consolidate two or more districts, shall require a majority vote of those voting in each school district involved. When such a majority vote is in favor of consolidation or conditional consolidation, the State Board of Education shall declare the participating school districts dissolved and the new school district established, and the newly formed district shall thereupon be governed by the provisions of the Oklahoma School Code.

G. The State Superintendent of Public Instruction or designee shall convene the members of the boards of the districts forming the new district, who shall be given the opportunity of selecting from among themselves the initial board of education for the new district, selecting the number of members and designating the initial terms of service of each as required to conform to law; provided, the members convened shall have the option of forming a seven-member board pursuant to the provisions of Section 5-107A of this title rather than a board of the size otherwise provided by law and shall have the option of temporarily increasing the number of board positions for the new district by two positions per consolidating district for the first two (2) years following consolidation. The temporary positions will be filled by appointment by the board. The temporary board positions shall be abolished two (2) years from the effective date of consolidation. Within ten (10) days following the declaration of establishment of the new district, the State Superintendent or designee shall declare the agreement or shall declare that such agreement has not been reached, in which case persons serving as members of the board of education of the participating district having the largest number of enumerated children as shown by the last regular enumeration shall serve as members of the board of education of the newly formed district for the terms for which they were elected and until their successors have been duly elected or appointed and have qualified.

H. All liabilities, assets, powers and duties of the participating districts shall become the responsibility of the new school district, which district shall be the legal successor in every respect to the school districts participating in the consolidation or conditional consolidation in accordance with law.

Added by Laws 1971, c. 281, § 7-105, eff. July 2, 1971. Amended by Laws 1989, c. 323, § 9, eff. July 1, 1989; Laws 1990, c. 257, § 5, eff. July 1, 1990; Laws 1993, c. 45, § 5, emerg. eff. April 9, 1993; Laws 1994, c. 75, § 1, eff. July 1, 1994; Laws 1997, c. 332, § 2, eff. July 1, 1997; Laws 2001, c. 33, § 85, eff. July 1, 2001.

§70-7-106. Buildings - Rented, moved, or sold.

No building or appendages thereto of any school district that has been annexed to another school district or districts shall be rented, moved or sold by the board of education of the annexing district or districts without the approval of a majority of the school district electors in the annexed district voting on the proposition, if such building is being used at least once each ninety (90) days for public gatherings. Provided, that the board of education of the annexing district acquiring such building may require persons or groups using such building and appendages to pay the cost of maintenance, including insurance, of such building and appendages.
Laws 1971, c. 281, § 7-106, eff. July 2, 1971.

§70-7-107. Disposition of property.

Once a school district has voted to dispense with grades one through eight or one through twelve, it shall be illegal for the board of education of such district to sell, exchange, trade, junk, salvage, or otherwise dispose of any furniture, equipment, land, buildings, or other such assets belonging to the school district unless such sale, exchange, trade or disposal is made to, and only to, another public school district in the State of Oklahoma. It shall also be illegal for the board of education to expend the school district's funds for any purpose after the end of the fiscal year in which grades one through eight or one through twelve have been dispensed with except in payment of legal transfer fees, bond and property insurance premiums, utilities, salary of the clerk of the board of education, audit expenses, and the expenses necessary for the preservation and maintenance of school property; provided, that a board or boards of education receiving the annexed district shall have one (1) year after annexation to sell or convey the title of land and buildings to a nonprofit corporation to be used for community purposes after the same has been approved by a majority of the electors of the annexed district, present and voting, at an election called for such purpose; provided, that when such use ceases, the title to said land and buildings shall be vested in the receiving district or districts which shall be evidenced by resolution of the annexed district.

Laws 1971, c. 281, § 7-107, eff. July 2, 1971.

§70-7-108. Federally owned reservations - Annexations.

Any federally owned reservation, or any portion thereof, within the State of Oklahoma shall with the consent of the United States, given by and through the commanding officer, superintendent, or other officer having charge of such reservation, be attached to an independent school district within the same transportation area for school purposes in which such reservation and independent school district are situated, upon the petition of the commanding officer, superintendent, or other officer having charge of such reservation, and with the consent of the board of education of such independent school district. The petition of such commanding officer, superintendent, or other officer in charge of any such federally owned reservation and the consent of such board of education shall be filed with the State Superintendent of Public Instruction and said Superintendent shall thereupon order such reservation to be attached to such independent school district.

Laws 1971, c. 281, § 7-108, eff. July 2, 1971; Laws 1993, c. 239, § 33, eff. July 1, 1993.

§70-7-201. Short title.

Sections 7-201 through 7-206 of this title shall be known and may be cited as the "Oklahoma School Consolidation and Annexation Act". Added by Laws 1989, c. 323, § 1, eff. July 1, 1989. Amended by Laws 1989, 1st. Ex.Sess., c. 2, § 8, operative July 1, 1990; Laws 2003, c. 296, § 1, eff. July 1, 2003; Laws 2009, c. 448, § 2, eff. Nov. 1, 2009.

§70-7-202. Application of act.

The provisions of the Oklahoma School Consolidation and Annexation Act shall apply only to school districts whose entire territory has been annexed to one or more existing school districts or which have been created by the consolidation of two or more existing school districts in accordance with the provisions of Section 7-101 et seq. of this title or to school districts which have entered into a mutual contract with a superintendent as authorized pursuant to Section 5-106A of this title.

Added by Laws 1989, c. 323, § 3, eff. July 1, 1989. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 9, operative July 1, 1990; Laws 1990, c. 257, § 8, emerg. eff. May 23, 1990; Laws 1992, c. 324, § 12, eff. July 1, 1992; Laws 2003, c. 296, § 2, eff. July 1, 2003; Laws 2009, c. 448, § 3, eff. Nov. 1, 2009; Laws 2011, c. 338, § 1, eff. July 1, 2011.

§70-7-203. School Consolidation Assistance Fund.

A. There is hereby created in the State Treasury a fund to be designated the "School Consolidation Assistance Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies the Legislature may appropriate or transfer to the fund and any monies contributed for the fund from any other source, public or private.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purposes established by this section, the Legislature and in accordance with rules promulgated by the State Board of Education. The purposes shall be to provide:

1. Voluntarily or mandatorily consolidated school districts or districts who have received part or all of the territory and part or all of the students of a school district dissolved by voluntary or mandatory annexation, during the first year of consolidation or annexation with a single one-year allocation of funds needed for:
 - a. purchase of uniform textbooks in cases where the several districts were not using the same textbooks prior to consolidation or annexation,
 - b. employment of certified personnel required to teach courses of the district for which personnel from the districts consolidated or annexed are not certified and available,

- c. employment assistance for personnel of the several districts who are not employed by the consolidated or annexing district. Employment assistance may include provision of a severance allowance for administrators, teachers and support personnel not to exceed eighty percent (80%) of the individual's salary or wages, exclusive of fringe benefits, for the school year preceding the consolidation or annexation. Personnel receiving such severance pay may accumulate one (1) year of creditable service for retirement purposes. Employment assistance may also include the payment of unemployment compensation benefits. The State Board of Education shall provide a severance allowance to employees dismissed from employment due to annexation or consolidation of a school district in the year of the annexation or consolidation and who were denied a severance allowance or unemployment compensation benefits and the voluntary consolidation funding of the annexing or consolidating district or districts has been paid on or after July 1, 2003, at the maximum allowable amount. Application for a severance allowance shall be made to the Finance Division of the State Department of Education by the dismissed employee no later than September 1 of the fiscal year immediately following the fiscal year in which the annexation or consolidation occurred,
- d. furnishing and equipping classrooms and laboratories,
- e. purchase of additional transportation equipment, and
- f. when deemed essential by the school district board of education to achieve consolidation or combination by annexation, renovation of existing school buildings and construction or other acquisition of school buildings; and

2. Assistance to school districts which have entered into a mutual contract with a superintendent as authorized pursuant to Section 5-106A of this title in paying the salary or wages of the superintendent. The assistance shall equal not more than fifty percent (50%) of the salary or wages of the superintendent for not more than three (3) consecutive years. In no case shall the total amount of assistance paid over the three-year period be more than One Hundred Fifty Thousand Dollars (\$150,000.00) nor shall any school district be eligible to receive assistance pursuant to this paragraph for more than one three-year time period.

C. The State Board of Education shall only make allocations from the fund to school districts formed from the combination of two or more of the districts whose boards of education notify the State Board of Education on or before June 30 of their intent to annex or

consolidate and are subsequently combined by such means by January 1 of the second year following the notification of intent. The boards of education which have entered into a mutual contract with a superintendent shall notify the Board on or before June 30 of the year preceding the school year the mutual contract will become effective.

D. Allocations will be made to school districts formed by voluntary or mandatory consolidation on the basis of combined average daily membership (ADM) of the school year preceding the first year of operation of the school district resulting from the consolidation; provided, not more than two hundred (200) ADM of any one school district shall be counted in determining the combined ADM of any district formed by consolidation. The ADM of any one school district shall not be considered more than once for allocations from the fund when the school district consolidates with two or more school districts. Allocations from the fund pursuant to this subsection shall be calculated by multiplying the combined ADM by Two Thousand Five Hundred Dollars (\$2,500.00).

E. Allocations will be made to school districts which have received part or all of the territory and students of a school district by voluntary or mandatory annexation on the basis of ADM of the annexed school district for the school year preceding the first year of operation of the school district resulting from the annexation; provided, not more than two hundred (200) ADM of the annexed district shall be counted. Allocations from the fund pursuant to this subsection shall be calculated by multiplying the allowable ADM by Five Thousand Dollars (\$5,000.00). In no case shall allocations payable pursuant to this subsection be greater than One Million Dollars (\$1,000,000.00).

F. If monies in the School Consolidation Assistance Fund are insufficient to make allocations to all qualified combined districts, allocations shall be made based upon the determination of the State Board of Education with preference given to school district consolidation and annexation.

Added by Laws 1989, c. 323, § 4, eff. July 1, 1989. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 10, operative July 1, 1990; Laws 1990, c. 257, § 9, emerg. eff. May 23, 1990; Laws 1991, c. 280, § 59, eff. July 1, 1991; Laws 1992, c. 111, § 1, emerg. eff. April 21, 1992; Laws 1993, c. 361, § 4, eff. July 1, 1993; Laws 2003, c. 296, § 3, eff. July 1, 2003; Laws 2006, c. 278, § 4, eff. July 1, 2006; Laws 2009, c. 448, § 4, eff. Nov. 1, 2009; Laws 2011, c. 338, § 2, eff. July 1, 2011.

§70-7-203.1. Determination of number of districts intending to annex or consolidate - Transfer of funds when qualified combined districts is two or less.

Beginning July 1, 2006, and each year thereafter, the State Board of Education shall determine the number of districts that notified the Board of their intent to annex or consolidate by June 30 of the previous fiscal year. If the Board determines the number of qualified combined districts to be two or less, the Board is authorized to transfer up to one-half of the funds transferred to the School Consolidation Assistance Fund for that fiscal year for allocation to the Financial Support of Public Schools for distribution to school districts in the State Aid Formula, provided in Section 18-200.1 of Title 70 of the Oklahoma Statutes. The State Board of Education is further authorized to transfer up to one-half of the funds not allocated to school districts for annexation or consolidation for the fiscal year ending June 30, 2006, for allocation to the Financial Support of Public Schools. Added by Laws 2006, 2nd Ex.Sess., c. 50, § 36, eff. July 1, 2006.

§70-7-204. Preference for allocations from funds.

Consolidated districts and districts combined by annexation which are created pursuant to the Oklahoma School Consolidation and Annexation Act and districts that have entered into a mutual contract with a superintendent shall have for three (3) subsequent consecutive years after consolidation, annexation or the effective date of the mutual contract preference for allocations from funds appropriated to the State Board of Education for Community Education, Alternative and High Challenge Schools, School/Community Network for Arts-in-Education, Instructional Cooperative and Technical Education, Advanced Placement Incentives, and for all other allocations made by the Board on a competitive basis.

Added by Laws 1989, c. 323, § 5, eff. July 1, 1989. Amended by Laws 1991, c. 280, § 60, eff. July 1, 1991; Laws 1992, c. 281, § 1, eff. July 1, 1992; Laws 2003, c. 296, § 4, eff. July 1, 2003; Laws 2009, c. 448, § 5, eff. Nov. 1, 2009; Laws 2011, c. 338, § 3, eff. July 1, 2011.

§70-7-205. Exceptions to certification requirements - Priority for placement assistance services.

When considering requests for exceptions to certification requirements from districts created by consolidation or annexation pursuant to the Oklahoma School Consolidation and Annexation Act for personnel reassigned because of the consolidation or annexation, the State Superintendent of Public Instruction and the State Board of Education shall exercise the greatest degree of latitude that can be regarded as consistent with acceptable professional practice. Highest priority for placement assistance services of the State Department of Education shall be afforded personnel for whom the consolidated or annexing district has no assignment required.

Added by Laws 1989, c. 323, § 8, eff. July 1, 1989; Laws 1991, c. 280, § 61, eff. July 1, 1991.

§70-7-206. Consolidation or annexation of elementary school district with independent school district.

Elementary school districts which desire to consolidate with or annex the entire territory comprising the school district to an independent school district or districts in the transportation area of their choice pursuant to the Oklahoma School Consolidation and Annexation Act shall be authorized to enter into contracts with the independent school district or districts whom they consolidate with or annex to, which provide for up to a three-year moratorium on school site closings within the consolidated or annexed elementary district.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 11, operative July 1, 1990. Amended by Laws 1990, c. 257, § 10, emerg. eff. May 23, 1990; Laws 1991, c. 3, § 9, eff. July 1, 1991.

§70-8. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-8-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-6.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-9. Repealed by Laws 1968, c. 393, § 4.

§70-8-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-8-101. Right to transfer.

Any student residing in a school district that does not offer the grade which the student is entitled to pursue shall be allowed to transfer to a school district inside or outside of the transportation area in which the student resides which offers the grade the student is entitled to pursue. The district to which the student transfers shall be referred to as the receiving district. A student shall be limited to one transfer pursuant to this section. Thereafter, a student may apply for any other kind of transfer for which the student is eligible as provided for in the Education Open Transfer Act.

Added by Laws 1971, c. 281, § 8-101, eff. July 2, 1971. Amended by Laws 1989, c. 250, § 1, operative July 1, 1989; Laws 1991, c. 3, § 10, eff. July 1, 1991; Laws 1991, c. 280, § 62, eff. July 1, 1991; Laws 2004, c. 55, § 1, emerg. eff. April 1, 2004.

§70-8-101.1. Short title.

Sections 20 through 29 of this act shall be known and may be cited as the "Education Open Transfer Act".

Added by Laws 1999, c. 320, § 19, eff. July 1, 1999.

§70-8-101.2. Transfer of student from residential school district.

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

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

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

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

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

Added by Laws 1999, c. 320, § 20, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 8, eff. July 1, 2000; Laws 2015, c. 363, § 2, eff. July 1, 2015.

§70-8-102. Repealed by Laws 1999, c. 320, § 57, eff. July 1, 1999.

§70-8-103. Application for transfer - Procedure.

A. In order that any student may be transferred, an application form specified by the State Board of Education must be completed by the parents of the student. For purposes of the Education Open Transfer Act, the term "parent" means the parent of the student or person having custody of the student as provided for in paragraph 1 of subsection A of Section 1-113 of this title. The application shall be obtained from and filed with the superintendent of the receiving school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Except as otherwise provided for in this section, applications shall be filed no later than May 31 of the school year preceding the school year for which the transfer is desired. By May 31 of the same school year, the receiving school district shall notify the resident school district that an application for transfer has been filed by a student enrolled in the resident school district. The board of education of the receiving school district shall approve or deny the application for transfer not later than July 15 of the same year and shall notify the parents of the student of the decision. By August 1 of the same year, the parents of the student shall notify the receiving school district that the student will be enrolling in that school district. Failure of parents to notify the district as required may result in loss of the student's right to enroll in the district for that year.

B. On or before September 1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education and each resident district a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students and their respective grade level.

C. The receiving school district of a student transferred pursuant to the provisions of this act shall notify the resident school district and parents of the student of a cancellation of the transfer. Such notice shall be made by July 15 prior to the school year for which the cancellation is applicable.

D. For students who are deaf or hearing impaired who wish to transfer to a school district with a specialized deaf education program, applications may be filed at any time during the school year. Upon approval of the receiving school district, the student may transfer to the receiving school district at any time during the school year.

Added by Laws 1971, c. 281, § 8-103, eff. July 2, 1971. Amended by Laws 1989, 1st Ex.Sess., c. 2, § 89, operative July 1, 1990; Laws 1993, c. 239, § 35, eff. July 1, 1993; Laws 1994, c. 232, § 2, emerg. eff. May 25, 1994; Laws 1999, c. 320, § 21, eff. July 1, 1999; Laws 2000, c. 232, § 9, eff. July 1, 2000; Laws 2003, c. 434, § 12; Laws 2006, c. 248, § 1, emerg. eff. June 7, 2006; Laws 2013, c. 184, § 1, eff. Nov. 1, 2013.

NOTE: Laws 2013, c. 312, § 2 repealed by Laws 2014, c. 12, § 1, eff. Nov. 1, 2014.

§70-8-103.1. Transfer of student not residing in district - Criteria and standards - Children of military personnel.

A. A local school district board of education which receives a request for a transfer for a student who does not reside in the school district may refuse the transfer in accordance with the provisions of the open transfer policy adopted by the local school district board of education and subject to the provisions of subsection B of this section. Each local board of education shall adopt an open transfer policy for the school district which specifies its criteria and standards for approval of transfers of students who do not reside in the district. The policy shall include, but shall not be limited to, provisions relating to the availability of programs, staff, or space as criteria for approval or denial of transfers. A school district may include in the policy as the basis for denial of a transfer, the reasons outlined in Section 24-101.3 of this title.

In considering requests for students to transfer into a school district, the board of education shall consider the requests on a first-come, first-serve basis. A school district shall not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability.

Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of this title.

B. A local school district board of education shall adopt a policy for the school district regarding the transfer of students who are the dependent children of a member of the active uniformed military services of the United States on full-time active duty status and for whom Oklahoma is the home of record and students who are the dependent children of a member of the military reserve on active duty orders and for whom Oklahoma is the home of record. The policy shall provide for the approval of the transfer if:

1. At least one parent of the student has a Department of Defense-issued identification card;

2. At least one parent can provide evidence that he or she will be on active duty status or active duty orders, meaning the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than thirty (30) consecutive days; and

3. The student will be residing with a relative of the student who lives in the receiving school district or who will be living in the receiving school district within six (6) months of the filing of the application for transfer.

Added by Laws 1999, c. 320, § 22, eff. July 1, 1999. Amended by Laws 2013, c. 285, § 2, eff. Nov. 1, 2013.

§70-8-103.2. Extramural athletic competition for transfer student not residing in district.

Except as otherwise provided, a student who enrolls, pursuant to the Education Open Transfer Act or pursuant to Section 2 of this act, in a school district in which the student is not a resident shall not be eligible to participate in school-related extramural athletic competition governed by the Oklahoma Secondary School Activities Association for a period of one (1) year from the first day of attendance at the receiving school unless the transfer is from a school district which does not offer the grade the student is entitled to pursue. If the student is granted an emergency transfer pursuant to Section 8-104 of this title, was granted a transfer for any reason prior to January 1, 2000, or enrolls pursuant to the Education Open Transfer Act and qualifies for a hardship waiver pursuant to the rules of the Oklahoma Secondary School Activities Association, eligibility to participate in school-related extramural athletic competition shall be determined by the Oklahoma Secondary School Activities Association.

Added by Laws 1999, c. 320, § 23, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 10, eff. July 1, 2000; Laws 2006, c. 93, § 1, eff. July 1, 2006.

§70-8-104. Emergency transfers - Emergency defined.

A. In addition to the transfer process provided in Section 8-103 of this title, students may be transferred on an emergency basis. A written application for an emergency transfer designating the district to which the transfer is desired shall be made by the parent and filed with the superintendent of the receiving school district. On an adequate showing of emergency the superintendent of the receiving school district may make and order a transfer, subject to approval by the State Board of Education. An emergency shall include only:

1. The destruction or partial destruction of a school building;
2. The inability to offer the subject a pupil desires to pursue, if the pupil becomes a legal resident of a school district after February 1 of the school year immediately prior to the school year for which the pupil is seeking the transfer;
3. A catastrophic medical problem of a student, which for purposes of this section shall mean an acute or chronic serious illness, disease, disorder or injury which has a permanently detrimental effect on the body's system or renders the risk unusually hazardous;
4. The total failure of transportation facilities;
5. The concurrence of both the sending and receiving school districts;
6. The unavailability of remote or on-site Internet-based instruction by course title in the district of residence for a student identified as in need of drop-out recovery or alternative education services, provided such student was enrolled at any time in a public school in this state during the previous three (3) school years;
7. The unavailability of a specialized deaf education program for a student who is deaf or hearing impaired; or
8. When a student has been the victim of harassment, intimidation and bullying as defined in Section 24-100.3 of this title, upon verification by the receiving school district that the student has been the victim of harassment, intimidation or bullying and that the sending school district was notified of the incident or incidents prior to the filing of the application for transfer.

B. An emergency transfer previously made may be canceled, with the concurrence of the board of the receiving district and the parent.

Added by Laws 1971, c. 281, § 8-104, eff. July 8, 1971. Amended by Laws 1981, c. 353, § 3; Laws 1984, c. 151, § 1, emerg. eff. April 19, 1984; Laws 1993, c. 239, § 36, eff. July 1, 1993; Laws 1994, c. 168, § 2, eff. July 1, 1994; Laws 1996, c. 319, § 2, eff. July 1, 1996; Laws 1997, c. 343, § 3, eff. July 1, 1997; Laws 1999, c. 320, § 24, eff. July 1, 1999; Laws 2002, c. 453, § 3, eff. July 1, 2002; Laws 2004, c. 319, § 1, emerg. eff. May 20, 2004; Laws 2013, c. 85, § 1, emerg. eff. April 22, 2013.

§70-8-105. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-8-106. School dispensed with - Transfer of pupils - Annexation.

A. Upon a majority vote of the electors in a school district voting at the annual school district election or at a special school district election called for such purpose and held not later than June 30, either a high school or a grade school, or both, shall be dispensed with for the ensuing year. An election for such purpose shall also be held upon petition for an election, signed by forty percent (40%) of the school district electors. To calculate the sufficiency of the number of signatures on a petition, the forty percent (40%) figure shall be applied to the highest number of voters voting in a regular school election in the school district in the preceding five (5) years as determined by the secretary of the county election board. The secretary of the county election board shall certify the sufficiency of the number of signatures on the petition. The election shall be conducted by the county election board in accordance with Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The secretary of the county election board shall notify the State Board of Education of the results of every election held to dispense with school.

B. All of the pupils who would be entitled to attend school in the grades dispensed with shall be transferred to another school district or districts maintaining courses of instruction which such pupils are entitled to pursue. The parent or guardian of each child to be transferred shall be required to file an application for the transfer of the child or children with the State Department of Education, within ten (10) days after the results of the election are declared. The procedures for such transfers shall be determined by the State Board of Education.

C. Any school district which dispenses with its entire school district for the ensuing year, as provided herein, shall be mandatorily annexed on July 1 by the State Board of Education to another school district or other districts to which pupils of such dispensed school district have been transferred. Provided, if a school district does not officially dispense with its school and fails to open or maintain a school for such ensuing year, the State Board of Education, except in cases where reasons over which the district had no control causes a normal delay in the opening or maintenance of such school, shall at its next regular meeting, annex such school district to another school district or other districts to which pupils have been transferred. Provided further that if a school district does not have an average daily attendance that meets the State Board of Education regulations for accrediting purposes and does not dispense with its school by June 30, the State Board of

Education shall annex such district to the high school transportation area in which the district is situated at the first regular or special meeting in July.

Laws 1971, c. 281, § 8-106, eff. July 2, 1971; Laws 1990, c. 284, § 1, eff. Sept. 1, 1990; Laws 1992, c. 324, § 13, eff. July 1, 1992; Laws 1993, c. 239, § 37, eff. July 1, 1993.

§70-8-107. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-8-108. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-8-109. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §122, operative July 1, 1990.

§70-8-110. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-8-111. Repealed by Laws 1981, c. 356, § 7.

§70-8-112. Student transfer fees abolished - Other fees unaffected - Contract to waive transfer fees prohibited - Transfer forms.

A. Except as provided in subsection B of this section, on and after July 1, 1990, no school district shall be required to pay and no school district shall charge any other school district a fee for the transfer of a student. Specifically, transfer fees shall not be permitted for transfers between elementary school districts, for transfers between independent school districts or for transfers between independent school districts and elementary school districts.

B. Nothing herein shall prevent the payment or charging of any other fee for the transfer of a student as required by law. Except as otherwise provided for in the Education Open Transfer Act, school districts shall not be permitted to contract to waive transfer fees with regard to special education pupil transfers.

C. The State Board of Education shall establish the necessary and appropriate application forms sufficient to enable school districts to accomplish transfers and to comply with the provisions of Sections 8-101 through 8-106 of this title. Upon establishment of such forms, the State Board of Education shall notify each school district of the content thereof.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 92, operative July 1, 1990. Amended by Laws 1991, c. 3, § 12, eff. July 1, 1991; Laws 1991, c. 280, § 63, eff. July 1, 1991; Laws 1993, c. 239, § 38, eff. July 1, 1993; Laws 1999, c. 320, § 25, eff. July 1, 1999.

§70-8-113. Transfer to district where parent or legal guardian is teacher.

A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed as a teacher, as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, upon the approval of the receiving district only.

Added by Laws 2006, c. 93, § 2, eff. July 1, 2006.

§70-9-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-6. Repealed by Laws 1955, p. 445, § 55.

§70-9-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-9. Repealed by Laws 1961, p. 553, § 1.

§70-9-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-14. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-15. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-17. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-18. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-19. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-9-20. Repealed by Laws 1961, p. 553, § 1.

§70-9-101. Transportation provided.

A. Any school district may provide transportation for any child who is participating in any prekindergarten or early childhood program operated by the school district or any child who is participating in any Head Start program offered within the school district.

B. Upon a request for a student transfer pursuant to the provisions of the Education Open Transfer Act, if the parent of the student requests that the receiving district provide transportation for the student, and if the receiving district grants the transfer, then the receiving district may provide such transportation only within the boundaries of the receiving school district. A receiving school district shall not cross school district boundaries to transport a kindergarten through eighth-grade student transferred pursuant to the Education Open Transfer Act except as otherwise authorized in Section 9-105 of this title.

C. Any school district may provide transportation for each student who should attend any public elementary or secondary school when, and only when, transportation is necessary for accomplishment of one of the following purposes:

1. To provide adequate educational facilities and opportunities which otherwise would not be available, which shall include those purposes provided in the Education Open Transfer Act; and

2. To transport students whose homes are more than a reasonable walking distance, as defined by regulations of the State Board of Education, from the school attended by such student. Provided, that no state funds shall be paid for the transportation of a student whose residence is within one and one-half (1 1/2) miles from the school attended by such student.

Added by Laws 1971, c. 281, § 9-101, eff. July 2, 1971. Amended by Laws 1973, c. 211, § 32, emerg. eff. May 22, 1973; Laws 1987, c. 104, § 1, emerg. eff. May 22, 1987; Laws 1989, c. 335, § 4, eff. July 1, 1989; Laws 1999, c. 320, § 26, eff. July 1, 1999.

§70-9-101.1. Inspection of transportation equipment - Official inspector.

A. The board of education of any school district furnishing transportation shall require that all transportation equipment, as defined in paragraph 1 of subsection A of Section 9-104 of this title, operated by that school district be inspected once a year by an official inspector, as designated by the State Board of Education, to verify that the transportation equipment is being maintained and operated in accordance with all the requirements of the rules of the State Board of Education and state and federal law. The inspection shall include an examination and test of the brakes, steering, front and rear wheel suspension, exhaust systems, wheels and tires, windshield wipers, horn or warning device, proper adjustment of turn signals, windshield, and other glass and lighting equipment, and if applicable, stop signal arms, and emergency exits and equipment. A record of the inspection shall be maintained by the school district and shall be available for inspection upon request.

B. For purposes of this section, "official inspector" means a person who, by training and experience specified by rule promulgated by the State Board of Education, is eligible to conduct inspections.

C. Failure to comply with subsection A of this section shall result in a loss of state funds to that school district in an amount to be determined by the State Board of Education.

D. The Oklahoma Department of Public Safety may perform inspections of all school transportation equipment and inspection records.

Added by Laws 2002, c. 185, § 1. Amended by Laws 2008, c. 439, § 5, eff. July 1, 2008.

§70-9-103. Purchase or contract for use of vehicles - Lettering.

The board of education of any school district authorized to furnish transportation to school children may purchase and maintain suitable vehicles for such use and/or may contract with responsible individuals or another school district to furnish all or part of said transportation. All such contractors, however, shall be subject to statutory provisions relating to the transportation of school children. Every vehicle with a capacity of ten passengers or more used in transporting school children shall have painted in letters not less than eight (8) inches in height on the front thereof the words, "SCHOOL BUS," and on the rear thereof in letters of the same size, "SCHOOL BUS."

Laws 1971, c. 281, § 9-103, eff. July 2, 1971; Laws 1973, c. 112, § 4.

§70-9-104. Transportation equipment - Definitions - Construction and maintenance - Colors - Penalty.

A. As used in this title:

1. "Transportation equipment" means any vehicle or conveyance used for transportation of pupils from their homes to school and from

school to their homes when the cost of rent, lease, purchase, maintenance, or operation of said vehicle or conveyance is defrayed in whole or in part from public school funds; and

2. "Auxiliary transportation equipment" includes but is not limited to equipment used for transporting students to and from extracurricular activities but does not include transportation equipment used for transporting students from their homes to school and from school to their homes.

B. 1. All transportation equipment shall be of such construction as to provide safe, comfortable and economical transportation of passengers. All such equipment which is used to transport ten or more public school children at one time shall be constructed, maintained and operated in accordance with all requirements of laws of the State of Oklahoma and rules of the State Board of Education.

2. All auxiliary transportation equipment shall be of such construction as to provide safe, comfortable and economical transportation of passengers. All auxiliary transportation equipment which is used to transport ten or more public school children at one time shall be constructed and maintained in accordance with all requirements of laws of this state.

C. Nothing in this act shall prevent the bidding by and purchase of new or used transportation equipment or new or used auxiliary transportation equipment from out-of-state dealers so long as they comply with Section 561 et seq. of Title 47 of the Oklahoma Statutes regulating and licensing manufacturers, distributors, dealers, salesmen, etc., and hold a current motor vehicle dealers' license.

D. Notwithstanding any other provision of law, a district board of education may paint or purchase auxiliary transportation equipment in a color or colors other than National School Bus Yellow.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Added by Laws 1971, c. 281, § 9-104, eff. July 2, 1971. Amended by Laws 1974, c. 244, § 2; Laws 1994, c. 138, § 1, eff. July 1, 1994; Laws 2004, c. 533, § 1, eff. July 1, 2004.

§70-9-105. Boundaries of areas of transportation - Definite routes - Withholding state funds for noncompliance - Rules and regulations.

A. The State Board of Education shall determine and fix definite boundaries of the area in which each school district shall provide transportation for each school. When an elementary school district is surrounded by an independent school district, the independent school district must be designated as the transportation area for the high school students in the elementary school district.

B. The State Board of Education is authorized to establish definite routes in each transportation area, and it shall be the further duty of said Board to make rules and regulations as to the

manner in which said area and routes may be established or changed. Except as otherwise provided in this section, state funds payable to a district shall be withheld for a failure or refusal to confine its transportation to the area and routes designated by the State Board of Education or to comply with the rules and regulations of the State Board of Education. State funds payable to a school district shall not be withheld in the following circumstances:

1. When, based upon the mutual agreement of the two participating school districts, a school district offering special education classes extends its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes, for the purpose of offering its special education classes to said students; or

2. When, by resolutions of the boards of education of two participating districts, the districts agree that one or both of the districts may extend its transportation program into the other participating district to provide transportation for students who reside in such other participating district and who, by agreement of the participating districts, are, or will be, attending school in the district that has agreed to furnish transportation for the students.

C. The State Board shall promulgate rules as are necessary to implement the provisions of this section.

Laws 1971, c. 281, § 9-105, eff. July 2, 1971; Laws 1976, c. 273, § 24, emerg. eff. June 17, 1976; Laws 1991, c. 3, § 13, eff. July 1, 1991; Laws 1992, c. 254, § 7, emerg. eff. May 22, 1992.

§70-9-106. Insurance to pay damages - Actions against school district.

The board of education of any school district authorized to furnish transportation may purchase insurance for the purpose of paying damages to persons sustaining injuries proximately caused by the operation of motor vehicles used in transporting school children. The operation of said vehicles by school districts, however, is hereby declared to be a public governmental function, and no action for damages shall be brought against a school district under the provisions of this section but may be brought against the insurer, and the amount of the damages recoverable shall be limited in amount to that provided in the contract of insurance between the district and the insurer and shall be collectible from said insurer only. The provisions of this section shall not be construed as creating any liability whatever against any school district which does not provide said insurance.

Added by Laws 1971, c. 281, § 9-106, eff. July 2, 1971.

§70-9-107. Rules of the road.

Each school bus shall be operated in conformity with all rules of the road duly established by law and shall observe traffic requirements for the route which it travels.
Added by Laws 1971, c. 281, § 9-107, eff. July 2, 1971.

§70-9-108. Additional transportation - Expenses.

The board of education of any school district furnishing transportation is hereby authorized to furnish, in addition to free transportation to and from school, transportation within or without the district, within or outside of this state, for children attending the schools of that district, for the purpose of attending cocurricular and extracurricular activities. Two or more districts may enter into agreements for the furnishing of such transportation. The expense of any such additional transportation shall be paid by the children so transported, by the school activity or school organization receiving benefit from such transportation, or from other private sources. Money so collected shall not be chargeable to or become a part of the school district's finances.
Added by Laws 1971, c. 281, § 9-108, eff. July 2, 1971. Amended by Laws 1994, c. 290, § 70, eff. July 1, 1994; Laws 2001, c. 33, § 86, eff. July 1, 2001; Laws 2005, c. 472, § 12, eff. July 1, 2005.

§70-9-109. Price list and description of transportation equipment.

The State Board of Education is hereby authorized to request a price list and a complete description and specifications of any transportation equipment to be offered for sale to any school board or board of education of any district in the State of Oklahoma.

The State Board of Education shall examine such equipment to determine whether or not such equipment meets the requirements of the National School Bus Standards and such other specifications as the State Board of Education may determine as necessary to provide safe transportation for pupils to and from school and shall approve for sale to all schools in the State of Oklahoma transportation equipment, including bus bodies and chassis, which equipment meets or exceeds the specifications provided for the National School Bus Standards and such other specifications as the State Board of Education may deem as necessary. Any equipment fueled by alternative fuels as defined in Section 130.13 of Title 74 of the Oklahoma Statutes shall also meet any federal safety standards specified for any equipment used to provide transportation for pupils to and from school. The State Board of Education may approve auxiliary transportation equipment that is not National School Bus Yellow in color.

The State Board of Education shall make a list of the equipment approved by them and the maximum price at which such equipment can be purchased. The list shall include a complete description of the equipment. Such description shall include the specification of the

school bus bodies and chassis as well as the factory list price of such equipment at the various factories. Such list shall be made available to all school districts authorized to purchase transportation equipment. Provided, at any time there shall be any change of specifications or prices by manufacturers of chassis or bodies, there shall be filed with the State Board of Education a revised set of specifications and prices.

The school board or board of education of any school district authorized to furnish transportation for pupils to and from school and receiving any State Aid funds, except as provided for in this section, shall be required to purchase all their transportation equipment from the list so provided on sealed bids and at a price not greater than the price filed with the State Board of Education; and the State Board of Education shall be required to deduct from any State Aid for which the school district may qualify the amount paid by any school district for transportation equipment not approved by the State Board of Education or the amount paid greater than shown on the price list for that transportation equipment filed with the State Board of Education. Unless otherwise exempted by this section, all purchases made under the provisions of this act for transportation shall be made upon sealed bids, and contract of purchase shall be awarded to the lowest and best bidder.

Provided, however, any purchase or sale of used transportation equipment shall not be subject to the list and sealed bid requirements as provided for in this section.

The State Board of Education shall adopt rules necessary for the administration of this section and shall require from school district boards of education such information and reports as necessary for proper administration of this section.

Any cost of administration of this section shall be paid by the State Board of Education from funds appropriated for the administration of the State Aid Law.

Added by Laws 1971, c. 281, § 9-109, eff. July 2, 1971. Amended by Laws 1990, c. 294, § 16, operative July 1, 1990; Laws 1994, c. 138, § 2, eff. July 1, 1994; Laws 1995, c. 176, § 1, eff. July 1, 1995; Laws 2002, c. 397, § 32, eff. Nov. 1, 2002; Laws 2005, c. 472, § 13, eff. July 1, 2005.

§70-9-110. Special Transportation Revolving Fund.

There is hereby created a revolving fund, to be known and designated as the "Special Transportation Revolving Fund," which shall consist of all appropriations made for the purposes hereinafter designated and shall also include all proceeds resulting from the use and/or resale of pupil-transportation equipment purchased out of monies in said revolving fund. Said revolving fund shall be a continuing fund and shall be nonfiscal in character.

Added by Laws 1971, c. 281, § 9-110, eff. July 2, 1971.

§70-9-111. Use of fund.

The State Board of Education through the Director of Finance is hereby authorized to use the "Special Transportation Revolving Fund" for the purchase of pupil-transportation equipment suitable for the transportation of children to and from the common schools and to make one or more units of such pupil-transportation equipment available for use by any school district in the State of Oklahoma which is either required or authorized by statute to provide free transportation to and from school for children legally residing in such district or legally transferred thereto and entitled to attend school therein, but which school district does not have sufficient funds available, and, because of then existing indebtedness, may not legally issue its bonds for the purchase of other pupil-transportation equipment. Provided, such equipment shall be purchased from the list of approved equipment as provided for in Section 9-109 and at a price not greater than the price so approved. Provided, further, the school board or board of education of any school district desiring to rent such equipment shall select from the approved list the equipment they desire before the State Board of Education shall be authorized to purchase transportation equipment for rental to any district. Provided, further, the State Board of Education shall not be authorized to act in behalf of any school district in the purchase of any transportation equipment except as provided for in this act.

Added by Laws 1971, c. 281, § 9-111, eff. July 2, 1971.

§70-9-112. Lease of equipment.

Any such eligible school district and the State Board of Education may enter into a lease contract, in writing, for the use by such school district of one or more of such pupil-transportation equipment units during the then current fiscal year, at the annual rental value of such unit or units determined in the manner provided for herein, but which contract may be entered into only against a then current item of appropriation for "Transportation Operation." Any school district which lawfully leases one or more of such pupil-transportation equipment units from the State Board of Education during any fiscal year shall be eligible to enter into a like contract for the same unit or units during and for the ensuing fiscal year, and shall also be eligible to purchase the same such units, as provided for herein, even though such district then has sufficient funds available or may then legally issue its bonds for the purchase of other pupil-transportation equipment.

Added by Laws 1971, c. 281, § 9-112, eff. July 2, 1971.

§70-9-113. Rental value of equipment.

The State Board of Education shall fix the annual rental value of each particular unit of such pupil-transportation equipment at an amount not less than that required to amortize the original total cost of that unit by five (5) years' rental thereof.
Added by Laws 1971, c. 281, § 9-113, eff. July 2, 1971.

§70-9-114. Sale of units of equipment after lease for one year.

The State Board of Education may sell any particular unit of such pupil-transportation equipment to an eligible school district, at any time after such unit has been leased for one (1) fiscal year, for an amount not less than the original total cost of such unit less rentals actually paid for the use of such unit; provided, however, in so selling any such unit, preference shall be given to the school district leasing such unit during the then preceding fiscal year.
Added by Laws 1971, c. 281, § 9-114, eff. July 2, 1971.

§70-9-115. Care of equipment.

Any school district leasing any such pupil-transportation equipment from the State Board of Education shall at its own cost and expense procure such equipment from the State Board of Education, keep such equipment, including all tires, tubes and accessories thereon and therewith, in good repair during the time the same shall be in its possession, and, at the expiration of the term of such lease, unless such equipment be purchased or again leased by such district, return such equipment to the State Board of Education in as good condition as when received, ordinary wear and tear alone excepted. Any tire or tube needing to be replaced while such equipment is in the possession of a school district shall be replaced by, and at the expense of, such district.
Added by Laws 1971, c. 281, § 9-115, eff. July 2, 1971.

§70-9-116. Space for storage of equipment.

The State Board of Education is hereby authorized to procure space for the storage of such pupil-transportation units while not in the possession of a school district and to pay the necessary cost thereof from the "Special Transportation Revolving Fund." When any such unit is returned to the State Board of Education, said board is hereby authorized to recondition same, and to pay necessary cost of such reconditioning, including the cost of any new tires or tubes required for such purpose, from said "Special Transportation Revolving Fund."
Added by Laws 1971, c. 281, § 9-116, eff. July 2, 1971.

§70-9-117. Expense - Paid from what funds.

Any costs or expense necessarily incurred by the State Board of Education in the administration of the foregoing provisions relating to the "Special Transportation Revolving Fund" shall be paid from

funds appropriated or allocated for the administration of laws providing for the payment of State Aid to school districts in the same manner that expenses of administration of such laws are paid. Added by Laws 1971, § 281, § 9-117, eff. July 2, 1971.

§70-9-118. Operation instruction for bus drivers.

Except in case of emergency, anyone who operates, as a driver, a school bus whether a contractor for private hire or an employee of the school district for the transportation of students enrolled in the public schools of the district shall complete a course of instruction pertaining to the operation of a school bus. Said course to be approved by the State Department of Education and the district involved.

Added by Laws 1973, c. 112, § 5.

§70-9-119. Cameras for School Bus Stops Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Cameras for School Bus Stops Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Board of Education from fines collected from school bus stop violations pursuant to Section 11-705 of Title 47 of the Oklahoma Statutes, any state-appropriated funds, federal funds, donations, grants, contributions, and gifts from any public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purposes of providing grants to public school districts as provided for in subsection B of this section. 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.

B. Contingent upon the amount of funds available in the Cameras for School Bus Stops Revolving Fund, the State Board of Education shall award one or more grants annually to public school districts in the state. The grants shall be used by the districts for installation of camera equipment on buses to aid in identifying drivers violating the provisions of Section 11-705 of Title 47 of the Oklahoma Statutes. The Board shall determine the criteria for and establish a process for the submission of grant applications. The applications shall be considered on a statewide competitive basis. The Board shall promulgate rules for the implementation of the grants issued pursuant to this section.

Added by Laws 2019, c. 145, § 2, eff. Nov. 1, 2019.

§70-10-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-10-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-4. Repealed by Laws 1969, c. 159, § 2.
- §70-10-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-10-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-10-101. Attendance officer - Assistants.

Except as provided in Section 10-102.1 of this title, the board of education of each school district shall appoint, or may employ, and fix the compensation of an attendance officer and such assistants as may be necessary, who shall serve under the authority and supervision of the board of education and the district superintendent of schools. Provided, that the same person may be appointed or employed as an attendance officer or assistant for two or more school districts.

Added by Laws 1971, c. 281, § 10-101, eff. July 2, 1971. Amended by Laws 1989, c. 178, § 1, operative July 1, 1989; Laws 1991, c. 3, §

14, eff. July 1, 1991; Laws 1994, c. 232, § 3, emerg. eff. May 25, 1994.

§70-10-102. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-10-102.1. Police as attendance officers.

The board of education of each school district may enter into an agreement with the municipal police department serving the school district which provides that some or all of the duties of an attendance officer for the school district shall be performed by a certified police officer of the municipality. The agreement may further provide that the compensation and necessary traveling expenses of such attendance officer shall be payable from municipal funds.

Added by Laws 1989, c. 178, § 3, operative July 1, 1989. Amended by Laws 1994, c. 232, § 4, emerg. eff. May 25, 1994.

§70-10-103. Repealed by Laws 1986, c. 259, § 65, operative July 1, 1986.

§70-10-103.1. Legal average daily attendance.

The school population, scholastic population, scholastic enumeration, and enumeration of a district shall be the legal average daily attendance. The legal average daily attendance shall be the average number of pupils present in a school district during a year or other specified period of time. The State Board of Education shall determine the legal average daily attendance for each school district by dividing the aggregate days of pupils present in each school district by the number of days taught in each school district. Added by Laws 1986, c. 259, § 56, operative July 1, 1986. Amended by Laws 1987, c. 204, § 116, operative July 1, 1987.

§70-10-103.2. Student information referral procedure.

By January 1, 1995, each school district in this state shall develop a student information referral procedure whereby the Oklahoma State Bureau of Investigation would, if authorized by a parent or legal guardian at any time, have access through a designated district employee to information currently maintained by the school district not prohibited from being released to law enforcement officers by state or federal law regarding past and present students in the district including but not limited to names of the parents of the student and their addresses.

Added by Laws 1994, c. 132, § 3, eff. Sept. 1, 1994.

§70-10-104. State Treasurer and Secretary of School Land Department - Report.

The State Board of Education shall file with the Secretary of the School Land Commission a report, duly certified, showing the school population for the preceding school year of each school district. School population shall be determined as provided for in Section 10-103.1 of this title. The report so filed shall be the basis for making the apportionments of state school land earnings during the following fiscal year.

Amended by Laws 1986, c. 259, § 57, operative July 1, 1986; Laws 1999, c. 292, § 6, eff. July 1, 1999.

§70-10-105. Neglect or refusal to compel child to attend school - Exceptions - Enforcement.

A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.

B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:

- a. the school administrator of the school district where the child attends school, and
 - b. the parent, guardian or custodian of the child.
- Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years;

4. If any child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days; or

5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.

C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides

for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.

D. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

1. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;

2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and

3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

E. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

F. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.

G. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:

1. Verifying attendance of the child with the school;

2. Attending meetings with school officials;

3. Taking the child to school;

4. Taking the child to the bus stop;

5. Attending school with the child;

6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and

7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.

Added by Laws 1971, c. 281, § 10-105, eff. July 2, 1971. Amended by Laws 1975, c. 164, § 1, emerg. eff. May 20, 1975; Laws 1977, c. 155, § 1, emerg. eff. June 3, 1977; Laws 1979, c. 248, § 4; Laws 1989, 1st Ex.Sess., c. 2, § 14, emerg. eff. April 25, 1990; Laws 1992, c. 262, § 5, emerg. eff. May 22, 1992; Laws 1994, c. 220, § 2, eff. July 1, 1994; Laws 1995, c. 270, § 1, eff. July 1, 1995; Laws 2003, c. 434, § 14; Laws 2006, c. 210, § 1, eff. July 1, 2006; Laws 2010, c. 57, § 1, eff. July 1, 2010.

§70-10-105.1. Blank.

§70-10-105.2. Outreach agreements - Promotion of parental visits - Employees may have time off for parent-teacher conferences.

A. It shall be a policy of the State Board of Education to encourage each public school to explore outreach opportunities such as agreements with the parents of each child enrolled in school.

1. Such agreement may describe the beneficial relationship between parental interest and pupil achievement and provide an agreement that a child will achieve higher levels of competency if parents will guarantee that their child will attend school, behave satisfactorily while there, and complete homework. As part of the agreement, the school may state its intention to provide free remediation if a child fails to attain the necessary standards of competency.

2. Such agreement may also emphasize the importance of parent-teacher conferences. The agreement should note the days of the school year reserved for professional meetings and staff development and state that on these days teachers are available to meet with parents. Teachers should also be encouraged to schedule conferences to accommodate working parents. Teachers should strive to hold at least one conference with each student's parents at least once each semester.

B. The State Board of Education also shall require each local board of education to develop initiatives to promote schools as congenial places for parents to visit.

C. The State Board of Education shall also establish a program for encouraging private employers to give employees who have children in preschool programs, kindergarten, or school programs time off to visit the schools for parent-teacher conferences at least once each semester.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 34, emerg. eff. April 25, 1990.

§70-10-105.3. Parent education programs.

A. The State Department of Education shall develop and implement a program of parent education which provides practical information and guidance to parents regarding the development of language, cognition, social skills, and motor development of young children. The program shall be phased in so that services will be available to parents of children under age three (3) in school districts identified by the Department as having the greatest numbers of children whose education is considered to be high challenge. As funds are available the Department shall expand the program so that services will be available to the school sites identified by the Department as having the greatest percentage of children qualifying for the free or reduced school lunch program. The Department shall expand the program each year if funding is available to ensure that a parent education program is available to all school districts. In evaluating new funding requests, priority consideration shall be given to programs demonstrating the greatest need combined with the greatest commitment of community, foundation, and corporate support.

B. The program shall emphasize the importance of the parents of children as a child's first and most influential teachers. The parent education programs currently offered in other states should be examined as possible models for the Oklahoma program.

C. The State Department of Education shall provide or contract with an organization to provide for technical assistance for training and implementation of the program of parent education developed by the Department pursuant to subsection A of this section. To be eligible for a technical assistance contract, an applicant shall be an affiliate member of a national organization or association providing parent education training, have at least two (2) years' experience in implementation of a program of parent education which provides practical information and guidance to parents, and have at least one staff member with a degree above the baccalaureate level who has expertise in Child Development or Early Childhood Education. Technical assistance shall include assistance with training on program organization, management, implementation, and fundraising techniques for groups seeking to implement a program of parent education and existing parent education programs throughout the state. The technical assistance provider shall compile a report utilizing data collected from the State Department of Education on the status of parent education programs operating pursuant to this

section in Oklahoma, including the locations and descriptions of the programs, the sources of funding for the programs, and pending applications for funding. The report shall be filed on or before April 1 of each year with the Governor, the Legislature, and the State Board of Education.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 35, emerg. eff. April 25, 1990. Amended by Laws 1992, c. 324, § 14, eff. July 1, 1992; Laws 1992, c. 373, § 17, eff. July 1, 1992; Laws 1994, c. 392, § 1, eff. July 1, 1994; Laws 2002, c. 437, § 2, eff. July 1, 2002; Laws 2015, c. 217, § 2, eff. Nov. 1, 2015.

§70-10-105.4. Pilot early childhood program - Applications from private sector - Matching funds.

The State Board of Education shall establish a pilot early childhood program to consist of private donations and state funds that will serve at-risk children in at least one urban area and one rural area of this state to be selected by the Board. The Board shall solicit applications from the private sector for the program and require applicants to match state funds on a two-to-one basis and commit a minimum investment of Ten Million Dollars (\$10,000,000.00) in the program.

Added by Laws 2006, 2nd Ex.Sess., c. 50, § 12, eff. July 1, 2006.

§70-10-106. Records of attendance of pupil - Report of absence.

It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last-known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the warning has been received, the parent, guardian or

custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four-week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.

Added by Laws 1971, c. 281, § 10-106, eff. July 2, 1971. Amended by Laws 1979, c. 248, § 5; Laws 1989, c. 178, § 4, operative July 1, 1989; Laws 1995, c. 270, § 2, eff. July 1, 1995; Laws 2009, c. 234, § 157, emerg. eff. May 21, 2009.

§70-10-106.1. Driver license school enrollment requirements - Duties and responsibilities of attendance officers.

It shall be the duty of the attendance officer of each school district to carry out the duties and responsibilities required of the attendance officers by Section 34 of this act. If the attendance officer is unable to carry out the duties and responsibilities, the school district superintendent shall be charged with such duties and responsibilities. Documentation of enrollment status shall be provided to a student by the school district last attended by the student and shall be based upon the last semester's attendance if the student requires documentation during a time when school is not in session.

Added by Laws 1996, c. 247, § 40, eff. July 1, 1996.

§70-10-107. Rules and regulations.

In any matter pertaining to the duties of the attendance officer and keeping records thereof, the board of education of the district shall make rules and regulations subject only to the limitations of the regulations of the State Board of Education and of the law, which shall have the force and effect of law, and all attendance officers are hereby required to comply with all such rules and regulations the same as if they had been specifically mentioned herein.

Added by Laws 1971, c. 281, § 10-107, eff. July 2, 1971.

§70-10-108. Necessary travel expenses.

The attendance officer or assistants shall receive, in addition to their salaries, all necessary travel expenses incurred by them in the performance of their official duties.

Added by Laws 1971, c. 281, § 10-108, eff. July 2, 1971.

§70-10-109. Temporary detention and custody of children subject to compulsory attendance law.

A. An attendance officer, any school administrator, or designee of the school administrator who is employed by the school, or any peace officer may, except for children being home schooled pursuant to Section 10-105 of the Oklahoma Statutes, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and who is absent from school without lawful excuse within the school district that such attendance officer, peace officer or school official serves, if said school district has previously approved the temporary detention and custody pursuant to this section.

B. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a nonsecure youth service or community center servicing the school district, or to a community intervention center, as defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes.

C. The temporary custody or detention provided by this section shall be utilized as a means of reforming and returning the truant students to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a severely limited type of detention and is not justified unless there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer intends to detain is a truant.

Added by Laws 1989, c. 178, § 5, operative July 1, 1989. Amended by Laws 1995, c. 270, § 3, eff. July 1, 1995; Laws 1999, c. 365, § 9, eff. Nov. 1, 1999; Laws 2009, c. 234, § 158, emerg. eff. May 21, 2009.

§70-11-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-11-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-11-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-11-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-11-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-11-101. Sectarian or religious doctrines - Forbidden to be taught in schools.

No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of this state, but nothing in this section shall be construed to prohibit the reading of the Holy Scriptures.

Added by Laws 1971, c. 281, § 11-101, eff. July 2, 1971.

§70-11-101.1. Voluntary prayer.

The board of education of each school district shall permit those students and teachers who wish to do so to participate in voluntary prayer. Nothing in this act shall be construed to be in conflict with Section 11-101 of Title 70 of the Oklahoma Statutes.

Laws 1980, c. 72, § 1, emerg. eff. April 14, 1980.

§70-11-101.2. Minute of silence in public schools - Intervention by Attorney General in legal proceedings.

The board of education of each school district shall ensure that the public schools within the district observe approximately one minute of silence each day for the purpose of allowing each student, in the exercise of his or her individual choice, to reflect, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede other students in the exercise of their individual choices.

The Attorney General of the State of Oklahoma is hereby authorized to intervene in any legal proceeding to enforce the provisions of this act and shall represent any school district or employee named as a defendant therein. Any school district or employee named as a defendant in any proceeding to enforce the provisions of this act shall within five (5) days of receiving service of summons notify the Attorney General of the State of Oklahoma of the pendency of the action.

Added by Laws 2002, c. 353, § 1.

§70-11-102. Instruction conducted in English language.

Instruction given in the several branches of learning in the public schools shall be conducted in the English language except as is necessary for the teaching of foreign languages.

Added by Laws 1971, c. 281, § 11-102, eff. July 2, 1971.

§70-11-103. Courses for instruction - What to include.

A. Courses of instruction approved by the State Board of Education for use in school years prior to 1993-94 shall be those courses that are necessary to ensure:

1. The teaching of the necessary basic skills of learning and communication, including reading, English, writing, the use of numbers and science; and

2. The teaching of citizenship in the United States, in the State of Oklahoma, and in other countries, through the study of the United States Constitution, the amendments thereto, and the ideals, history, and government of the United States, other countries of the world, and the State of Oklahoma and through the study of the principles of democracy as they apply in the lives of citizens. In study of the United States Constitution, a written copy of the document itself shall be utilized.

The public school districts of this state shall ensure that each child enrolled therein is provided with adequate instruction in the basic skills as set out in paragraphs 1 and 2 of this subsection. Each local board of education shall annually evaluate the district's curriculum in order to determine whether each child in the district is receiving adequate basic skill instruction as set out in paragraphs 1 and 2 of this subsection. The evaluation process shall provide for parental involvement. Effective July 1, 1990, each district shall submit its annual evaluation of the district's curriculum to the State Board of Education. The State Board shall make this information available to the Oklahoma Curriculum Committee and, beginning with the 1996-97 school year, shall utilize such information in its periodic evaluation of curriculum.

B. Courses approved by the State Board of Education for instruction of pupils in the public schools of the state for use in school years prior to 1993-94 may include courses that are approved by a local board of education and are necessary to ensure:

1. The teaching of health through the study of proper diet, the effects of alcoholic beverages, narcotics and other substances on the human system and through the study of such other subjects as will promote healthful living and help to establish proper health habits in the lives of school children;

2. The teaching of safety through training in the driving and operation of motor vehicles and such other devices of transportation as may be desirable and other aspects of safety which will promote the reduction of accidents and encourage habits of safe living among school children;

3. The teaching of physical education to all physically able students during the entire school year from first through sixth grade, through physical education, a weekly minimum of seventy-five (75) minutes per student, exclusive of recess activity, supervised play, intramurals, interschool athletics or other extracurricular activities; provided, any student participating as a member of any school athletic team shall be excused from physical education classes; provided further, that certified physical education instructors shall not be required to administer the programs required

for grades one through six. An elective program of instructional physical education designed to provide a minimum of one hundred fifty (150) minutes per week per student shall be provided for all students in the seventh grade through the twelfth grade. The State Board of Education shall prescribe qualifications for physical education instructors. Provided, however, that the State Department of Education shall be empowered to exempt all or a portion of this requirement if an undue hardship would result to the school district. Provided, further, that any student who has exceptional talent in music may, with the approval of the superintendent of schools in independent districts or in elementary districts, substitute a course in music for the above-required physical education course;

4. The teaching of the conservation of natural resources of the state and the nation that are necessary and desirable to sustain life and contribute to the comfort and welfare of the people now living and those who will live here in the future, such as soil, water, forests, minerals, oils, gas, all forms of wildlife, both plant and animal, and such other natural resources as may be considered desirable to study;

5. The teaching of vocational education, by the study of the various aspects of agriculture, through courses and farm youth organizations, such as FFA and 4-H clubs, homemaking and home economics, trades and industries, distributive education, mechanical and industrial arts and such other aspects of vocational education as will promote occupational competence among school children and adults as potential and actual citizens of the state and nation; and

6. The teaching of such other aspects of human living and citizenship as will achieve the legitimate objectives and purposes of public education.

Laws 1971, c. 281, § 11-103, eff. July 2, 1971; Laws 1973, c. 23, § 1, eff. July 1, 1974; Laws 1974, c. 244, § 4; Laws 1975, c. 339, § 1, emerg. eff. June 12, 1975; Laws 1982, c. 326, § 3; Laws 1986, c. 65, § 1, eff. July 1, 1986; Laws 1987, c. 186, § 6, eff. Nov. 1, 1987; Laws 1989, 1st Ex.Sess., c. 2, § 3, emerg. eff. April 25, 1990; Laws 1991, c. 3, § 16, eff. July 1, 1991; Laws 1993, c. 239, § 39, eff. July 1, 1993.

§70-11-103.1. American Sign Language - Teaching in public school.

American Sign Language is hereby recognized as a language art and may be taught in the public schools of the state in educational programs for both hearing and deaf students. American Sign Language classes taught in the public schools may be counted by a public school in fulfilling elective course offerings and shall be granted the same credit as a foreign language. For the purposes of this section, American Sign Language may be taught in the public schools by any qualified teacher under the supervision of a certified teacher.

Added by Laws 1982, c. 126, § 1, operative July 1, 1982. Amended by Laws 1991, c. 201, § 1, emerg. eff. May 17, 1991; Laws 1999, c. 35, § 1, eff. July 1, 1999.

§70-11-103.1a. Native American language - Teaching in public schools.

A Native American language is hereby recognized as a language art and may be taught in the public schools of the state in educational programs. Native American language classes taught in the public schools may be counted by a public school in fulfilling core curriculum requirements and shall be granted the same credit as a world language. For the purposes of this section, Native American languages may be taught in the public schools by:

1. Any qualified teacher who holds a valid traditional or alternative Oklahoma teaching certificate; or

2. A teacher who holds a valid certificate in Native American Languages issued by the State Board of Education and either qualifies for an Alternative Placement Teaching Certificate or is supervised by a teacher who is highly qualified in the content area for the appropriate level of instruction.

Added by Laws 2014, c. 16, § 1, eff. July 1, 2014.

§70-11-103.2. Academic scholar program.

The State Board of Education shall have authority to develop and implement a program for the purpose of recognizing academic scholars in the secondary schools of the state. The State Board of Education shall determine the requirements which are necessary for a student to attain academic scholar status. The requirements shall include but not be limited to the minimum graduation requirements set by the State Board of Education. Recognition for academic scholar status shall be indicated upon the diploma of those students who qualify for such status and in such other manner as the Board may determine. The State Board of Education shall be authorized to promulgate rules and regulations in order to implement the provisions of this section.

Added by Laws 1986, c. 40, § 1, eff. Nov. 1, 1986. Amended by Laws 1987, c. 204, § 117, operative July 1, 1987.

§70-11-103.2c. Repealed by Laws 2000, c. 232, § 24, eff. July 1, 2000.

§70-11-103.2d. Repealed by Laws 2000, c. 232, § 24, eff. July 1, 2000.

§70-11-103.3. AIDS prevention education - Curriculum and materials - Inspection by parents and guardians.

A. Acquired immune deficiency syndrome (AIDS) prevention education shall be taught in the public schools of this state. AIDS

prevention education shall be limited to the discussion of the disease AIDS and its spread and prevention. Students shall receive such education:

1. at the option of the local school district, a minimum of once during the period from grade five through grade six;

2. a minimum of once during the period from grade seven through grade nine; and 3. a minimum of once during the period from grade ten through grade twelve.

B. The State Department of Education shall develop curriculum and materials for AIDS prevention education in conjunction with the State Department of Health. A school district may also develop its own AIDS prevention education curriculum and materials. Any curriculum and materials developed for use in the public schools shall be approved for medical accuracy by the State Department of Health. A school district may use any curriculum and materials which have been developed and approved pursuant to this subsection.

C. School districts shall make the curriculum and materials that will be used to teach AIDS prevention education available for inspection by the parents and guardians of the students that will be involved with the curriculum and materials. Furthermore, the curriculum must be limited in time frame to deal only with factual medical information for AIDS prevention. The school districts, at least one (1) month prior to teaching AIDS prevention education in any classroom, shall conduct for the parents and guardians of the students involved during weekend and evening hours at least one presentation concerning the curriculum and materials that will be used for such education. No student shall be required to participate in AIDS prevention education if a parent or guardian of the student objects in writing to such participation.

D. AIDS prevention education shall specifically teach students that:

1. engaging in homosexual activity, promiscuous sexual activity, intravenous drug use or contact with contaminated blood products is now known to be primarily responsible for contact with the AIDS virus;

2. avoiding the activities specified in paragraph 1 of this subsection is the only method of preventing the spread of the virus;

3. sexual intercourse, with or without condoms, with any person testing positive for human immunodeficiency virus (HIV) antibodies, or any other person infected with HIV, places that individual in a high risk category for developing AIDS.

E. The program of AIDS prevention education shall teach that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that artificial means of birth control are not a certain means of preventing the spread of the AIDS

virus and reliance on such methods puts a person at risk for exposure to the disease.

F. The State Department of Health and the State Department of Education shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

Added by Laws 1987, c. 46, § 1, operative July 1, 1987.

§70-11-103.4. Repealed by Laws 1993, c. 155, § 4, eff. July 1, 1993.

§70-11-103.5. Repealed by Laws 1993, c. 155, § 4, eff. July 1, 1993.

§70-11-103.6. State Board of Education - Adoption of subject matter standards - Option for high school graduation - Adoption and approval of promotional system.

A. 1. The State Board of Education shall adopt subject matter standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication.

2. School districts shall develop and implement curriculum, courses and instruction in order to ensure that students meet the skills and competencies as set forth in this section and in the subject matter standards adopted by the State Board of Education.

3. All students shall gain literacy at the elementary and secondary levels. Students shall develop skills in reading, writing, speaking, computing and critical thinking. For purposes of this section, critical thinking means a manner of analytical thinking which is logical and uses linear factual analysis to reach a conclusion. They also shall learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, shall study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with technology center schools.

4. The subject matter standards shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for active citizenship, employment and/or successful completion of postsecondary education without the need for remedial coursework at the postsecondary level.

5. The subject matter standards shall be designed with rigor as defined in paragraph 3 of subsection F of this section.

6. The subject matter standards for English Language Arts shall give Classic Literature and nonfiction literature equal consideration to other literature. In addition, emphasis shall be given to the study of complete works of literature.

7. At a minimum, the subject matter standards for mathematics shall require mastery of the standard algorithms in mathematics, which is the most logical, efficient way of solving a problem that consistently works, and for students to attain fluency in Euclidian geometry.

8. The subject matter standards for history, social studies and United States Government shall include the content of the United States naturalization test, with an emphasis on the specific content of the test and the ideas and concepts it references. The United States naturalization test shall be made available in physical and electronic online formats as an optional assessment tool for teachers.

9. The subject matter standards for United States Government shall include an emphasis on civics. For the purposes of this section, "civics" means the study of the rights and duties of Oklahoma and United States citizens and of how those governments work.

B. Subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1. Four units or sets of competencies of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;

2. Three units or sets of competencies of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;

3. Three units or sets of competencies of laboratory science approved for college admission requirements, including one unit or set of competencies of life science, meeting the standards for Biology I; one unit or set of competencies of physical science, meeting the standards for Physical Science, Chemistry or Physics; and one unit or set of competencies from the domains of physical science, life science or earth and space science such that the content and rigor is above Biology I or Physical Science;

4. Three units or sets of competencies of history and citizenship skills, including one unit of American History, 1/2 unit of Oklahoma History, 1/2 unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or non-Western culture and approved for college admission requirements;

5. Two units or sets of competencies of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a

technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

6. One additional unit or set of competencies selected from paragraphs 1 through 5 of this subsection or career and technology education courses, concurrently enrolled courses, Advanced Placement courses or International Baccalaureate courses approved for college admission requirements; and

7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

C. In lieu of the requirements of subsection B of this section which requires a college preparatory/work ready curriculum, 1a student may enroll in the core curriculum as provided in subsection D of this section upon written approval of the parent or legal guardian of the student. For students under the age of eighteen (18) school districts shall require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the core curriculum. The State Department of Education shall develop and distribute to school districts a form suitable for this purpose, which shall include information on the benefits to students of completing the college preparatory/work ready curriculum as provided for in subsection B of this section.

D. For those students subject to the requirements of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts - 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses:

- a. American Literature,
- b. English Literature,
- c. World Literature,
- d. Advanced English Courses, or
- e. other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:

- a. Algebra II,
- b. Geometry or Geometry taught in a contextual methodology,
- c. Trigonometry,
- d. Math Analysis or Precalculus,

- e. Calculus,
- f. Statistics and/or Probability,
- g. Computer Science or acceptance and successful completion of one (1) year of a full-time, three-hour career and technology program leading to an industry credential/certificate or college credit. The State Board of Career and Technology Education shall promulgate rules to define the provisions of this act related to the accepted industry-valued credentials which are industry-endorsed or industry-aligned. The list of accepted industry-valued credentials shall be reviewed annually and updated at least every three (3) years by the Board,
- h.
 - (1) contextual mathematics courses which enhance technology preparation, or
 - (2) a science, technology, engineering and math (STEM) block course meeting the requirements for course competencies listed in paragraph 2 of subsection B of this section, whether taught at a:
 - (a) comprehensive high school, or
 - (b) technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,
- i. mathematics courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or
- j. any other mathematics course with content and/or rigor equal to or above Algebra I;

3. Science - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses:

- a. Chemistry I,
- b. Physics,
- c. Biology II,
- d. Chemistry II,
- e. Physical Science,
- f. Earth Science,
- g. Botany,
- h. Zoology,
- i. Physiology,
- j. Astronomy,

- k. Applied Biology/Chemistry,
- l. Applied Physics,
- m. Principles of Technology,
- n. qualified agricultural education courses,
- o. (1) contextual science courses which enhance technology preparation, or
(2) a science, technology, engineering and math (STEM) block course meeting the requirements for course competencies listed in paragraph 3 of subsection B of this section, whether taught at a:
 - (a) comprehensive high school, or
 - (b) technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,
- p. science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or
- q. other science courses with content and/or rigor equal to or above Biology I;

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses:

- a. World History,
- b. Geography,
- c. Economics,
- d. Anthropology, or
- e. other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History;

5. Arts - 1 unit or set of competencies which may include, but is not limited to, courses in Visual Arts and General Music; and

6. Computer Education or World Language - 1 unit or set of competencies of computer technology, whether taught at a high school or a technology center school, including computer programming, hardware and business computer applications, such as word processing, databases, spreadsheets and graphics, excluding keyboarding or typing courses, or 1 unit or set of competencies of foreign or non-English language.

E. 1. In addition to the curriculum requirements of either subsection B or D of this section, in order to graduate from a public

high school accredited by the State Board of Education students shall complete the requirements for a personal financial literacy passport as set forth in the Passport to Financial Literacy Act and any additional course requirements or recommended elective courses as may be established by the State Board of Education and the district school board. School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages and two units or sets of competencies of physical and health education.

2. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the curriculum requirements of this section.

3. A school district shall not be required to offer every course listed in subsections B and D of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is thorough, exhaustive and accurate and is appropriate for the grade level;

4. "Sets of competencies" means instruction in those skills and competencies that are specified in the subject matter standards adopted by the State Board of Education and other skills and competencies adopted by the Board, without regard to specified instructional time; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in this section.

2. The State Board of Education shall allow as much flexibility at the district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To accomplish this purpose, the State Department of Education shall work with

school districts in reviewing and approving courses taught by districts that are not specifically listed in subsections B and D of this section. Options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. The State Board of Education shall approve an advanced placement computer science course to meet the requirements of course competencies listed in paragraph 2 of subsection B of this section if the course is taken in a student's senior year and the student is concurrently enrolled in or has successfully completed Algebra II.

4. Technology center school districts may offer programs designed in cooperation with institutions of higher education which have an emphasis on a focused field of career study upon approval of the State Board of Education and the independent district board of education. Students in the tenth grade may be allowed to attend these programs for up to one-half (1/2) of a school day and credit for the units or sets of competencies required in paragraphs 2, 3 and 6 of subsection B or D of this section shall be given if the courses are taught by a teacher certified in the secondary subject area; provided, credit for units or sets of competencies pursuant to subsection B of this section shall be approved for college admission requirements.

5. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

6. Credit for the units or sets of competencies required in subsection B or D of this section shall be given when such units or sets of competencies are taken prior to ninth grade if the teachers are certified or authorized to teach the subjects for high school credit and the required rigor is maintained.

7. The three units or sets of competencies in mathematics required in subsection B or D of this section shall be completed in the ninth through twelfth grades. If a student completes any required courses or sets of competencies in mathematics prior to ninth grade, the student may take any other mathematics courses or sets of competencies to fulfill the requirement to complete three units or sets of competencies in grades nine through twelve after the student has satisfied the requirements of subsection B or D of this section.

8. All units or sets of competencies required for graduation may be taken in any sequence recommended by the school district.

H. As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling or other scheduling structure that allows for instruction in sets of competencies, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

I. 1. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards, as adopted by the State Board of Education, may upon approval of the Board, in consultation with the Oklahoma Department of Career and Technology Education if the courses are offered at a technology center school district, be counted for academic credit and toward meeting the graduation requirements of this section.

2. Internet-based courses offered by a technology center school that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards may, upon approval of the State Board of Education and the independent district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

3. Internet-based courses or vocational-technical courses utilizing integrated or embedded skills for which no subject matter standards have been adopted by the State Board of Education may be approved by the Board, in consultation with the Oklahoma Department of Career and Technology Education if the courses are offered at a technology center school district, if such courses incorporate standards of nationally recognized professional organizations and are taught by certified teachers.

4. Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards may, upon approval of the State Board of Education and the school district

board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

J. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

K. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

L. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

M. Students who enter the ninth grade in or prior to the 2007-08 school year who are enrolled in an alternative education program and meet the requirements of their plans leading to high school graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

N. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

O. Any student who successfully completes an advanced mathematics or science course offered pursuant to Section 1210.404 of this title shall be granted academic credit toward meeting the graduation requirements pursuant to paragraph 2 or 3, as appropriate, of subsection B or D of this section.

P. For purposes of this section, the courses approved for college admission requirements shall be courses which are approved by the Oklahoma State Regents for Higher Education for admission to an institution within The Oklahoma State System of Higher Education.

Q. Students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section may re-enroll in the school district that denied the student a standard diploma following the denial of a standard diploma. The student shall be provided remediation or intervention and the opportunity to complete the curriculum units or sets of competencies required by this section to obtain a standard diploma. Students who re-enroll in the school district to meet the graduation requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title and the six-period enrollment requirements of this section.

R. The State Department of Education shall collect and report data by school site and district on the number of students who enroll in the core curriculum as provided in subsection D of this section.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 6, emerg. eff. April 25, 1990. Amended by Laws 1990, c. 263, § 67, operative July 1, 1990; Laws 1991, c. 233, § 1, eff. July 1, 1991; Laws 1999, c. 320, § 1, eff. July 1, 1999; Laws 2000, c. 232, § 1, eff. July 1, 2000; Laws 2001, c. 33, § 87, eff. July 1, 2001; Laws 2002, c. 143, § 1; Laws 2002, c. 453, § 4, eff. July 1, 2002; Laws 2004, c. 82, § 1, eff. July 1, 2004; Laws 2005, c. 29, § 2, eff. Nov. 1, 2005; Laws 2005, c. 432, § 7, eff. July 1, 2005; Laws 2006, c. 289, § 2, eff. July 1, 2006; Laws 2007, c. 173, § 3, eff. July 1, 2007; Laws 2013, c. 73, § 1, eff. July 1, 2013; Laws 2014, c. 214, § 1, eff. July 1, 2014; Laws 2014, c. 430, § 2, emerg. eff. June 5, 2014; Laws 2015, c. 54, § 33, emerg. eff. April 10, 2015; Laws 2016, c. 99, § 1, eff. July 1, 2016; Laws 2016, c. 379, § 1, eff. July 1, 2018; Laws 2017, c. 118, § 1, eff. July 1, 2018; Laws 2018, c. 241, § 1, eff. July 1, 2018; Laws 2019, c. 25, § 44, emerg. eff. April 4, 2019.

NOTE: Laws 2005, c. 80, § 1 repealed by Laws 2005, c. 432, § 15, eff. July 1, 2005. Laws 2014, c. 210, § 1 repealed by Laws 2015, c. 54, § 34, emerg. eff. April 10, 2015. Laws 2018, c. 67, § 1 repealed by Laws 2019, c. 25, § 45, emerg. eff. April 4, 2019.

§70-11-103.6a-1. Legislative review of standards - Final approval.

A. All subject matter standards and revisions to the standards adopted by the State Board of Education pursuant to Section 11-103.6a of Title 70 of the Oklahoma Statutes shall be subject to legislative review as set forth in this section. The standards shall not be implemented by the State Board of Education until the legislative review process is completed as provided for in this section.

B. Upon adoption of any subject matter standards, the State Board of Education shall submit the adopted standards to the Speaker of the House of Representatives or a designee and the President Pro Tempore of the Senate or a designee prior to the last thirty (30) days of the legislative session.

C. By adoption of a joint resolution, the Legislature shall approve the standards, disapprove the standards in whole or in part, amend the standards in whole or in part or disapprove the standards in whole or in part with instructions to the State Board of Education, provided that such joint resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. If the joint resolution is vetoed by the Governor in accordance with Section 11 of Article VI of the Oklahoma Constitution and the veto has not been overridden, the standards shall be deemed approved. If the Legislature fails to adopt a joint resolution within thirty (30) legislative days following submission of the standards, the standards shall be deemed approved.

D. If the subject matter standards are disapproved in whole or are disapproved in whole with instructions as provided for in this section, the State Board of Education may adopt new standards and

submit the new standards for legislative review pursuant to this section. The State Board of Education shall continue to implement current standards in place until the new standards have been reviewed by the Legislature and approved as provided for in this section. If the subject matter standards are amended, approved in part or are disapproved in part with instructions, the State Board of Education may revise the standards in accordance with the legislative changes and implement the standards.

E. Upon final approval of the standards, the standards shall be considered final agency rules. The Board shall submit a copy of the standards to the Secretary of State, who shall include the standards in the publication known as the "Oklahoma Administrative Code" in the same manner as agency rules are published in the "Code" as provided for in the Administrative Procedures Act. All standards approved and published as provided for in this subsection shall have the same force and effect of law as agency rules promulgated pursuant to the Administrative Procedures Act.

F. Unless otherwise provided by specific vote of the Legislature, joint resolutions introduced for purposes of approving, disapproving, amending or disapproving with instructions any subject matter standards shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for approving, disapproving, amending or disapproving with instructions any subject matter standards and any such other direction or mandate regarding the standards deemed necessary by the Legislature. The joint resolution shall contain no other provisions.

Added by Laws 2014, c. 430, § 4, emerg. eff. June 5, 2014.

§70-11-103.6a. Review of adopted subject matter standards - College- and career-ready English Language Arts and Mathematics standards - Student assessments.

A. Beginning with the 2014-15 school year, each area of subject matter standards, except for standards for career and technology education adopted pursuant to Section 14-103 of this title, shall be adopted by the State Board of Education and shall be subject to legislative review and approval as provided for in Section 4 of this act. The subject matter standards shall be implemented statewide by every public school district in this state. The subject matter standards shall be thoroughly reviewed by the State Board every six (6) years according to and in coordination with the existing subject area textbook adoption cycle. After review, the State Board shall adopt any revisions in such subject matter standards deemed necessary to achieve further improvements in the quality of education for the students of this state. Any revisions adopted by the State Board of Education shall be subject to review and approval as provided for in Section 4 of this act. The adoption of subject matter standards or revisions to the standards by the State Board of Education pursuant

to this section shall not be promulgated as rules and shall not be subject to Article I of the Administrative Procedures Act.

B. 1. In addition to the requirements set forth in subsection A of this section, on or before August 1, 2016, the State Board of Education, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall adopt subject matter standards for English Language Arts and Mathematics which are college- and career-ready and will replace current standards. To be considered college- and career-ready, the standards shall be evaluated by the State Department of Education, the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce and be determined to be such that the standards will address the goals of reducing the need for remedial coursework at the postsecondary level and increasing successful completion of postsecondary education. The subject matter standards and corresponding student assessments for English Language Arts and Mathematics shall be solely approved and controlled by the state through the State Board of Education.

2. Upon the effective date of this act, the State Board of Education shall begin the process of adopting the English Language Arts and Mathematics standards and shall provide reasonable opportunity, consistent with best practices, for public comment on the revision of the standards, including but not limited to comments from students, parents, educators, organizations representing students with disabilities and English language learners, higher education representatives, career technology education representatives, subject matter experts, community-based organizations, Native American tribal representatives and business community representatives.

3. Until the statewide student assessments for English Language Arts and Mathematics are implemented as provided for in paragraph 1 of subsection C of this section, the State Board of Education shall implement the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010.

4. Upon the effective date of this act, the State Board of Education shall seek certification from the State Regents for Higher Education that the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 are college- and career-ready as defined in the Federal Elementary and Secondary Education Act (ESEA) Flexibility document issued by the United States Department of Education and referenced in Option B of Principle 1: College and Career-Ready Expectations for All Students. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of deficiencies if the State Regents

conclude that the standards are not college- and career-ready. The Board shall post all documents, materials, reports, descriptions and correspondence produced by the State Regents or used by the State Regents in the certification process on the website for the State Department of Education.

C. 1. On or before the 2017-18 school year, the State Board of Education, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall direct the process of the development of annual high-quality statewide student assessments for English Language Arts and Mathematics as provided for in Section 1210.508 of this title that align with the college- and career-ready subject matter standards developed pursuant to subsection B of this section.

2. The statewide student assessments for English Language Arts and Mathematics shall continue to assess standards and objectives found in the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 and the test blueprints shall continue to align to the standards and objectives found in such subject matter standards for English Language Arts and Mathematics until the new assessments are implemented as provided for in paragraph 1 of this subsection.

D. 1. The State Board of Education shall not enter into any agreement, memorandum of understanding or contract with any federal agency or private entity which in any way cedes or limits state discretion or control over the process of development, adoption or revision of subject matter standards and corresponding student assessments in the public school system, including, but not limited to, agreements, memoranda of understanding and contracts in exchange for funding for public schools and programs. If the State Board of Education is a party to such an agreement, memorandum of understanding or contract on the effective date of this act, the State Board of Education shall initiate necessary efforts to amend the agreement, memorandum of understanding or contract to comply with the requirements of this subsection.

2. Nothing in this section shall be construed to prohibit the State Board of Education from seeking and being granted a waiver from federal law, provided that the conditions for the waiver do not require the state to cede or limit its discretion or control over the process of development, adoption or revision of subject matter standards and corresponding statewide student assessments.

3. The State Department of Education may participate in a multistate or multigovernmental cooperative pursuant to the requirements of the Oklahoma Central Purchasing Act, but shall not bind the state, contractually or otherwise, to the authority of any other state, organization or entity which may supersede the authority of the State Board of Education.

E. The content of all subject matter standards and corresponding student assessments shall be solely approved and controlled by the state through the State Board of Education. The State Board of Education shall maintain independence of all subject matter standards referenced in Section 11-103.6 of this title and corresponding statewide student assessments and shall not relinquish authority over Oklahoma subject matter standards and corresponding statewide student assessments. Nothing in this section shall prohibit benchmarking the state subject matter standards and corresponding student assessments with those of other states or nations to allow comparison of Oklahoma subject matter standards and corresponding student assessments with those of other states and nations.

F. School districts shall exclusively determine the instruction, curriculum, reading lists and instructional materials and textbooks, subject to any applicable provisions or requirements as set forth in law, to be used in meeting the subject matter standards. School districts may, at their discretion, adopt supplementary student assessments which are in addition to the statewide student assessments.

G. 1. Upon completion of the adoption of English Language Arts and Mathematics subject matter standards pursuant to subsection B of this section, the State Board of Education shall compare such English Language Arts and Mathematics standards with the English Language Arts and Mathematics standards that were adopted by the State Board of Education prior to implementation of this act. The State Board of Education shall consider public comments, the use of best practices, evidence and research in the evaluation of both sets of standards. The State Board of Education shall compare the standards in the areas of:

- a. effective preparation for active citizenship and postsecondary education or the workforce,
- b. subject matter content,
- c. sequencing of subject matter content and relationship to measurement of student performance and the application of subject matter standards,
- d. developmental appropriateness of grade-level expectations, academic content and instructional rigor,
- e. clarity for educators and parents,
- f. exemplars tied to the standards,
- g. measurability of student proficiency in the subject matter,
- h. pedagogy,
- i. development of critical thinking skills, and
- j. demonstration of application of acquired knowledge and skills.

2. Upon completion of the comparison of the English Language Arts and Mathematics subject matter standards, the State Board of

Education shall submit 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 a report outlining the results of the comparison of the standards.

H. All subject matter standards and corresponding statewide student assessments adopted by the State Board of Education shall be carefully circumscribed to reflect direct application to subject matter proficiency and shall not include standards or assessment questions that are designed to collect or measure noncognitive, emotional or psychological characteristics, attributes or skills of students.

I. Any rule, including but not limited to Rules 210:15-4-1 through 210:15-4-3 of the Oklahoma Administrative Code, which conflicts with the requirements of this section, shall be amended or repealed by the State Board of Education as necessary to comply with the requirements of this section.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 7, emerg. eff. April 25, 1990. Amended by Laws 2002, c. 289, § 3, eff. July 1, 2002; Laws 2010, c. 291, § 15, eff. July 1, 2010; Laws 2014, c. 430, § 3, emerg. eff. June 5, 2014.

§70-11-103.6b. Social studies curriculum and textbooks to reflect American diversity.

A. The State Board of Education shall adopt a social studies core curriculum with courses of instruction for all students enrolled in the public schools that reflect the racial, ethnic, religious, and cultural diversity of the United States of America. The United States history and Oklahoma history components required in the social studies curriculum for all students shall include, but not be limited to, African Americans, Native Americans, and Hispanic Americans. The United States history component required in the social studies curriculum for all students shall include information about Juneteenth commemorating emancipation of enslaved African Americans.

B. The State Textbook Committee, when adopting textbooks, shall incorporate the provisions of subsection A of this section into the criteria used to evaluate United States history and Oklahoma history textbooks. Any United States history or Oklahoma history textbook on the state adopted textbook list shall conform to the purposes of this section. The State Textbook Committee shall ensure that all social studies textbooks and supplementary materials selected to be purchased with state funds for use in Oklahoma classrooms reflect the racial, ethnic, religious, and cultural diversity of the United States.

C. It is the intent of the Legislature that a portion of the state funds appropriated for professional development in local school

districts be used for workshops, seminars, guest lecturers, and other methods which further the purposes of this section.

D. As used in this section, "curriculum" means the subject matter standards adopted by the State Board of Education pursuant to Section 11-103.6 of this title. School districts shall exclusively determine instruction, specific course curricula, reading lists and instructional materials pursuant to subsection F of Section 11-103.6a of this title.

Added by Laws 1999, c. 294, § 1, eff. Nov. 1, 1999. Amended by Laws 2018, c. 257, § 1, eff. July 1, 2018.

§70-11-103.6c. Teachers of honors courses - Certification in subject area.

Any school district offering courses labeled as honors courses must ensure that teachers of such honors courses are certified to teach in the subject area of the course in order to label the course an honors course.

Added by Laws 2000, c. 215, § 1, eff. July 1, 2000.

§70-11-103.6d. Certificates of distinction.

A. District boards of education may develop and issue a certificate of distinction that is to be awarded to students, beginning with students in the 2000-2001 high school graduating class who have met or exceeded the following criteria by the end of their senior year in high school with at least a 3.25 grade point average on a 4.0 scale:

1. Earned four units each in English, mathematics, social studies, and science;
2. Earned two additional units in the area of technology, the humanities, or the arts;
3. Earned two units in a foreign language; and
4. Achieved a proficient or advanced score on all end-of-instruction tests as required pursuant to Section 1210.508 of this title, as those tests are implemented.

B. For purposes of this section, applicable vocational-technical classes offered by comprehensive high school vocational-technical programs shall qualify for technology, science, and mathematics units. Students enrolled in the programs may use one unit of their six concentrated vocational-technical curriculum units for one unit of mathematics required by this section and one unit of their six concentrated vocational-technical curriculum units for one unit of science required by this section. Advanced placement classes in the subject areas listed in paragraphs 1, 2, and 3 of subsection A of this section may be substituted on a course-by-course basis to satisfy the academic units required for a certificate of distinction.

C. For purposes of this section, "unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

Added by Laws 2000, c. 232, § 2, eff. July 1, 2000. Amended by Laws 2009, c. 456, § 7, eff. July 1, 2009.

NOTE: Editorially renumbered from § 11-103.6c of this title to avoid duplication in numbering.

§70-11-103.6e. Certificates of distinction as part of higher education admission standards.

Colleges and universities shall not make holding a certificate of distinction a part of their admission standards.

Added by Laws 2000, c. 232, § 3, eff. July 1, 2000.

NOTE: Editorially renumbered from § 11-103.6d of this title to avoid duplication in numbering.

§70-11-103.6f. Students transferring from out of state - Children of military families - Exceptions to graduation requirements.

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

B. The rules shall allow district boards of education to make exceptions on an individual student basis to the high school graduation requirements of Section 11-103.6 of this title for such students who would be unable to meet the specific graduation requirements without extending the date of graduation. Each district board of education that grants exceptions pursuant to this subsection shall report to the State Department of Education on or before July 1 of each year the number of students granted exceptions and reasons for the exceptions.

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

Added by Laws 2003, c. 55, § 1, emerg. eff. April 10, 2003. Amended by Laws 2015, c. 32, § 1, eff. July 1, 2015.

§70-11-103.6g. Passport to Financial Literacy Act - Short title.

Section 2 of this act shall be known and may be cited as the "Passport to Financial Literacy Act".

Added by Laws 2007, c. 173, § 1, eff. July 1, 2007.

§70-11-103.6h-1. Personal Financial Literacy Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Personal Financial Literacy Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies directed to be deposited in the fund pursuant to Section 30 of this act and any other monies received by the Department for such purpose from any other public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purposes set forth in Section 11-103.6h of Title 70 of the Oklahoma Statutes. 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.

Added by Laws 2017, c. 279, § 3, eff. July 1, 2017. Amended by Laws 2019, c. 89, § 31, eff. Aug. 1, 2020.

§70-11-103.6h. Passport to Financial Literacy Act - Areas of instruction - Graduation requirement - Duties of Department of Education - Transfer students.

A. Personal financial literacy education shall be taught in the public schools of this state. Personal financial literacy education shall include, but is not limited to, the following areas of instruction:

1. Understanding interest, credit card debt, and online commerce;
2. Rights and responsibilities of renting or buying a home;
3. Savings and investing;
4. Planning for retirement;
5. Bankruptcy;
6. Banking and financial services;
7. Managing a bank account;
8. Understanding the Free Application for Federal Student Aid (FAFSA), loans and borrowing money, including predatory lending and payday loans;
9. Understanding insurance;
10. Identity fraud and theft;
11. Charitable giving;
12. Understanding the financial impact and consequences of gambling;
13. Earning an income; and
14. Understanding state and federal taxes.

B. In order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall fulfill the requirements for a personal financial literacy passport.

The requirements for a personal financial literacy passport shall be satisfactory completion in all areas of instruction in personal financial literacy as listed in subsection A of this section during grades seven through twelve or demonstration of satisfactory knowledge as provided for in subsection E of this section.

C. School districts shall provide instruction in personal financial literacy to students during grades seven through twelve. School districts shall have the option of determining when each area of instruction listed in subsection A of this section shall be presented to students.

D. Personal financial literacy instruction shall be integrated into one or more existing courses of study or provided in a separate personal financial literacy course. School districts shall have the option of determining into which course or courses each area of instruction listed in subsection A of this section shall be integrated.

E. Students with the most significant cognitive disabilities (MSCD) who have an Individualized Education Program (IEP) that directs that the student is to be assessed with alternate achievements standards through the Oklahoma Alternative Assessment Program may demonstrate satisfactory knowledge in each area of instruction listed in subsection A of this section upon a determination, supported by documentation, by the school district that the student has met the following criteria:

1. Receives substantive and substantial instruction in life-skills curriculum; and
2. Demonstrates the acquired knowledge of the student with MSCD by alternate measures as required by the IEP.

F. The State Board of Education shall identify and adopt curriculum standards for personal financial literacy instruction that reflect the areas of instruction listed in subsection A of this section. The standards shall be incorporated into the state academic content standards adopted by the Board pursuant to Section 11-103.6 of this title.

G. The State Department of Education shall:

1. Develop guidelines and material designed to enable schools to infuse personal financial literacy within any course of study currently offered by the school district or offer personal financial literacy as a separate course. The guidelines shall outline the areas of instruction to be taught based on the curriculum standards adopted by the Board;
2. Develop professional development programs that are designed to help teachers provide instruction in personal financial literacy and incorporate the curriculum into an existing course or courses or develop curriculum for a separate personal financial literacy course;
3. Provide and identify resources, including online curricula, for integrating the teaching of personal financial literacy into an

existing course or courses of study or for developing a separate personal financial literacy course. Any online curricula provided or identified by the Department shall include an assessment component for each area of instruction listed in subsection A of this section;

4. Provide and identify resources, including online curricula, and materials designed to enable students identified as English language learners to understand and use the personal financial literacy information presented; and

5. Utilize funds deposited into the Personal Financial Literacy Education Revolving Fund created in Section 3 of this act for the purpose of and to fund the Passport to Financial Literacy Act. Such funds may be used for developing and providing guidelines, materials and resources for personal financial literacy for students and teachers including, but not limited to, online curricula, training and professional development for teachers in the area of personal financial literacy as required in this subsection. The Department may use such funds to contract or work in conjunction with a third-party, Oklahoma-based not-for-profit organization that has proven expertise in the development of standards and curricula. The Department may further use a third-party organization to deliver professional development for teachers in the area of personal financial literacy.

H. The Department may work with one or more not-for-profit organizations that have proven expertise in the development of standards and curriculum and delivery of teacher professional development in personal financial literacy for the purpose of developing and providing guidelines, materials, resources, including online curricula, and professional development.

I. 1. For students who transfer into an Oklahoma school district from out of state after the seventh grade, school districts shall assess the knowledge of the student in each of the areas of instruction listed in subsection A of this section. If the school district determines that the transferred student has successfully completed instruction in any or all of the areas of personal financial literacy instruction at a previous school in which the student was enrolled or if the student demonstrates satisfactory knowledge of any or all of the areas of personal financial literacy instruction through an assessment, the school district may exempt the student from completing instruction in that area of personal financial literacy instruction. School districts may use the assessment contained in the online curricula provided or identified by the State Department of Education pursuant to subsection G of this section to determine the personal financial literacy knowledge level of the student. School districts may also use the online curricula to present an area of instruction to transferred students who have not completed or who did not demonstrate satisfactory knowledge in one or more of the areas of personal financial literacy instruction.

2. For students who transfer into an Oklahoma school district from out of state after the junior year of high school, school districts may make an exception to the requirements for a personal financial literacy passport pursuant to the provisions of Section 11-103.6 of this title.

J. The State Textbook Committee created in Section 16-101 of this title may, when selecting textbooks for mathematics, economics, or similar courses, select those textbooks which contain substantive provisions on personal finance.

K. In order to deliver high-quality consistent personal financial literacy instruction, school districts shall to the extent possible assign the responsibility for teaching personal financial literacy to the same teacher or teachers on a continuing basis.

L. Beginning with the 2020-2021 school year, all teachers who are assigned the responsibility for teaching personal financial literacy shall complete ongoing professional development training in the areas of personal financial literacy instruction in accordance with guidelines established by the State Department of Education. Added by Laws 2007, c. 173, § 2, eff. July 1, 2007. Amended by Laws 2015, c. 239, § 1, eff. July 1, 2015; Laws 2017, c. 279, § 1, eff. July 1, 2017.

§70-11-103.6i. State Board of Education - Adoption of Oklahoma City bombing to curriculum.

A. The State Board of Education shall adopt a social studies core curriculum with courses of instruction in Oklahoma history for all students enrolled in the public schools that incorporates information about the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the role it played in the history of Oklahoma and the nation from April 19, 1995, to the present. A study of the bombing and its aftermath can help students learn the impact of violence, the senselessness of using violence to solve problems or change their government, and the importance of personal responsibility.

B. The State Department of Education may make program materials and resources concerning the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City provided by the Oklahoma City National Memorial and Museum available to the public schools of this state.

C. The State Textbook Committee, when adopting textbooks, shall incorporate the provisions of subsection A of this section into the criteria used to evaluate United States history and Oklahoma history textbooks.

Added by Laws 2010, c. 36, § 1, eff. July 1, 2010.

§70-11-103.6j. Workplace safety training information.

A. The State Department of Education, in collaboration with the Oklahoma Department of Labor, shall make available to school districts information regarding workplace safety training for grades seven through twelve. Such information shall include the Oklahoma Department of Labor's "Youth @ Work Talking Safety: A Safety and Health Curriculum for Young Workers".

B. The State Department of Education shall encourage school districts to inform grade-seven through -twelve teachers about the importance of incorporating workplace safety training in their curriculum.

C. The State Board of Education shall promulgate rules to implement the provisions of this act.
Added by Laws 2015, c. 4, § 1.

§70-11-103.6k. College and career endorsements - Curriculum requirements

A. The State Board of Education, in collaboration with the State Board of Career and Technology Education and the Oklahoma State Regents for Higher Education, shall develop college and career endorsements that will provide distinction and direct student coursework toward clear career pathways.

B. A student may earn a college and career endorsement by satisfying the curriculum requirements in any of the following categories:

1. Science, technology, engineering and mathematics (STEM), which may include but shall not be limited to courses directly related to science, including environmental science, technology, including computer science, engineering and advanced mathematics;

2. Business and industry, which may include but shall not be limited to courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science and heating, ventilation and air conditioning;

3. Public services, which may include but shall not be limited to courses directly related to health sciences and occupations, education and training, law enforcement and culinary arts and hospitality;

4. Arts and humanities, which may include but shall not be limited to courses directly related to political science, world languages, cultural studies, English literature, history and fine arts;

5. Multidisciplinary studies, which allow a student to select courses from the curriculum of each college and career endorsement

area specified under this subsection and earn credits in a variety of advanced courses from multiple content areas; and

6. Any other area of study as determined by the State Board of Education.

C. The State Board of Education, in collaboration with the State Board of Career and Technology Education, the Oklahoma State Regents for Higher Education and representatives of business, labor and industry, shall specify the curriculum requirements for each college and career endorsement specified in subsection B of this section.

D. For purposes of this section, applicable courses taken at a technology center school may, at the discretion of the State Board of Education, qualify for any of the courses required for a college and career endorsement.

E. The State Board of Education shall develop and implement a mechanism by which to recognize college and career endorsements. Added by Laws 2016, c. 263, § 1, eff. Nov. 1, 2016.

§70-11-103.61. Workforce Oklahoma Academic High School Diploma Recognition Act

A. This act shall be known and may be cited as the "2016 Workforce Oklahoma Academic High School Diploma Recognition Act".

B. Beginning with the 2020-2021 high school graduating class, a school district may implement graduation recognitions for students who have met the curricular requirements set forth in Section 11-103.6d of Title 70 of the Oklahoma Statutes and who have participated in an approved program of study leading to a recognized career and/or postsecondary education pathway. Such students may be eligible for the following graduation recognitions on their standard diploma:

1. "Recognition of highest academic distinction" for students who achieve a cumulative high school grade point average of 3.75 or higher on a 4.0 scale for all coursework performed in their career pathway of choice, along with meeting state-recognized college entrance requirements at the time of graduation;

2. "Recognition of academic honors" for students who achieve a cumulative high school grade point average of 3.5 or higher on a 4.0 scale for all coursework performed in their career pathway of choice, along with meeting state-recognized college entrance requirements at the time of graduation; and

3. "Recognition of academic merit" for students who achieve a cumulative high school grade point average of 3.0 or higher on a 4.0 scale for all coursework performed in their career pathway of choice, along with meeting state-recognized college entrance requirements at the time of graduation.

C. A graduation recognition awarded pursuant to this section may be indicated upon the diploma and high school transcript of those students who qualify for such status.

D. For the purposes of this section "approved programs of study" shall mean those programs of study identified by the local school district that shall include an identified sequence of courses leading to career entry and/or postsecondary education. Approved course sequences shall include at least six (6) credits within a career pathway and shall include advanced placement courses, career and technical science, technology, engineering and mathematics (STEM) courses, concurrent enrollment college courses or a combination of such courses that best prepare students for work or further study in a career pathway of their choice.

E. The State Board of Education and the State Board of Career and Technology Education shall promulgate rules necessary to implement the provisions of this section.

Added by Laws 2016, c. 371, § 1.

§70-11-103.6m. Computer science programs rubric.

A. The State Department of Education shall develop by December 31, 2019, a rubric for computer science programs in elementary, middle and high schools to serve as a guide to schools for implementing quality computer science programs.

B. The rubric shall include but not be limited to the following recommendations:

1. No less than one computer science course taught by a teacher with a computer science certification at each school site, which may include core content courses where computer science concepts are integrated; and

2. Allowing all students to have access to career exploration activities that address how computer science skills are utilized.

C. Each course or offering shall be aligned to the Oklahoma Academic Standards for Computer Science and current research-based instructional practices.

D. The provisions of this section shall not be construed to mean that courses may not be taught in a virtual, distance, integrated or other innovative setting.

Added by Laws 2019, c. 332, § 1, eff. July 1, 2019.

§70-11-103.6n. Professional learning opportunities for computer science courses - Grant program.

A. Subject to the availability of funds, One Million Dollars (\$1,000,000.00) shall be allocated by the State Board of Education to develop and implement high quality professional learning opportunities for computer science courses that align to the Oklahoma Academic Standards for Computer Science and align to the rubric developed by the State Department of Education for quality computer science programs pursuant to Section 1 of this act.

B. The State Department of Education may create a grant program for the purpose of providing professional learning opportunities.

Entities eligible to receive grant funds shall include but not be limited to:

1. A school district or a consortium of school districts; and
2. High-quality computer science professional learning providers including institutions within The Oklahoma State System of Higher Education, technology center schools overseen by the Oklahoma State Board of Career and Technology Education, non-profit organizations or private entities.

C. Grant funds shall be used by grantees for:

1. High-quality professional learning for kindergarten through twelfth grade computer science content including travel to workshops;
2. Credentialing for kindergarten through twelfth grade computer science teachers including career and technology education endorsements and academic supplemental endorsements;
3. Supports for kindergarten through twelfth grade computer science professional learning including mentoring and coaching;
4. Creation of instructional resources to support implementation including integrated curricular resources; and
5. Developing or redesigning computer science resources that are aligned with the Oklahoma Academic Standards for Computer Science.

Up to ten percent (10%) of grant funds may be used to study the effectiveness of professional learning, curricula or other initiatives provided for in this subsection.

D. A grantee may use grant funds to purchase technology including software, hardware or infrastructure, provided it is directly connected to the grantee's ability to implement a quality computer science program as defined by the rubric required by Section 1 of this act. To use grant funds for technology, a grantee shall specify in the grant application the amount of funds to be used for technology and the items to be purchased.

E. The State Department of Education shall prioritize the following grant applications:

1. School districts that are working in partnership with providers of high-quality professional learning for kindergarten through twelfth grade computer science;
2. Proposals that describe strategies to enroll underserved populations of students; and
3. Proposals from rural or urban areas with low penetration of kindergarten through twelfth grade computer science offerings including school districts that partner together to form clusters of implementation.

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

Added by Laws 2019, c. 332, § 2, eff. July 1, 2019.

§70-11-103.7. Early childhood education programs - Standards.

A. Each school district may offer to four-year-old children the opportunity to participate in an early childhood education program.

B. The State Board of Education shall promulgate standards for early childhood education programs for children who are at least four (4) years of age on or before September 1 of the ensuing school year. The standards shall include both half-day programs consisting of not less than two and one-half (2 1/2) hours per school day, and full-day programs of six (6) hours. The standards for all early childhood education programs shall require a certified teacher, as specified in this section, to be present in the classroom for the length of the school day. Such program shall:

1. Be directed toward developmentally appropriate objectives for such children, rather than toward academic objectives suitable for older children;

2. Accommodate the needs of all children and families regardless of socioeconomic circumstances; and

3. Require that any teacher employed by a public school to teach in such early childhood education program shall be certified in early childhood education.

C. The superintendent of any school district providing classroom space or other school facilities for a federally sponsored Head Start program that is planning to make a material change in the arrangement, shall give notice to the director of the Head Start program at least seven (7) days prior to a school board hearing on the matter.

D. A school district may offer such early childhood education program within the district, in cooperation with other districts, through the use of transfers as specified by law, or by contracting with a private or public provider of early childhood education programs, or by contracting for classroom space with a licensed public or private child care provider based upon selection criteria established by the district. If the program is provided through contract with a private or public provider other than a school district, the contract may only be continued if each teacher serving the school on and after January 1, 1993, is certified in early childhood education, except that all teachers, without such certification, hired by such provider prior to January 1, 1993, and serving in the school as an early childhood education teacher shall be required to obtain certification on or before the beginning of the 1996-97 school year. Any person who has been employed as an early childhood educator with the Head Start Program, has a child development associate degree (CDA) and has at least five (5) years of experience in such employment shall be certified in early childhood education for purposes of employment in the public schools of this state to teach in early childhood education for children four (4) years of age and younger; if such person is recertified in child development by the Council for Early Childhood Professional

Recognition within five (5) years prior to the expiration of the person's early childhood certificate that was issued by the State Board of Education, such person shall be granted a renewal certificate in early childhood education by the State Board of Education upon expiration of the early childhood certificate. Provided, private or public providers shall meet such other standards required by law and by the State Board of Education.

E. If an early childhood program is provided by a private or public provider pursuant to a contract as authorized in this section, the contract shall address the requirements for implementing the induction program as required in Section 6-195 of this title. Teachers employed by a private or public provider in an early childhood education program provided through contract with a public school district shall receive in salary and/or fringe benefits amounts not less than the amounts specified in the schedule set forth in Section 18-114.14 of this title.

F. The State Board of Education shall promulgate rules to provide for the implementation of such program.

G. An early childhood education program may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title.

H. The term "prekindergarten" shall mean early childhood education for purposes of this title.

I. The State Board of Education shall ensure that the standards for early childhood education are aligned with any new subject matter standards adopted pursuant to Section 11-103.6a of this title.

Added by Laws 1989, c. 335, § 3, eff. July 1, 1989. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 16, emerg. eff. April 25, 1990; Laws 1990, c. 263, § 68, operative July 1, 1990; Laws 1991, c. 67, § 6, emerg. eff. April 12, 1991; Laws 1994, c. 205, § 2, eff. Sept. 1, 1994; Laws 1998, c. 204, § 2, eff. July 1, 1998; Laws 1999, c. 355, § 2, eff. July 1, 1999; Laws 2001, c. 403, § 2, eff. July 1, 2001; Laws 2015, c. 217, § 3, eff. Nov. 1, 2015; Laws 2018, c. 165, § 5, eff. Nov. 1, 2018.

§70-11-103.8. Teaching of ebonics as credit course prohibited.

Ebonics shall not be recognized as a language art and shall not be taught as a course or class in the public schools of the state for which a student receives credit or which is counted towards fulfilling graduation requirements. For purposes of this section, "Ebonics" means an Africanized form of English reflecting Black Americans' linguistic-cultural ties to their African heritage. Ebonics may also be known as Black English or Black dialect. Added by Laws 1997, c. 86, § 1, emerg. eff. April 11, 1997.

§70-11-103.9. Physical education programs required for accreditation.

A. Except as otherwise provided for in this section, the State Board of Education shall require, as a condition of accreditation, that school districts provide to all students physical education programs which may include athletics.

B. The Board shall require, as a condition of accreditation, that public elementary schools provide instruction, for students in full-day kindergarten and grades one through five, in physical education or exercise programs for a minimum of an average of sixty (60) minutes each week. The time students participate in recess shall not be counted toward the sixty-minutes-per-week physical education requirement. Schools may exclude from participation in the physical education or exercise programs required in this subsection those students who have been placed into an in-house suspension or detention class or placement or those students who are under an in-school restriction or are subject to an administrative disciplinary action.

C. The Board shall require, as a condition of accreditation, that public elementary schools provide to students in full-day kindergarten and grades one through five, in addition to the requirements set forth in subsection B of this section, an average of sixty (60) minutes each week of physical activity, which may include, but not be limited to, physical education, exercise programs, fitness breaks, recess, and classroom activities, and wellness and nutrition education. Each school district board of education shall determine the specific activities and means of compliance with the provisions of this subsection, giving consideration to the recommendations of each school's Healthy and Fit School Advisory Committee as submitted to the school principal pursuant to the provisions of Section 24-100a of this title.

D. The Board shall disseminate information to each school district on the benefits of physical education programs and shall strongly encourage districts to provide physical education instruction to students in grades six through twelve. The Board shall also strongly encourage school districts to incorporate physical activity into the school day by providing to students in full-day kindergarten and grades one through five at least a twenty-minute daily recess, which shall be in addition to the sixty (60) minutes of physical education as required by subsection B of this section, and by allowing all students brief physical activity breaks throughout the day, physical activity clubs, and special events.

E. Instruction in physical education required in this section shall be aligned with the subject matter standards as adopted by the Board.

F. The physical education curriculum shall be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor and self-management skills and knowledge necessary to participate in physical activity

throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum.

G. In identifying the essential knowledge and skills, the State Board of Education shall ensure that the subject matter standards for physical education:

1. Emphasize the knowledge and skills capable of being used during a lifetime of regular physical activity;
2. Are consistent with national physical education standards for:
 - a. the information that students should learn about physical activity, and
 - b. the physical activities that students should be able to perform;
3. Require that, on a weekly basis, at least fifty percent (50%) of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
4. Offer students an opportunity to choose among many types of physical activity in which to participate;
5. Offer students both cooperative and competitive games;
6. Meet the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
7. Teach self-management and movement skills;
8. Teach cooperation, fair play, and responsible participation in physical activity;
9. Promote student participation in physical activity outside of school; and
10. Allow physical education classes to be an enjoyable experience for students.

H. The Board shall adopt rules to implement the provisions of this section.

Added by Laws 2005, c. 29, § 1, eff. Nov. 1, 2005. Amended by Laws 2007, c. 258, § 1, eff. July 1, 2007; Laws 2008, c. 117, § 1; Laws 2009, c. 83, § 1, eff. July 1, 2009; Laws 2010, c. 339, § 1, eff. Nov. 1, 2010; Laws 2014, c. 430, § 5, emerg. eff. June 5, 2014; Laws 2019, c. 50, § 1, eff. July 1, 2019.

§70-11-103.9a. Oklahoma Kids Fitness Challenge Act.

A. This act shall be known and may be cited as the "Oklahoma Kids Fitness Challenge Act".

B. The State Board of Education shall establish a physical activity program for public school students in the fifth grade, which each school district may elect to implement for the fifth-grade students in that district. The program shall incorporate the fitness challenges adopted by the Presidents Council on Physical Fitness and Sports and may include the following activities:

1. Twenty-five sit-ups in two (2) minutes a minimum of three times per week every week during the school year; or
2. Walk a minimum of twenty-five (25) miles per week every week during the school year.

C. The physical activity program established by the State Board of Education shall also incorporate a "Walk Across Oklahoma" activity plan for school districts. The plan shall establish routes that challenge students to complete virtual walks across the state and at the same time learn facts, geography, and history about various locations in the state. The Board shall work with the Oklahoma Tourism and Recreation Department and the Oklahoma Historical Society in developing the activity plan. The Board shall provide to school districts:

1. Information about public and private resources and options available to school districts to provide pedometers or step-counters to students;
2. Resources for teachers, that shall be available on the State Department of Education web site, which includes, but is not limited to:
 - a. information about using a pedometer or step-counters,
 - b. materials to incorporate the use of pedometers or step-counters into course curriculum,
 - c. materials and sources of information relating to facts, geography, and history of the state,
 - d. information about recreational areas in the state, and
 - e. recreation and health education information; and
3. Ideas of ways to involve parents and guardians in the activity.

D. Each school district shall provide exceptions to the physical activity program implemented by the district for students who are unable to comply due to physical limitations.

Added by Laws 2005, c. 98, § 1, eff. July 1, 2005.

NOTE: Editorially renumbered from § 11-103.9 of this title to avoid duplication in numbering.

§70-11-103.10. Program materials relating to environmental issues and policies.

The State Department of Education may make program materials concerning environmental issues and policies, provided by the Department of Environmental Quality, available to the public schools of this state.

Added by Laws 1991, c. 340, § 4, eff. July 1, 1991. Amended by Laws 1993, c. 145, § 355, eff. July 1, 1993.

§70-11-103.11. Elective course offering on Old and New Testament.

A. A school district may offer to students in grade nine or above:

1. An elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or

2. An elective course that combines the courses described in paragraph 1 of this subsection.

B. The purposes of courses authorized by this section are to:

1. Teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and

2. Familiarize students with, as applicable:

- a. the contents of the Hebrew Scriptures or New Testament,
- b. the history of the Hebrew Scriptures or New Testament,
- c. the literary style and structure of the Hebrew Scriptures or New Testament, and
- d. the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

C. The Bible shall be the primary text of the course and may be supplemented with additional resources. The primary text for the course will be a parallel translation Bible or multi-translation Bible that uses more than one translation for side-by-side comparison chosen by the school district. However, a student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the district board of education or the student's teacher.

D. A course offered pursuant to this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school district. A course offered pursuant to this section shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective. Nothing in this section is intended to violate any provision of the United States Constitution or federal law, the Oklahoma Constitution or any state law, or any rules or guidelines provided by the United States Department of Education or the State Department of Education.

E. A teacher of a course offered pursuant to this section must be certified to teach social studies or literature.

Added by Laws 2010, c. 227, § 1, eff. Nov. 1, 2010.

§70-11-104. Military and athletic training - Assistance.

The board of education of any school district is hereby authorized to provide for military training, athletic training and physical examination of pupils in such district, and is hereby authorized to accept assistance from the United States Secretary of Defense and National Department of Defense or any branch thereof or from any other federal agency or from the Oklahoma National Guard, for the purpose of military drill and training.

Added by Laws 1971, c. 281, § 11-104, eff. July 2, 1971.

§70-11-105. Use of military equipment in school districts.

The governing board of each state educational institution and of each school district in the State of Oklahoma shall have authority to enter into contracts for the use of property and equipment for military training purposes, and shall have authority to give, or cause to be given, bonds or other security as may be required by federal law or regulations of the Secretary of the Army, Navy or Air Force, or other federal officer or agency, for the care and safekeeping of such property and equipment, or for similar purposes; and shall also have authority to make reimbursement for such property and equipment. The cost of such bonds, security and reimbursements shall be paid from funds available for the operation of such institution or school district.

Added by Laws 1971, c. 281, § 11-105, eff. July 2, 1971.

§70-11-105.1. Sex education - Approval of curriculum and materials.

A. All curriculum and materials including supplementary materials which will be used to teach or will be used for or in connection with a sex education class or program which is designed for the exclusive purpose of discussing sexual behavior or attitudes, or any test, survey or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes shall be available through the superintendent or a designee of the school district for inspection by parents and guardians of the student who will be involved with the class, program or test, survey or questionnaire. Such curriculum, materials, classes, programs, tests, surveys or questionnaires shall include information about consent and shall have as one of its primary purposes the teaching of or informing students about the practice of abstinence. For the purposes of this section, "consent" shall have the same meaning as that provided by Section 113 of Title 21 of the Oklahoma Statutes. The superintendent or a designee of the school district shall provide prior written notification to the parents or guardians of the students involved of their right to inspect the curriculum and material and of their obligation to notify the school in writing if they do not want their

child to participate in the class, program, test, survey or questionnaire. Each local board of education shall determine the means of providing written notification to the parents and guardian which will ensure effective notice in an efficient and appropriate manner. No student shall be required to participate in a sex education class or program which discusses sexual behavior or attitudes if a parent or guardian of the student objects in writing to such participation. If the type of program referred to in this section is a part of or is taught during a credit course, a student may be required to enroll in the course but shall not be required to receive instruction in or participate in the program if a parent or guardian objects in writing.

B. The superintendent or a designee of a school district in which sex education is taught or a program is offered which is designed for the exclusive purpose of discussing sexual behavior or attitudes shall approve all curriculum and materials which will be used for such education and any test, survey or questionnaire whose primary purpose is to elicit responses on sexual behavior or attitudes used in the school prior to their use in the classroom or school. The teacher involved in the class, program, testing or survey shall submit the curriculum, materials, tests or surveys to the superintendent or a designee for approval prior to their use in the classroom or school. This section shall not apply to those students enrolled in classes, programs, testings or surveys offered through an alternative education program.

Added by Laws 1995, c. 298, § 1, eff. Nov. 1, 1995. Amended by Laws 2019, c. 133, § 1, eff. July 1, 2019.

§70-11-106. Parental inspection of instructional material used in research or experimentation program or project.

All instructional material, including teachers' manuals, films, tapes or other supplementary instructional material which will be used in connection with any research or experimentation program or project, shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section, "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques.

Laws 1981, c. 215, § 1, emerg. eff. June 1, 1981.

§70-11-106.1. Inspection of instructional material.

A. All instructional material, including but not limited to teacher manuals, films, tapes or other supplementary instructional material in any format, used by a public school as part of the educational curriculum, shall be available for inspection by the parents or guardians of students enrolled in the school.

B. Each school district shall develop and adopt policies pertaining to the inspection of instructional materials in consultation with parents and guardians. The policies shall include procedures for granting a request by a parent or guardian for reasonable access to instructional material within a reasonable period of time after the request is received.

C. For the purposes of this section, "instructional material" means instructional content that is provided to a student, regardless of the format, including printed or representational materials, audio-visual materials and materials in electronic or digital formats.

Added by Laws 2014, c. 430, § 6, emerg. eff. June 5, 2014.

§70-11-107. Psychiatric or psychological examination, testing or treatment and eliciting of certain personal information prohibited without parental consent.

Without the prior written consent of the parent or guardian, no student who is an unemancipated minor shall be required, as part of any applicable program, to submit to psychiatric or psychological examination, testing or treatment; nor may any teacher or staff personnel without such consent elicit by written survey or written examination from any student information of a personal or private nature concerning any of the following areas:

1. Religious beliefs;
2. Mental or psychological problems potentially embarrassing to the student or his family;
3. Sexual behavior and attitudes;
4. Critical appraisals of other individuals with whom the student has a close family relationship;
5. Legally recognized privileged communication.

Laws 1981, c. 215, § 2, emerg. eff. June 1, 1981.

§70-11-107.1. College entrance examinations - Remediation course for high school students.

A. Each school district in this state may offer a remediation course for high school students who score below a nineteen (19) on the American College Testing (ACT) exam or below an equivalent score on the SAT exam.

B. Nothing in subsection A of this section shall be construed to require that a teacher providing instruction in the remediation course be certified in any subject matter that is tested on the ACT or SAT exam.

Added by Laws 2017, c. 61, § 1, eff. Nov. 1, 2017.

§70-11-108. Oklahoma Youth Community Services Act - Short title.

This act shall be known and may be cited as the "Oklahoma Youth Community Services Act".

Added by Laws 1992, c. 186, § 1, eff. July 1, 1992.

§70-11-108.1. Definitions.

As used in this act:

1. "Youth community service program" means a program established by a school district as part of the curriculum for secondary students which includes youth community service activities integrated with study and reflection on the experiences gained through youth community service activities; and

2. "Youth community service activities" means volunteer activities performed by secondary school students through a youth community service program that meet the needs of others in the school or community and are designed to enhance the student's personal growth, career exploration, understanding of community and citizenship, social science skills, and communication skills.

Added by Laws 1992, c. 186, § 2, eff. July 1, 1992.

§70-11-108.2. Secondary educational credit for community service.

School districts may establish as part of the curriculum a youth community service program for secondary students which includes youth community service activities integrated with study and reflection on the experiences gained through youth community service activities. A student may receive elective credit for participating in a youth community service program as long as the outcomes of the program reflect the competencies outlined in the Oklahoma Learner Outcomes adopted by the State Board of Education. A student may perform youth community service activities for educational credit only under the sponsorship of an organization approved by the State Department of Education. Youth community service activities shall not be used to displace any employees or reduce the number of hours for which any employee is paid.

Added by Laws 1992, c. 186, § 3, eff. July 1, 1992.

§70-11-108.3. Program development - Assistance from State Board of Education.

The State Board of Education may assist school districts with the development of youth community service programs by:

1. Establishing and maintaining a list of acceptable projects with a description of each project, and providing for projects to be placed on the list upon proper application by the local district and evaluation by the State Department of Education;

2. Verifying that community sponsors have filed assurances with the Department of Education that youth community services students are not displacing employees or reducing the hours for which any employee is paid;

3. Assisting school districts in publicizing the youth community service program and in determining whether there is sufficient

interest in the district to warrant a youth community service program;

4. Monitoring districts to assure that youth community service programs are established in districts where interest warrants;

5. Evaluating local youth community service programs;

6. Developing in-service training components to be used by local districts for preparation of youth community service program faculty sponsors;

7. Assisting local districts in applying for grants from private or governmental sources for youth community service programs; and

8. For the purpose of implementing this act the State Board of Education shall utilize only grants from private and governmental sources.

Added by Laws 1992, c. 186, § 4, eff. July 1, 1992.

§70-11-108.4. Federal funds - Application.

The State Board of Education is authorized to apply for federal funds for the purpose of establishing a program through which local school districts may apply for grants to fund local youth community service programs.

Added by Laws 1992, c. 186, § 5, eff. July 1, 1992.

§70-11-109. Award of funds to school districts - Competitive application.

Funds appropriated to the State Board of Education for the School/Community Network for the Arts-in-Education program shall be awarded to school districts on a competitive application basis in accordance with rules promulgated by the State Board of Education for such purpose.

Added by Laws 1995, c. 305, § 11, eff. July 1, 1995.

§70-11-109.1. Award of funds to nonprofit organizations - Competitive basis.

Funds appropriated to the State Board of Education for the Arts-in-Education program shall be awarded on a competitive basis to nonprofit organizations for programs serving schools identified by the State Board of Education, pursuant to Section 1210.541 of this title, as in need of improvement.

Added by Laws 1995, c. 305, § 12, eff. July 1, 1995. Amended by Laws 2013, c. 83, § 15, eff. July 1, 2013.

§70-11-110. Coursework inventory - Approved credit towards graduation.

The State Board of Education shall conduct an inventory of all coursework approved for credit for graduation in each school district and establish criteria by which such courses are approved.

It is the intent of the Legislature that only academic coursework, including vocational education courses, shall be approved for credit toward graduation.

Added by Laws 1995, c. 305, § 13, eff. July 1, 1995.

§70-11-111. College preparatory curriculum - Parental approval for exemption.

A. Beginning with students entering the ninth grade in the 2006-2007 school year, all students shall complete the following college preparatory curricular requirements:

1. Four units of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;

2. Three units of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;

3. Three units of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;

4. Three units of history and citizenship skills, including one unit of American History and two units from the subjects of History, Government, Geography, Economics, Civics, or Non-Western culture;

5. Two units of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

6. One additional unit selected from paragraphs 1 through 5 of this subsection or career and technology education courses approved for college admission requirements; and

7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit of speech.

B. 1A student may enroll in a curriculum that does not meet the requirements of subsection A of this section upon approval of the parent or legal guardian of the student. School districts may require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in such a curriculum. The State Department of Education shall develop and distribute to school districts a form suitable for this purpose which shall include information on the benefits to students of completing the college preparatory curriculum required pursuant to this section.

C. The State Department of Education shall collect and report data by school site and district on the number of students whose

parents or legal guardians approve enrollment in other than the college preparatory curriculum required pursuant to this section.

D. Notwithstanding the provisions of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall continue to be subject to the curricular requirements established pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes.

E. For purposes of this section, the courses approved for college admission requirements shall be courses which are approved by the Oklahoma State Regents for Higher Education for admission to an institution within The Oklahoma State System of Higher Education. Added by Laws 2005, c. 432, § 8, eff. July 1, 2005.

§70-12-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-12-101. Program for audiovisual training.

The State Board of Education shall have authority to formulate, establish and maintain and cause to be administered a program of audiovisual education for the public schools of the state.

Added by Laws 1971, c. 281, § 12-101, eff. July 2, 1971.

§70-12-102. Motion picture films - State depository.

The State Board of Education shall have authority to select or cause to be selected motion picture films appropriate to the curriculum of the public schools of Oklahoma, and shall establish and

maintain a state depository where all such films shall be kept for assignment. Certain special films may be designated by the State Board of Education to be circulated from the state depository to various schools.

Laws 1971, c. 281, § 12-102, eff. July 2, 1971; Laws 1981, c. 353, § 4.

§70-12-103. Regional film libraries.

The State Board of Education shall have authority to establish and maintain regional film libraries. It shall be the responsibility of such regional libraries to receive, maintain, keep a record of and circulate all films received from the state depository and to return such films to the state depository when there is no longer a need therefor in any of the schools served by the regional library or when directed to do so by the State Board of Education and to furnish films to county superintendents of schools and boards of school districts upon written requests therefor.

Laws 1971, c. 281, § 12-103, eff. July 2, 1971; Laws 1981, c. 353, § 5.

§70-12-104. Local film library.

Any county or school district or educational institution supported by tax funds may establish and maintain a local film library and shall have authority to expend local funds for such purpose. Monies expended by any county or school district, or by any educational institution supported by tax funds, for the purchase of projection and audio materials approved by the State Board of Education may be matched with state monies appropriated for such purpose, in amounts not to exceed the following: Any county, One Thousand Dollars (\$1,000.00); any school district or tax-supported educational institution employing one to fifty teachers, One Thousand Dollars (\$1,000.00); any school district or tax supported educational institution employing fifty-one to two hundred fifty teachers, Two Thousand Dollars (\$2,000.00); and any school district or tax-supported educational institution employing more than two hundred fifty teachers, Three Thousand Dollars (\$3,000.00). Provided, monies received by a school district under the provisions of this section shall not be considered as a part of its chargeable income for state-aid purposes.

Laws 1971, c. 281, § 12-104, eff. July 2, 1971.

§70-12-105. Rules and regulations.

The State Board of Education shall adopt and enforce such rules and regulations as may be necessary to make such program of audiovisual education effective.

Added by Laws 1971, c. 281, § 12-105, eff. July 2, 1971.

§70-12-106. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-12-107. Board of education - Purchase or rent projectors and supplies.

Pursuant to an estimate duly made and approved for such purpose the board of education of any school district, or any two or more school districts in cooperation with each other, may purchase or rent moving picture projectors, either silent or sound; purchase attachments, film splicers or film repair equipment of all types, cable, wire or any and all equipment and materials deemed necessary by said board of education or boards of education for the successful operation and conduct of a visual education program in the schools of such district or districts.

Added by Laws 1971, c. 281, § 12-107, eff. July 2, 1971.

§70-12-108. Personnel to administer provisions of this article.

The State Board of Education shall appoint, employ and fix the compensation and duties of necessary personnel, and shall incur necessary expenses, to administer and carry out the provisions of this article, and all such compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this article.

Added by Laws 1971, c. 281, § 12-108, eff. July 2, 1971.

§70-13-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-8a. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-13-101. Special education and related services for children with disabilities - Cooperative programs - Funding - Duty to provide special services.

The several school districts of Oklahoma are hereby authorized to provide special education and related services necessary for children with disabilities as hereinafter defined. Two or more school districts may establish cooperative programs of special education for children with disabilities when such arrangement is approved by the State Board of Education. Funds may be expended for school services for an additional period during the summer months for approved programs for qualified children with disabilities, provided their individualized education program (I.E.P.) states the need for extended school year special education and related services. Children with disabilities shall mean children, as defined in the Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17, who are three (3) years of age.

Provided, on and after July 1, 1991, children from age birth through two (2) years (0-36 months) of age who meet the eligibility criteria specified in Section 13-123 of this title, shall be served pursuant to the provisions of the Oklahoma Early Intervention Act. The attendance of said children in special education classes shall be included in the average daily membership computations for State Aid purposes.

The State Board of Education is authorized to modify and redefine by regulation the eligibility definitions whenever such modification is required to receive federal assistance under the Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17. Rules developed pursuant to Section 18-109.5 of this title shall provide for such modification and revised definitions.

It shall be the duty of each school district to provide special education and related services for all children with disabilities as herein defined who reside in that school district in accordance with

the Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17. This duty may be satisfied by:

1. The district directly providing special education for such children;
2. The district joining in a cooperative program with another district or districts to provide special education for such children;
3. The district joining in a written agreement with a private or public institution, licensed residential child care and treatment facility or day treatment facility within such district to provide special education for children who are deaf or hard-of-hearing, children who are blind or partially blind or other eligible children with disabilities; or
4. Transferring eligible children and youth with disabilities to other school districts which accept them and provide special education and related services for such children, with the district in which the child resides paying tuition therefor as hereinafter provided. For those students who transfer pursuant to the provisions of the Education Open Transfer Act, the receiving school district shall assume all responsibility for education and shall count the student for federal and state funding purposes according to the provisions of subsection B of Section 13-103 of this title.

Added by Laws 1971, c. 281, § 13-101, eff. July 2, 1971. Amended by Laws 1973, c. 136, § 1, emerg. eff. May 10, 1973; Laws 1975, c. 118, § 1, emerg. eff. May 13, 1975; Laws 1980, c. 211, § 8, eff. July 1, 1981; Laws 1980, c. 267, § 1; Laws 1981, c. 278, § 5, eff. July 1, 1981; Laws 1989, c. 102, § 10, operative July 1, 1989; Laws 1993, c. 116, § 1, eff. July 1, 1993; Laws 1999, c. 320, § 27, eff. July 1, 1999.

§70-13-101.1. Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act.

This act shall be known and may be cited as the "Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act".
Added by Laws 2010, c. 381, § 1.

§70-13-101.2. Purpose of Program - Scholarship factors - Eligibility.

A. There is hereby created the Lindsey Nicole Henry Scholarships for Students with Disabilities Program. The Lindsey Nicole Henry Scholarships for Students with Disabilities Program is established to provide a scholarship to a private school of choice for students with disabilities for whom an individualized education program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) or an individualized service plan pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes has been developed at any time prior to notifying the State Department of Education of the intent to participate in the Program and the IEP is in effect at the time the

request for a scholarship is received by the State Department of Education. Scholarships shall be awarded beginning with the 2010-2011 school year.

B. The parent or legal guardian of a public school student with a disability may exercise their parental option and request to have a Lindsey Nicole Henry Scholarship awarded for the child to enroll in and attend a private school in accordance with this section and the scholarship shall be awarded if:

1. The student has spent the prior school year in attendance at a public school in this state. For purposes of this section, "prior school year in attendance" means that the student was enrolled in and reported by a school district for funding purposes during the preceding school year regardless of whether or not the student had an IEP at the time the student was counted for funding purposes. A student who is a child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a permanent change of station orders of the parent shall be exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section. A student who has been provided services under an Individual Family Service Plan through the SoonerStart program and during transition was evaluated and determined to be eligible for school district services shall be exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section. A student who was in out-of-home placement with the Department of Human Services, who was adopted while in the permanent custody of the Department of Human Services or who was in out-of-home placement with the Office of Juvenile Affairs shall be exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section; and

2. The parent or legal guardian has obtained acceptance for admission of the student to a private school that is eligible for the program as provided in subsection H of this section and has notified the State Department of Education of the request for a scholarship. Requests to participate in the program made after December 1 shall be granted, but funding for scholarships requested after December 1 shall not be available until the beginning of the next school year. The request shall be through a communication directly to the Department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The Department shall notify the school district upon receipt of the request. For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school, graduates from high school or reaches the age of twenty-two (22), whichever occurs first. At any time, the parent or legal guardian of

the student may remove the student from the private school and place the student in another private school that is eligible for the program as provided in subsection H of this section or place the student in a public school.

C. A student shall be eligible for a scholarship if the parent or legal guardian of the student made a request for a scholarship for the 2010-2011 school year and the student transferred to an eligible private school but was subsequently denied a scholarship because the student did not have an IEP in effect on October 1, 2009, but did meet all other eligibility requirements as set forth in the Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act.

D. A student shall not be eligible for a Lindsey Nicole Henry Scholarship if the student is not having regular and direct contact with the private school teachers at the physical location of the private school.

E. School districts shall notify the parent or legal guardian of a public school student with a disability of all options available pursuant to this section and inform the parent or legal guardian of the availability of information about the program from the State Department of Education through the toll-free telephone number or website. The notification shall be provided with or included in the copy of the "Parents Rights in Special Education: Notice of Procedural Safeguards" document given to parents at least annually or as otherwise required by law.

F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall have the same effect as a parental revocation of consent to service pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the IDEA.

2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the parent or legal guardian shall assume full financial responsibility for the education of the student, including but not limited to transportation to and from the private school.

G. If the parent or legal guardian requests a Lindsey Nicole Henry Scholarship and the student is accepted by the private school pending the availability of a space for the student, the parent or legal guardian of the student shall notify the State Department of Education before entering the private school and before December 1 in order to be eligible for the scholarship during the school year when a space becomes available for the student in the private school. If notification is made after December 1, payment of the scholarship shall not begin until the next school year.

H. To be eligible to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities Program, a private school shall notify the State Department of Education of its intent to participate. The notice shall specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program. The State

Department of Education shall approve a private school as eligible to participate in the scholarship program upon determination that the private school:

1. Meets the accreditation requirements set by the State Board of Education or another accrediting association approved by the State Board of Education;

2. Demonstrates fiscal soundness by having been in operation for one (1) school year or providing the State Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year by serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the Department;

3. Complies with the antidiscrimination provisions of 42 U.S.C., Section 2000d;

4. Meets state and local health and safety laws and codes;

5. Will be academically accountable to the parent or legal guardian for meeting the educational needs of the student;

6. Employs or contracts with teachers who hold baccalaureate or higher degrees, or have at least three (3) years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught;

7. Complies with all state laws relating to general regulation of private schools; and

8. Adheres to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.

I. 1. Lindsey Nicole Henry Scholarship Program participants shall comply with the following:

- a. the parent or legal guardian shall select the private school from the schools approved for eligibility pursuant to subsection H of this section and apply for the admission of the child,
- b. the parent or legal guardian shall request the scholarship no later than December 1 of the school year during which the scholarship is requested,
- c. any student participating in the scholarship program shall attend throughout the school year, unless excused by the school for illness or other good cause, and shall comply fully with the code of conduct for the school,
- d. the parent or legal guardian shall fully comply with the parental involvement requirements of the private

school, unless excused by the school for illness or other good cause, and

- e. upon issuance of a scholarship warrant, the parent or legal guardian to whom the warrant is made shall restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent or legal guardian may not designate any entity or individual associated with the private school as the attorney in fact for the parent or legal guardian to endorse a warrant. A parent or legal guardian who fails to comply with this subparagraph shall forfeit the scholarship.

2. A participant who fails to comply with this subsection forfeits the scholarship.

J. Provisions governing payment of a Lindsey Nicole Henry Scholarship shall be as follows:

1. The State Department of Education shall calculate the total cost of all scholarships for all eligible students in the state. The State Department of Education shall then reserve or retain from the total amount appropriated to the State Board of Education for State Aid purposes and any other revenue available for allocation for State Aid purposes the total cost for all scholarship payments;

2. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the total State Aid factors for the applicable school year multiplied by the grade and disability weights generated by that student for the applicable school year. The disability weights used in calculating the scholarship amount shall include all disability weights which correspond to the disabilities included in the multidisciplinary evaluation and eligibility group summary for the student at the time the request for a scholarship is made by the parent or legal guardian. The maximum scholarship amount shall be calculated by the State Board of Education for each year the student is participating in the scholarship program;

3. The amount of the scholarship shall be the amount calculated in paragraph 2 of this subsection or the amount of tuition and fees for the private school, whichever is less, minus up to two and one-half percent (2 1/2%) of the scholarship amount which may be retained by the State Department of Education as a fee for administrative services rendered. The amount of any assessment fee required by the private school and the amount associated with providing services and therapies to address the disabilities of the student may be paid from the total amount of the scholarship. The amount of the scholarship shall be prorated to reflect the number of days remaining in the current school year, if the scholarship request is granted after the beginning of the school year;

4. The State Department of Education shall notify the private school of the amount of the scholarship within ten (10) days after receiving the request for a scholarship, when the total State Aid factors have been determined for the current fiscal year. The initial payment shall be made after the Department verifies admission acceptance and enrollment. Quarterly payments shall be made upon verification of continued enrollment and attendance at the private school. Payment shall be made by the Department with an individual warrant made payable to the parent or legal guardian of the student and mailed by the Department to the private school that the parent or legal guardian chooses. The parent or legal guardian shall restrictively endorse the warrant to the private school for deposit into the account of the private school;

5. The State Department of Education shall not be responsible for any additional costs associated with special education and related services incurred by the private school for the student including the cost of teachers, equipment, material, and special costs associated with the special education class;

6. The State Department of Education shall establish a toll-free telephone number or website that provides parents or legal guardians and private schools with information about the program;

7. The State Department of Education shall require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain all records received from a participating private school; and

8. The State Department of Education shall cross-check the list of participating scholarship students with the public school enrollments prior to each scholarship payment to avoid duplication.

K. 1. The State Superintendent of Public Instruction shall deny, suspend, or revoke the participation of a private school in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, in instances in which the noncompliance is correctable within a reasonable amount of time and in which the health, safety, or welfare of the students is not threatened, the Superintendent may issue a notice of noncompliance which shall provide the private school with a time frame within which to provide evidence of compliance prior to taking action to suspend or revoke participation in the scholarship program.

2. If the Superintendent intends to deny, suspend, or revoke the participation of a private school in the scholarship program, the Department shall notify the private school of the proposed action in writing by certified mail and regular mail to the private school's address of record with the Department. The Department shall also notify any parents or legal guardians of scholarship students attending the private school. The notification shall include the

reasons for the proposed action and notice of the timelines and procedures set forth in this subsection.

3. The private school that is adversely affected by the proposed action shall have fifteen (15) days from receipt of the notice of proposed action to file with the Department a request for an administrative hearing proceeding pursuant to the Administrative Procedures Act.

4. Upon receipt of a request for a hearing, the State Board of Education shall commence a hearing within sixty (60) days after the receipt of the formal written request and enter an order within thirty (30) days after the hearing.

5. The Board may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is an imminent threat to the health, safety, or welfare of the students or fraudulent activity on the part of the private school.

L. No liability shall arise on the part of the state, the State Board of Education, the State Department of Education or a school district based on the award or use of any scholarship provided through the Lindsey Nicole Henry Scholarships for Students with Disabilities Program.

M. The inclusion of private schools within options available to public school students in Oklahoma shall not expand the regulatory authority of the state or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce the requirements expressly set forth in this section.

N. If the State Department of Education determines that a school district prior to the effective date of this act has failed to comply with the provisions of the Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act and has failed to make full or partial scholarship payments for eligible students, the Department shall have authority to reduce the amount of State Aid allocated to the school district or require the school district to make repayment to the Department of State Aid allocations in an amount equal to the amount of scholarship payments the school district failed to make. The Department shall make payment to the parent or legal guardian in the amount the school district failed to make in the manner as provided for in subsection J of this section.

Added by Laws 2010, c. 381, § 2. Amended by Laws 2011, c. 356, § 1; Laws 2012, c. 322, § 1; Laws 2014, c. 342, § 1; Laws 2017, c. 249, § 1, eff. Sept. 1, 2017.

§70-13-102. Determination of eligibility - Minimum time permitted to attend.

The determination whether a child is eligible for special education and related services shall be the responsibility of the

multidisciplinary evaluation team of the school district in which such child has legal residence in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476 and the rules approved by the State Board of Education. The eligibility of children with disabilities shall be reevaluated at least once every three (3) years or more frequently if conditions warrant or if the parent or teacher of the child requests an evaluation as required under the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

Any child determined to be eligible shall be permitted to receive such special education and related services for a minimum period of twelve (12) years. Successful completion of a secondary education program must be determined through the individualized education program (IEP) and transcript records of the student. Eligibility for special education and related services shall cease upon a determination and documentation of graduation or completion of a secondary education program in accordance with the IEP.

Added by Laws 1971, c. 281, § 13-102, eff. July 2, 1971. Amended by Laws 1993, c. 116, § 2, eff. July 1, 1993.

§70-13-103. Authorized services and transfers for children with disabilities.

A. Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for children with disabilities, either in schools, classrooms, or in other places as the board of education of the district may deem advisable. When a school district cannot provide special educational facilities and qualified teachers, a child may be transferred pursuant to the provisions of paragraph 4 of Section 13-101 of this title.

B. If a child with disabilities is transferred to a school district other than the district of residence of the child pursuant to the Education Open Transfer Act the following provisions shall apply:

1. The receiving district shall establish availability of the appropriate program, staff, and services prior to approval of the transfer;

2. Prior to the approval of the transfer of a child on an individualized education program (IEP), a joint IEP conference shall be required between the district of residence and the receiving district; and

3. Upon approval of the transfer, the receiving district shall claim the child in the average daily membership for state and federal funding purposes and shall assume all responsibility for education of the child. For state funding purposes, the State Department of Education shall include the appropriate grade level weight and all category weights to which the pupil is assigned pursuant to the provisions of Section 18-201.1 of this title when calculating State

Aid pursuant to the provisions of Section 18-200.1 of this title, regardless of whether the receiving district provides education to the student using traditional in-class means or via online instruction. When applicable, the receiving district may apply to the Oklahoma Special Education Assistance Fund for assistance in meeting any extraordinary costs incurred.

C. Transfers authorized by this section shall be made under rules adopted by the State Board of Education. When a child with disabilities or pregnant child is unable to attend any school or class in the district of residency, the board of education of the district may provide for home instruction for the child. The State Board of Education is further authorized to cooperate with any school district in the state to make it possible for a child with disabilities to attend the regular school by making special provisions for the transportation of the child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. The provisions for services and transfers as provided for in this section shall be made with consideration of the least restrictive environment and IEP requirements under the Individuals with Disabilities Education Act (IDEA).

D. Beginning with the 2008-2009 school year, a transfer granted for a child with disabilities pursuant to paragraph 4 of Section 13-101 of this title for three (3) consecutive years to the same school district shall automatically be renewed each year. The district in which the child resides shall continue to pay tuition as provided for in paragraph 4 of Section 13-101 of this title.

Added by Laws 1971, c. 281, § 13-103, eff. July 2, 1971. Amended by Laws 1993, c. 116, § 3, eff. July 1, 1993; Laws 1999, c. 320, § 28, eff. July 1, 1999; Laws 2008, c. 185, § 1, eff. July 1, 2008; Laws 2010, c. 478, § 1, eff. July 1, 2010.

§70-13-104. Authorization for special classes or individual instruction for children in institutions.

Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other eligible children with orthopedic impairment or other health impairments in hospitals, sanatoriums and preventorium may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. School districts and such institutions shall enter into written agreements which describe the financial and service responsibilities of each in accordance with state and federal regulations.

Added by Laws 1971, c. 281, § 13-104, eff. July 2, 1971. Amended by Laws 1993, c. 116, § 4, eff. July 1, 1993.

§70-13-105. State Board of Education may fix qualifications of teachers and support personnel.

A. The State Board of Education is hereby authorized in accordance with state and federal law to determine and prescribe the qualifications of all persons who teach children with disabilities, to define, classify and determine standards of eligibility of all children with disabilities to receive special education and related services, to fix minimum requirements for special education and related services of children with disabilities, and to make such rules as it deems necessary for the teaching of children with disabilities.

B. The State Board of Education shall offer all support personnel, including but not limited to assistants who work with a trained paraprofessional or special education teacher for children with multiple disabilities or deaf-blindness, the same training and education as the trained paraprofessional is required to complete. Added by Laws 1971, c. 281, § 13-105, eff. July 2, 1971. Amended by Laws 1991, c. 190, § 2, eff. July 1, 1991; Laws 1993, c. 116, § 5, eff. July 1, 1993.

§70-13-106. State appropriations - Apportionment.

State monies appropriated to carry out the provisions of laws dealing with the education of children with disabilities shall be apportioned by the State Board of Education among the various school districts of the state providing such education for children with disabilities in accordance with Section 18-201 of this title and with the standards and rules prescribed by the State Board of Education. Added by Laws 1971, c. 281, § 13-106, eff. July 2, 1971. Amended by Laws 1977, c. 146, § 1, eff. July 1, 1977; Laws 1993, c. 116, § 6, eff. July 1, 1993.

§70-13-107. Federal funds - Acceptance by State Board of Education.

The State Board of Education is hereby empowered to accept and disburse any grants or funds that may be matched by or received from the federal government for the education of exceptional children and to make necessary rules and regulations for such purpose. Added by Laws 1971, c. 281, § 13-107, eff. July 2, 1971.

§70-13-108. State funds - Allowances for children with disabilities.

A. The State Board of Education is hereby authorized to establish all necessary rules and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred children with disabilities to attend a special class, travel for transporting children with disabilities within or without the district, and travel for teachers who are required to travel in

fulfilling the services to children with disabilities in homebound, cooperative, or county programs for children with disabilities.

B. The State Board of Education may make provisions for boarding children with disabilities who must be transferred from their home school districts to school districts providing special education and related services, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars (\$450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any child with deaf-blindness, deafness or blindness and a resident of the state, in any private or public institution, either inside or outside of the State of Oklahoma, but in no case shall payment from state funds for such special education and related services, including board and room for such child, exceed Five Thousand Dollars (\$5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be considered as a part of the chargeable income of such district for State Aid purposes. Added by Laws 1971, c. 281, § 13-108, eff. July 2, 1971. Amended by Laws 1993, c. 116, § 7, emerg. eff. July 1, 1993.

§70-13-108.1. Allocation of funds for the education of homebound children.

If funds are appropriated to the State Board of Education for reimbursement of the costs of educating Homebound Children as authorized in Section 13-108 of this title, the funds shall be disbursed to school districts through claims filed with the State Board of Education. School districts shall reimburse the necessary travel expenses of teachers incurred in fulfilling the services to homebound children in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

Added by Laws 1995, c. 305, § 14, eff. July 1, 1995. Amended by Laws 2003, c. 415, § 30, eff. July 1, 2003.

§70-13-109. Personnel to carry out provisions of this article - Training.

A. The State Board of Education shall appoint and employ and fix the compensation and duties of necessary personnel and incur other necessary expenses, including cost of consultants, to administer and carry out the provisions of this article, and compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this article.

B. 1. The State Department of Education shall provide training to special education due process hearing or appeal officials to ensure that, at a minimum, the hearing or appeal officials possess:

- a. knowledge of the provisions of the Individuals with Disabilities Education Act (IDEA), federal and state regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and state courts,
- b. knowledge to conduct administrative hearings, and
- c. knowledge to render and write decisions.

2. Every person serving as a special education due process hearing or appeal official shall be required to participate in, at a minimum, continuing education courses in special education law and administrative procedures annually to remain eligible for current case assignment.

Added by Laws 1971, c. 281, § 13-109, eff. July 2, 1971. Amended by Laws 2009, c. 86, § 1, eff. July 1, 2009.

§70-13-110. Teachers - Pay.

Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of children who are nondisabled in the same school district.

Added by Laws 1971, c. 281, § 13-110, eff. July 2, 1971. Amended by Laws 1993, c. 116, § 8, eff. July 1, 1993.

§70-13-111. Register of children with disabilities - Plan for delivery of related services.

A. The State Board of Education shall:

1. Maintain a federal child count register of children with disabilities as defined by the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, as may be amended, and the implementing federal regulations;

2. Monitor efforts of the local public schools to meet the needs of children with disabilities as provided by each such child's Individualized Education Program; and

3. Coordinate private and public efforts, including efforts of agencies of state and local government to meet educational needs of children with disabilities.

B. The Department of Mental Health and Substance Abuse Services, the State Department of Health, the Department of Human Services, the State Department of Education, and the Oklahoma Department of Career and Technology Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act, Section 1001 of Title 74 of the Oklahoma Statutes, a plan for the coordinated delivery of related services to children with disabilities pursuant to the Act for Coordination of Special Services to Children and Youth.

Added by Laws 1971, c. 281, § 13-111, eff. July 2, 1971. Amended by Laws 1983, c. 62, § 1, emerg. eff. April 29, 1983; Laws 1990, c. 51,

§ 135, emerg. eff. April 9, 1990; Laws 1990, c. 317, § 1, emerg. eff. May 30, 1990; Laws 1993, c. 116, § 9, eff. July 1, 1993; Laws 2001, c. 33, § 88, eff. July 1, 2001.

§70-13-112. Special education and related services program for children with visual impairments.

The State Board of Education is authorized to select school districts in which to establish a special education and related services program for children with visual impairments from the first grade through the ninth grade. The selection of the school districts, the establishment of the special education program and the determination of eligible children shall be in accordance with the provisions of Section 13-101 et seq. of this title, and with the rules to be adopted for such purpose by the State Board of Education. Added by Laws 1972, c. 1, § 1, emerg. eff. Jan. 24, 1972. Amended by Laws 1993, c. 116, § 10, eff. July 1, 1993.

§70-13-112.1. Parental notification of programs for students with an auditory or visual impairment.

A. Each school district shall provide each parent, guardian or legal custodian of a student with an auditory or visual impairment with written information during the individual education program process concerning the availability of programs offered by the Oklahoma School for the Blind and the Oklahoma School for the Deaf for which the students of the district may be eligible.

B. School districts providing special education services to students with auditory or visual impairments shall develop procedures to ensure that staff assigned to work with students have effective access to resources and information provided by the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

C. The Commission for Rehabilitation Services shall adopt rules prescribing the form and content of information required by this section.

Added by Laws 2012, c. 130, § 1, eff. July 1, 2012.

§70-13-113. Services to children with visual impairments - Apportionment and distribution of funds.

State monies appropriated to carry out the provisions of this act shall be apportioned by the State Board of Education among the school districts providing a special education and related services program for children with visual impairments. The apportionment and distribution of state funds shall be on a per student basis and in accordance with the rules to be adopted for such purpose by the State Board of Education.

Added by Laws 1972, c. 1, § 2, emerg. eff. Jan. 24, 1972. Amended by Laws 1993, c. 116, § 11, eff. July 1, 1993.

§70-13-114.1. Oklahoma Special Education Assistance Fund - Creation - Status - Expenditures.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Oklahoma Special Education Assistance Fund". The fund shall be a continuing fund not subject to fiscal year limitations, and shall consist of all monies appropriated or transferred to the fund by the Legislature. Except as otherwise provided in this section, all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Board of Education for the purpose of providing financial assistance to local school districts pursuant to Sections 13-114.2 through 13-114.4 of this title. For the 1992-93 school year, monies may be expended from this fund for the local and state-supported financial support of public schools. Expenditures from said fund shall be made on 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.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 61, emerg. eff. April 25, 1990. Amended by Laws 1991, c. 280, § 64, eff. July 1, 1991; Laws 1993, c. 361, § 5, emerg. eff. June 11, 1993; Laws 2012, c. 304, § 604.

§70-13-114.2. Oklahoma Special Education Assistance Fund - Eligibility rules and regulations - Application for funds - Funding determination - Reevaluation of funding.

Pursuant to rules and regulations established by the State Board of Education, a local school district serving a child eligible pursuant to Section 13-114.3 of this title, upon application to the Department of Education, may receive funds from the Oklahoma Special Education Assistance Fund, which shall be used to educate that particular child. The determination whether a school district is eligible to receive funding pursuant to the provisions of Section 13-114.1 of this title shall be made by the State Board of Education. The eligibility of a local school district which is receiving funding pursuant to the provisions of Section 13-114.1 of this title shall be reevaluated for each enrollment of a student on an educational cost basis pursuant to Section 13-114.3 of this title and any monies received from the fund adjusted accordingly.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 62, emerg. eff. April 25, 1990. Amended by Laws 1991, c. 280, § 65, eff. July 1, 1991.

§70-13-114.3. Oklahoma Special Education Assistance Fund - Defraying costs of serving children who resided at Hissom Memorial Center - Funding other services - Determination of home district.

A. A local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund to defray costs

of serving children who resided at Hissom Memorial Center prior to December 1, 1991, and subsequently established residency in the school district if any such children were served by the district during the 1991-92 school year including extended school year during summer 1992 or the 1992-93 school year including extended school year during summer 1993. Contingent upon available funds in the Oklahoma Special Education Assistance Fund, the district shall receive funds in the amount of the actual costs of serving each child less the district per capita and any other funding received for providing services to the child from another state agency upon timely submission of a claim for such amount, accompanied by verification of residency of each child by the school attendance officer and verification from the Department of Human Services that each child formerly resided at Hissom Memorial Center.

B. If funds remain in the Oklahoma Special Education Assistance Fund after satisfaction of all valid claims submitted pursuant to subsection A of this section, a local school district may be eligible to receive monies from the Oklahoma Special Education Assistance Fund if a child with disabilities who is being served in that school district:

1. Has been placed in out-of-home placement in an entity described in subsection D of Section 1-113 of this title;
2. Has been previously institutionalized; or
3. Requires services pursuant to an individualized education program (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA) which result in extraordinary costs to the providing school district or district of residence. The State Board of Education may promulgate rules to define extraordinary costs, taking into consideration the funding generated by the weighted calculations relating to students with special needs as provided in paragraph 2 of subsection B of Section 18-201.1 of this title.

C. The State Department of Education may prorate any funds allocated pursuant to the provisions of subsection B of this section as necessary, and the State Board of Education is authorized to promulgate rules as necessary to establish priorities in funding for students in this subsection.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 63, emerg. eff. April 25, 1990. Amended by Laws 1991, c. 280, § 66, eff. July 1, 1991; Laws 1992, c. 262, § 7, emerg. eff. May 22, 1992; Laws 1993, c. 116, § 12, eff. July 1, 1993; Laws 1998, c. 362, § 2, eff. July 1, 1998.

§70-13-114.4. Oklahoma Special Education Assistance Fund - Distribution of funds - Amount of payments.

A. Funds issued from the Oklahoma Special Education Assistance Fund shall be distributed to the local school district in a timely manner as determined by the State Board of Education.

B. The amount of any such payments shall be determined as follows:

1. Payments made pursuant to paragraphs 1 and 2 of subsection A of Section 13-114.3 of this title shall be the actual cost of serving the child as determined by the State Board of Education less the funding to be received by the district through the State Aid Formula, as reduced to include only the number of days the child is included in the district's average daily membership, and any other funding received for providing services to the child from another state agency;

2. For the purposes of this section, the amount to be received through the State Aid formula shall be the weighted average daily membership of the child times the sum of the current year Base Foundation Support Level and the product of the current year Incentive Aid guarantee times twenty (20).

Added by Laws 1989, 1st Ex.Sess., c. 2, § 64, emerg. eff. April 25, 1990. Amended by Laws 1991, c. 280, § 67, eff. July 1, 1991.

§70-13-114.5. Allocation of funds for Hisson Compliance.

Funds appropriated to the State Board of Education for Hisson Compliance purposes shall be used to provide resources and programs determined by the Board to be necessary to comply with any federal court order pertaining to Hisson Memorial Center which requires any such resources and programs.

Added by Laws 1995, c. 305, § 15, eff. July 1, 1995.

§70-13-115. Short title.

This act shall be known and may be cited as the "Oklahoma Educational Interpreter for the Deaf Act".

Added by Laws 2002, c. 220, § 1, eff. July 1, 2002.

§70-13-115.1. Purpose of act.

It is essential for the well-being and educational growth of deaf and hard-of-hearing students that education programs recognize the unique nature of deafness and ensure that all deaf and hard-of-hearing students have appropriate, ongoing, and fully accessible educational opportunities. It is essential that deaf and hard-of-hearing students, like all students, are provided an education in which their unique communication mode is respected, utilized, and developed to an appropriate level of proficiency.

Added by Laws 2002, c. 220, § 2, eff. July 1, 2002.

§70-13-115.2. Definitions.

As used in the Oklahoma Educational Interpreter for the Deaf Act:

1. "Communication mode or language" means one or more of the following systems or methods of communication applicable to deaf and hard-of-hearing students:

- a. American Sign Language,
- b. English-based sign systems, or
- c. oral, aural, or other speech-based communication;

2. "Educational Interpreter" means a person who possesses a combination of interpreting skills for expressing and receiving information in a variety of signed and oral languages and modes;

3. The Oklahoma "Quality Assurance Screening Test (QAST)" means a tool used for the comprehensive evaluation of interpreters;

4. "Interpreter Training Program" means a training program in an accredited college or university for preparing interpreters for the deaf;

5. "Work Experience" means a minimum of three (3) years of full-time-equivalent work in the field of deaf education; and

6. "Comparable Level of Proficiency" means a comparable level of proficiency on any other national- or state-recognized educational interpreter assessment as determined and recognized by the State Department of Education.

Added by Laws 2002, c. 220, § 3, eff. July 1, 2002.

§70-13-115.3. Educational interpreters - Educational and experience requirements.

A. Except as otherwise provided in this section, any person who functions as an educational interpreter in a public school shall have the interpersonal skills to work effectively and collaboratively with staff and students within the instructional setting as well as a comprehensive, general knowledge of academic subjects and current events, educational processes and organization, principles and practices of special education, aspects and issues of deaf culture, and have:

1. Completed an interpreter training program;
2. Attained a bachelor's degree; or
3. Worked three (3) or more years in an area related to the field of deaf education.

B. In addition to the requirements of subsection A of this section, a person who functions as an educational interpreter in a public school shall attain one or more of the following:

1. Certification by the Registry of Interpreters of the Deaf (RID);
2. National Association of the Deaf (NAD) Level IV or better;
3. Quality Assurance Screening Test (QAST) Level III or better;

or

4. A comparable level of proficiency.

It shall be desirable for an educational interpreter to hold either a bachelor's or associate's degree.

C. A person who has never worked as an educational interpreter in any public school, who meets the requirements as provided in subsection A of this section, who does not meet the requirements of

subsection B of this section, and who has attained the Quality Assurance Screening Test (QAST) Level I or II, may be employed as an educational interpreter for up to three (3) years. The person shall not be eligible to be employed as an educational interpreter in any public school of this state after the third year until the person attains one of the proficiency levels as provided in subsection B of this section.

D. Any educational interpreter employed by a public school on the effective date of this act who does not meet the requirements of subsection B of this section shall be required to attain QAST Level I or a comparable level of proficiency by July 1, 2004. An educational interpreter shall have until July 1, 2006, to meet the requirements of subsections A and B of this section or a comparable level of proficiency.

Added by Laws 2002, c. 220, § 4, eff. July 1, 2002.

§70-13-115.4. Rules - Registry of educational interpreters - Continuing education.

The State Department of Education shall adopt rules to implement the provisions of this act in collaboration with the State Department of Rehabilitation Services. The State Department of Education shall:

1. Maintain a registry of individuals who meet the qualifications as educational interpreters as set forth in this act; and

2. Establish a system of and requirements for continuing education. Such system shall require completion of the minimum QAST continuing education units per year, in which fifty percent (50%) of such units include training in educational interpreting.

Added by Laws 2002, c. 220, § 5, eff. July 1, 2002.

§70-13-116. Corporal punishment prohibited on certain students.

A. School district personnel shall be prohibited from using corporal punishment on students identified with the most significant cognitive disabilities according to criteria established by the State Department of Education unless addressed in an annual individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).

B. A waiver to the provisions of subsection A of this section shall be granted if the parent or legal guardian of a student provides written consent.

C. As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force used as a means of discipline.

Added by Laws 2017, c. 222, § 1, eff. Nov. 1, 2017.

§70-13-121. Short title.

Sections 13-121 through 13-129 of this title shall be known and may be cited as the "Oklahoma Early Intervention Act". Added by Laws 1989, c. 102, § 1, operative July 1, 1989. Amended by Laws 2013, c. 310, § 2, emerg. eff. May 20, 2013.

§70-13-122. Purpose - Implementation.

A. It is the purpose of the Oklahoma Early Intervention Act to establish the policy of this state to provide for early intervention services to infants and toddlers with disabilities and their families in accordance with Part C, formerly Part H, of the Individuals with Disabilities Education Act (IDEA), as may be amended. These services are deemed to be necessary in order to:

1. Enhance the development of infants and toddlers with disabilities;
2. Reduce the educational costs to our society by minimizing the need for special education and related services after such children reach school age;
3. Minimize the likelihood of institutionalization of individuals with disabilities and maximize their potential for independent living in society; and
4. Enhance the capacity of families to meet the needs of their infants and toddlers with disabilities.

B. The implementation of this policy requires the development of a system of services to infants and toddlers with disabilities and their families which is:

1. Comprehensive, coordinated, multidisciplinary and interagency;
2. Delivered by the State Department of Education, Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services for infants and toddlers with disabilities and their families subject to the provisions of the Oklahoma Early Intervention Act; and
3. Intended to fulfill the requirements of Part C of the Individuals with Disabilities Education Act (IDEA), by providing early intervention services.

Added by Laws 1989, c. 102, § 2, operative July 1, 1989. Amended by Laws 1990, c. 51, § 136, emerg. eff. April 9, 1990; Laws 1993, c. 116, § 13, eff. July 1, 1993; Laws 2005, c. 89, § 1, eff. July 1, 2005.

§70-13-123. Children eligible - "Developmentally delayed" defined.

A. The children eligible for entry into early intervention services in the State of Oklahoma shall be infants and toddlers age birth through two years (0-36 months) who are developmentally delayed. As used in this act "developmentally delayed" means

children of the chronological age group specified in this section who:

1. Exhibit a delay in their developmental age compared to their chronological age of fifty percent (50%) or score two standard deviations below the mean in one of the following areas or in a subdomain of one of the following areas: cognitive, physical, communication, social and emotional, or adaptive development;

2. Exhibit a delay in their developmental age compared to their chronological age of twenty-five percent (25%) or score one and one-half standard deviations below the mean in two or more of the following areas or in a subdomain of two or more of the following areas: cognitive, physical, communication, social and emotional, or adaptive development; or

3. Have a diagnosed physical or mental condition that has a high probability of resulting in delay. This includes, but is not limited to: chromosomal disorders, neurological abnormalities, inborn errors of metabolism, genetic disorders, congenital malformation of the brain, congenital infections and sensory abnormalities and impairments or identified syndromes.

B. The State Board of Education is authorized to modify and redefine by regulation the eligibility definitions established in subsection A of this section whenever such modification is required to receive federal assistance under Part C of the Individuals with Disabilities Education Act (IDEA), as may be amended.

Laws 1989, c. 102, § 3, operative July 1, 1989; Laws 2005, c. 89, § 2, eff. July 1, 2005.

§70-13-123.1. Consent to delivery of services - Parents or surrogate parents.

Parents or surrogate parents may consent to the delivery of services for the early intervention program for their eligible children.

For purposes of the Oklahoma Early Intervention Act the terms "parent" and "surrogate parent" shall have the meaning that said terms have in Title 34, Code of Federal Regulations, Part 303, Sections 27 and 422 which implement the Individuals with Disabilities Education Act (IDEA).

Added by Laws 1991, c. 317, § 2, emerg. eff. June 12, 1991. Amended by Laws 2013, c. 310, § 3, emerg. eff. May 20, 2013.

§70-13-124. General administration, supervision and monitoring of programs and activities receiving federal and state funds - Continuation of certain existing services - Coordination of financial resources - Restricted use of monies.

A. The State Department of Education is hereby designated as the lead agency for general administration, supervision and monitoring of programs and activities receiving federal funds under Part C of the

Individuals with Disabilities Education Act (IDEA) and state funds appropriated for early intervention services. To ensure compliance with Part C of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the State Department of Education is authorized to monitor and enforce any obligations imposed on agencies participating under Part C of the IDEA.

B. In accordance with Part C of the Individuals with Disabilities Education Act (IDEA), the State Department of Education shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of this title. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act, Sections 13-121 through 13-129 of this title, shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of Part C of the Individuals with Disabilities Education Act (IDEA) and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part C of the Individuals with Disabilities Education Act (IDEA), all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services on or before October 1. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 34.36 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. Utilization of State Aid funds appropriated to the State Board of Education for the purpose of providing early intervention services or provided pursuant to the State Aid Formula for special education services and related services to children with disabilities;

2. Publicly funded personnel and programs in the State Department of Education, the State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services who are currently serving the eligible population;

3. Feasibility of utilization of federal Title V funds;

4. Utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of Part C of the Individuals with Disabilities Education Act (IDEA);

5. Amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;

6. Feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and

7. Utilization of funds received under Part C of the Individuals with Disabilities Education Act (IDEA).

E. The State Department of Education, the State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall be authorized to transfer funds enumerated in subsection D of this section to the Oklahoma Early Intervention Revolving Fund created in Section 13-124.1 of this title to the extent that transfers of such funds are authorized by and directed to the fund by the joint funding plan of the Oklahoma Early Intervention Act or by state or federal law.

F. Monies appropriated to an affected agency and monies identified in the joint funding plan for the purpose of providing early intervention services shall be used by the agency exclusively for the purpose of providing early intervention services.

G. For purposes of implementing the provisions of the Oklahoma Early Intervention Act, the board of education of any school district in this state may execute an agreement with a city/county health department or county health department to share appropriate facilities.

Added by Laws 1989, c. 102, § 4, operative July 1, 1989. Amended by Laws 1990, c. 51, § 137, emerg. eff. April 9, 1990; Laws 1990, c. 263, § 75, operative July 1, 1990; Laws 1991, c. 317, § 3, emerg. eff. June 12, 1991; Laws 1992, c. 373, § 18, eff. July 1, 1992; Laws

1993, c. 116, § 14, eff. July 1, 1993; Laws 1995, c. 137, § 4, eff. July 1, 1995; Laws 2013, c. 310, § 4, emerg. eff. May 20, 2013.
NOTE: Laws 1991, c. 280, § 68 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§70-13-124.1. Oklahoma Early Intervention Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Oklahoma Early Intervention Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of those monies appropriated to the fund by law or deposited in the fund pursuant to direction or authorization by the joint funding plan required in Section 13-124 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of providing early intervention services to children with disabilities in accordance with Part C of the Individuals with Disabilities Education Act (IDEA) and the Oklahoma Early Intervention Act. Expenditures from said 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.

Added by Laws 1990, c. 263, § 74, operative July 1, 1990. Amended by Laws 1993, c. 116, § 15, eff. July 1, 1993; Laws 2012, c. 304, § 605; Laws 2013, c. 310, § 5, emerg. eff. May 20, 2013.

§70-13-125. Contract between State Department of Education and State Department of Health specifying provision or arrangement of early intervention services.

A contract shall be entered into between the State Department of Education and the Oklahoma State Department of Health specifying the provision or arrangement of early intervention services by the Oklahoma State Department of Health. Such contract shall include, but not be limited to:

1. A delineation of individual and shared responsibilities for planning, administration and funding, multi-disciplinary evaluations, development of an individual family service plan, service delivery, procedural safeguards and liability of both agencies;

2. Specification of the numbers and types of personnel to be provided under the contract;

3. Provisions to be made by the Oklahoma State Department of Health for provision of services not available at a local level and authorization to subcontract with other public or private service providers; and

4. Specification of all management and indirect costs associated with the Oklahoma State Department of Health's provision of early intervention services that are authorized for payment under the

contract. Allowable management costs shall be limited to itemized early intervention specific travel, dedicated or shared personnel and maintenance and operations costs. Indirect costs shall not exceed those authorized by the indirect cost formula approved by the State Department of Education for the contract period. All other administrative, management or infrastructure cost recover methodologies shall be specifically disallowed for payment under the contract.

Added by Laws 1989, c. 102, § 5, operative July 1, 1989. Amended by Laws 1999, c. 246, § 26, eff. July 1, 1999.

§70-13-126. Procedural safeguards.

Procedural safeguards shall be established in fulfillment of the requirements of Part C of the Individuals with Disabilities Education Act (IDEA) through interagency agreements involving the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services as appropriate.

Added by Laws 1989, c. 102, § 6, operative July 1, 1989. Amended by Laws 1990, c. 51, § 138, emerg. eff. April 9, 1990; Laws 1993, c. 116, § 16, eff. July 1, 1993; Laws 2013, c. 310, § 6, emerg. eff. May 20, 2013.

§70-13-127. Timely payments and reimbursements.

The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 34.71 through 34.74 of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the State of Oklahoma's implementation of Part C of the Individuals with Disabilities Education Act (IDEA).

Added by Laws 1989, c. 102, § 7, operative July 1, 1989. Amended by Laws 1993, c. 116, § 17, eff. July 1, 1993; Laws 2013, c. 310, § 7, emerg. eff. May 20, 2013.

§70-13-128. Data collection and reporting.

The data collection requirements concerning children with disabilities which are currently utilized by the State Department of Education upon the effective date of this act shall also be utilized to meet the data collection and reporting requirements for the State of Oklahoma under Part C of the Individuals with Disabilities Education Act (IDEA). Further, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall fulfill the data collection and reporting requirements established by the United States Department of Education pursuant to Part C of the Individuals with Disabilities Education Act (IDEA) for early intervention services provided by their respective agencies pursuant to the purposes of the

Oklahoma Early Intervention Act. The lead agency shall provide technical assistance to the agencies in this endeavor. Added by Laws 1989, c. 102, § 8, operative July 1, 1989. Amended by Laws 1990, c. 51, § 139, emerg. eff. April 9, 1990; Laws 1993, c. 116, § 18, eff. July 1, 1993; Laws 2013, c. 310, § 8, emerg. eff. May 20, 2013.

§70-13-129. Revision of Oklahoma State Plan for Special Education - Effective date of services.

A. The Interagency Coordinating Council for Early Childhood Intervention shall assist the State Department of Education in revising the Oklahoma State Plan for Special Education to include areas addressing requirements under Part C of the Individuals with Disabilities Education Act (IDEA) necessary for full implementation of the Oklahoma Early Intervention Act. Such revision shall be completed by April 1, 1990.

B. Contingent upon the enactment of legislation authorizing implementation of an annual budget submitted which is based upon a joint funding plan provided in subsection D of Section 13-124 of this title, services in compliance with this act and Part C of the Individuals with Disabilities Education Act (IDEA) shall be in effect no later than July 1, 1990. Subject to such contingency all children eligible for services pursuant to the provisions of Section 13-123 of this title shall be served beginning July 1, 1991.

Added by Laws 1989, c. 102, § 9, operative July 1, 1989. Amended by Laws 1993, c. 116, § 19, eff. July 1, 1993; Laws 2013, c. 310, § 9, emerg. eff. May 20, 2013.

§70-13-130. Short title - Education Compact for Students in State Care Act.

This act shall be known and may be cited as the "Education Compact for Students in State Care Act".

Added by Laws 2017, c. 187, § 1, eff. Nov. 1, 2017.

§70-13-131. Education Compact for Students in State Care Advisory Committee.

A. There is hereby created the Education Compact for Students in State Care Advisory Committee.

B. The advisory committee shall be comprised of three (3) members to be appointed as follows:

1. One member representing the State Department of Education to be appointed by the Superintendent of Public Instruction;

2. One member representing the Office of Juvenile Affairs to be appointed by the Executive Director of the Office of Juvenile Affairs; and

3. One member representing the Department of Human Services to be appointed by the Director of the Department of Human Services.

C. The advisory committee may meet as often as may be required in order to perform the duties imposed upon it.

D. The meetings of the advisory committee shall be subject to the Oklahoma Open Meeting Act.

E. Members of the advisory committee shall receive no compensation or travel reimbursement.

Added by Laws 2017, c. 187, § 2, eff. Nov. 1, 2017.

§70-13-132. Students placed in state care - Delivery of student records.

A. To facilitate the timely transfer and/or enrollment of a student who has been placed in state care, the personnel of a sending school district shall make every effort to ensure timely delivery of temporary and permanent student records in accordance with the foster care state plan developed by the State Department of Education in collaboration with the Department of Human Services as required by the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).

B. In accordance with the foster care state plan and Section 1-6-103 of Title 10A of the Oklahoma Statutes, in the event that the nondirectory education records of a student who has been placed in state care cannot be released to the parent(s) or legal guardian(s) of the student, school district personnel of a sending school district shall make temporary records available to a designee of the Office of Juvenile Affairs or the Department of Human Services. For the purposes of this section, "nondirectory education records" shall mean those records maintained by the school district regarding a student who is or has been enrolled at the school district which are categorized as private or confidential records pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA). Examples of nondirectory education records include but are not limited to student attendance records, test performance records, special education records, if applicable, health records and transcripts or report cards.

C. 1. A power of attorney issued pursuant to Section 700 of Title 10 of the Oklahoma Statutes shall be sufficient for the purposes of enrollment.

2. An out-of-home care placement agreement executed on a form provided by the Department of Human Services shall be sufficient for the purposes of enrollment.

D. 1. The receiving school district shall enroll and place the student upon arrival.

2. The receiving school district shall request the student's permanent records from the sending school district. Upon receipt of such a request, the sending school district shall process and furnish

the student's permanent records to the receiving school district within three (3) days.

E. A student who has been placed in state care and transferred and/or enrolled pursuant to this section shall have thirty (30) days from the date of enrollment to obtain immunizations required by Section 1210.191 of Title 70 of the Oklahoma Statutes. If a series of immunizations is required, the student shall have thirty (30) days from the date of enrollment to receive the initial dose. Upon enrollment, the receiving school shall verbally inform the parent, legal guardian or legal custodian of the student about the immunization exemptions provided for in Section 1210.192 of Title 70 of the Oklahoma Statutes.

Added by Laws 2017, c. 187, § 3, eff. Nov. 1, 2017.

§70-13-133. Placement in courses at receiving school.

A. To facilitate the education of a student who has been placed in state care, a receiving school district shall initially honor placement of the student in educational courses based on the student's enrollment in the sending school district and/or educational assessments conducted at the sending school district. A receiving school district shall be authorized to perform its own placement evaluation to ensure appropriate placement of the student.

B. In placing the student, the receiving school district shall take into consideration the student's eligibility for:

1. Gifted and talented programs, including but not limited to Advanced Placement courses and International Baccalaureate courses;
2. An English language learner program;
3. Courses or a sequence of courses offered by a technology center school; and
4. Extracurricular activities.

C. 1. If an individualized education program (IEP) was in place for the student at the sending school district, the receiving school district shall initially provide comparable services, in accordance with the Individuals with Disabilities Education Act (IDEA). The receiving school district shall conduct an evaluation of the student to determine eligibility for special education and related services, pursuant to Section 13-102 of Title 70 of the Oklahoma Statutes.

2. The receiving school district shall comply with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A., Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A., Sections 12131 through 12165.

Added by Laws 2017, c. 187, § 4, eff. Nov. 1, 2017.

§70-13-134. On-time graduation - Curriculum options.

A. To facilitate the on-time graduation of a student who has been placed in state care during the ninth through twelfth grades, the student shall be automatically enrolled in the core curriculum,

as set forth in Section 11-103.6 of Title 70 of the Oklahoma Statutes. However, students who have been accepted into the Oklahoma Higher Learning Access Program pursuant to Section 2601 et seq. of Title 70 of the Oklahoma Statutes shall be given the opportunity to complete the program's curricular requirements. The school district in which the student is enrolled shall work in collaboration with the parent(s), legal guardian(s) or legal custodian(s) of the student and the student to determine if he or she should complete the college preparatory/work ready curriculum or the core curriculum requirements established by Section 11-103.6 of Title 70 of the Oklahoma Statutes.

B. In making decisions related to the on-time graduation of the student, the school district in which the student is enrolled shall be authorized to waive any applicable graduation requirements established by the school district board of education.

Added by Laws 2017, c. 187, § 5, eff. Nov. 1, 2017.

§70-14-101. State Board of Career and Technology Education - Successor to State Board of Vocational and Technical Education.

A. There is hereby created the State Board of Career and Technology Education which shall succeed to all of the powers and duties heretofore invested in the State Board for Vocational Education. The membership of the State Board of Career and Technology Education shall consist of:

1. The State Superintendent of Public Instruction who shall be an ex officio voting member;

2. Two appointed members of the State Board of Education, selected by the Governor, to serve as ex officio voting members. One State Board member shall be selected for a one-year term and one State Board member shall be selected for a two-year term;

3. Five members to be appointed by the Governor with the advice and consent of the Senate. Each appointed member shall be an owner, chief executive or operating officer, or business executive with policy-making or hiring authority for a business or industry located in the state or with a business or industry where a significant number of the workforce performs a task for which training or other educational service may be obtained from the career and technology education system. The Governor shall appoint one such appointive member from each of the congressional districts and any remaining members shall be appointed from the state at large.

However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified

congressional districts are represented by a board member. No member shall be appointed pursuant to this paragraph who has not resided in the relevant congressional district for at least six (6) months prior to the date of appointment; and

4. One member who represents the public, private and/or educational interests of the state shall be appointed by the Governor from the state at large with the advice and consent of the Senate.

B. All initial appointments made by the Governor pursuant to this act shall be for terms as follows:

1. Initial appointments of the two members of the State Board of Education pursuant to paragraph 2 of subsection A of this section shall be for terms as follows:

a. one for a term to expire on April 1, 2004, and

b. one for a term to expire on April 1, 2005;

2. Initial appointments of the six members pursuant to paragraphs 3 and 4 of subsection A of this section shall be for terms as follows:

a. one for a term to expire on April 1, 2004,

b. one for a term to expire on April 1, 2005,

c. one for a term to expire on April 1, 2006,

d. one for a term to expire on April 1, 2007,

e. one for a term to expire on April 1, 2008, and

f. one for a term to expire on April 1, 2009;

3. The member appointed to represent the state at large shall be the initial appointment for the term ending April 1, 2009;

4. After the initial terms, all members appointed by the Governor shall be appointed for terms of six (6) years. Initial appointments pursuant to the provisions of this section shall be made no later than September 1, 2003. All terms shall expire on the first day of April of the year in which the term of each member expires, except for the terms of office of members serving on the Board on the effective date of this section, which shall expire August 31, 2003;

5. The Chair of the Board shall be the State Superintendent of Public Instruction. The Director of the Oklahoma Department of Career and Technology Education shall serve as an ex officio nonvoting member and shall be the executive officer of the Board; and

6. Members of the State Board of Career and Technology Education shall be subject to the orientation and continuing education requirements for school board members specified in Sections 5-110 and 5-110.1 of this title. Failure of a member to satisfy these requirements shall result in the member vacating the seat and the vacancy being filled as provided by law.

C. No person shall be eligible to be appointed to serve on the Board unless the person has been awarded a high school diploma or certificate of high school equivalency.

D. For each additional month employed, the additional salary shall be calculated on the basis of one-tenth (1/10) of the base

salary as prescribed by the school district for a teacher of like qualifications employed on a ten-months' basis.

E. The official name of the Board which is known as the "State Board of Vocational and Technical Education" shall be designated in all future references as the "State Board of Career and Technology Education". Any references in the statutes to the State Board of Vocational and Technical Education shall be deemed references to the State Board of Career and Technology Education.

Added by Laws 1971, c. 281, § 14-101, eff. July 2, 1971. Amended by Laws 2000, c. 209, § 1, emerg. eff. May 19, 2000; Laws 2002, c. 375, § 17, eff. Nov. 5, 2002; Laws 2003, c. 42, § 1; Laws 2003, c. 228, § 2, eff. Aug. 1, 2003.

§70-14-102. Meetings - Teleconferencing.

The State Board of Career and Technology Education shall meet in regular session once each month at least ten (10) months per year. Special meetings may be called by the Chair or by a majority of the members of the Board. Meetings of the Board may be held by teleconferencing. Five members of the Board shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present in person or through teleconferencing, and every act of the Board shall be approved by a majority of the membership of the Board. Each member of the Board shall receive necessary traveling expenses while in the performance of duties as a member pursuant to the State Travel Reimbursement Act.

Added by Laws 1971, c. 281, § 14-102, eff. July 2, 1971. Amended by Laws 1985, c. 178, § 53, operative July 1, 1985; Laws 2000, c. 148, § 2, eff. July 1, 2000; Laws 2001, c. 33, § 89, eff. July 1, 2001; Laws 2003, c. 42, § 2.

§70-14-102.1. New, incumbent, and continuing education workshop and training requirements.

The Oklahoma Department of Career and Technology Education is authorized to provide new, incumbent, and continuing education workshop and training requirements which are required for technology center school district board of education members and State Board of Career and Technology Education members as specified in Sections 5-110 and 5-110.1 of Title 70 of the Oklahoma Statutes. The training may be conducted by the Department or by an outside entity that has been approved and has contracted with the Department to provide the training. The Department shall provide each technology center school district board of education member and State Board of Career and Technology Education member with a training status report twice a year.

Added by Laws 2008, c. 439, § 6, eff. July 1, 2008.

§70-14-103. Powers and duties.

The State Board of Career and Technology Education shall have the following powers and duties:

1. Have the supervision of the Oklahoma Department of Career and Technology Education of the State Board of Career and Technology Education, which department shall keep its principal offices at Stillwater, and appoint and fix the compensation and duties of the Director and other personnel of such Department;

2. Have the supervision of the technology center schools and colleges of Oklahoma, except Oklahoma State University Institute of Technology-Okmulgee and the Oklahoma State University Technical Institutes at Oklahoma City and Stillwater, which, however, shall be eligible to participate in federal programs administered by the State Board of Career and Technology Education as hereinafter provided;

3. Cooperate with, and enter into agreements with, and administer programs of, and receive federal funds from, the United States Department of Education and other federal agencies in matters relating to vocational and technical education, youth apprenticeship programs, and manpower training, and be the sole state agency for such purposes. Provided that, programs and funds made available through the Job Training Partnership Act, or its successor programs, shall be excluded;

4. Provide for the formulation and adoption of curricula, courses of study, and other instructional aids necessary for the adequate instruction of students in the technology center schools and colleges of this state. It is the intent of the Legislature that instructional models for vocational students should include higher standards of academic work with increased emphasis on communication, computation and applied science;

5. Develop a plan to provide adequate vocational offerings accessible to all students having the ability to benefit;

6. Purchase or otherwise acquire equipment, materials, supplies and other property, real or personal, as may be necessary for the operation of the technology center schools of this state, and provide for the maximum utilization of such property through a coordinated and cooperative use thereof, including transfer of title to real and personal property to a technology center school district for a reasonable cash consideration if said property is to be utilized in a vocational-technical program administered by the technology center district board of education. Any conveyance of real property for a reasonable consideration shall contain a reversionary clause by which the real property shall revert to the State Board of Career and Technology Education if the property ceases to be used in a vocational-technical program administered by the technology center district board of education;

7. Enter into such agreements and contracts with the State Board of Education, boards of trustees of community junior colleges, boards of education of independent and elementary school districts, boards

of education of school districts for technology center schools, private educational or training institutions, public or private industry, and boards of directors of community action programs, as may be necessary or feasible for the furtherance of vocational and technical training within this state;

8. Cooperate and enter into agreements with the Oklahoma State Regents for Higher Education;

9. Cooperate with the State Department of Education in developing hands-on career exploration activities for students in grades 6 through 10, integrating academic competencies into vocational instruction, and ensuring counseling of all students in order to minimize the number of students graduating from high school without having completed either a vocational-technical program or college preparation;

10. Develop and periodically update a plan to allow teacher training and the purchase and installation of technological equipment necessary to modernize vocational educational programs;

11. Accept and provide for the administration of any land, money, buildings, gifts, funds, donations or other things of value which may be offered or bequeathed to the schools or colleges under the supervision or control of said Board;

12. Enter into cooperative arrangements with one or more other states for the conduct and administration of programs, services and activities;

13. Cooperate whenever possible, to avoid any duplication of training programs with any established training program registered by the Bureau of Apprenticeship and Training, United States Department of Labor;

14. Accept and expend funds from any source in order to market, advertise or promote programs and services available through the Career and Technology Education system; and

15. Participate in activities pertaining to the recruitment of companies to locate or expand operations in the state, and participate in activities that will increase the competitiveness of companies with headquarters or branch operations located in the state. These activities may require agency staff to travel, train, or provide technical assistance outside the State of Oklahoma.

Added by Laws 1971, c. 281, § 14-103, eff. July 2, 1971. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 53, emerg. eff. April 25, 1990; Laws 1991, c. 3, § 17, eff. July 1, 1991; Laws 1993, c. 188, § 1, emerg. eff. May 20, 1993; Laws 1994, c. 2, § 27, emerg. eff. March 2, 1994; Laws 2001, c. 33, § 90, eff. July 1, 2001; Laws 2006, c. 105, § 1, emerg. eff. April 27, 2006; Laws 2006, c. 319, § 1, emerg. eff. June 9, 2006; Laws 2008, c. 54, § 4, eff. July 1, 2008.

NOTE: Laws 1993, c. 144, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§70-14-103.1. Vocational and technical education - Dropout Recovery Grants - Statewide plan.

A. Contingent upon the provision of appropriated funds, the State Board of Career and Technology Education is authorized to award one or more competitive grants for dropout recovery programs to technology center school districts. The grant awards shall be made to technology center school districts serving school districts that do not have intensive dropout prevention programs and that have the greatest need for dropout prevention and recovery as reflected in reports of the Office of Accountability. The Dropout Recovery Grants shall emphasize dropout recovery, shall be in addition to any existing alternative education programs, and shall meet the criteria applicable to Alternative Education Academy Grants as set forth in subsection A of Section 1210.563 of this title.

B. The State Board of Career and Technology Education shall provide or contract for technical assistance from appropriated funds. The State Board of Career and Technology Education shall provide or contract for in-depth program analysis and evaluation of grant-funded programs to the Oklahoma Department of Career and Technology Education and the Legislature no later than November 1 following the end of the school year in which one or more programs were implemented and funded through Dropout Recovery Grants.

C. Programs funded through Dropout Recovery Grants shall be subject to the funding cycle and limitations applicable to Alternative Education Academy Grants as set out in subsection C of Section 1210.563 of this title.

D. By September 15 of each school year, all revenue received and expended for students participating in Dropout Recovery Grant programs created in subsection A of this section shall be reported to the Oklahoma Department of Career and Technology Education.

E. The State Board of Career and Technology Education shall promulgate rules as necessary to administer the Dropout Recovery Grants and the process by which the grant funding shall be allocated.

F. By September 1, 1995, the State Board of Career and Technology Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of vocational and technical education to students in grades six through twelve who have been identified by school districts in their needs assessments as being at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title, and who would benefit from vocational and technical education. The plan shall include the availability of technology education courses to the identified students, an outreach effort to students in grades eleven and twelve in vocational and technical courses, provision for cooperative agreements to provide services for students participating

in alternative education programs, and coordination with the State Board of Education.

Added by Laws 1994, c. 290, § 67, eff. July 1, 1994. Amended by Laws 2001, c. 33, § 91, eff. July 1, 2001.

§70-14-103.2. Children placed outside parents' home and school district - Access to vocational offerings.

The State Board of Career and Technology Education shall promulgate rules to ensure access to vocational offerings in technology center school districts to students in technology center school districts who are receiving educational services from a school district due to placements outlined in the provisions of Section 1-113 of this title.

Added by Laws 1996, c. 319, § 4, eff. July 1, 1996. Amended by Laws 2001, c. 33, § 92, eff. July 1, 2001.

§70-14-103.3. Pilot program at technology center schools - Expansion of rural businesses.

A. Subject to the availability of funds appropriated specifically for this purpose, the State Board of Career and Technology Education shall implement a pilot program at technology center schools, the purpose of which is to provide services and training to help rural businesses expand. The purpose of the pilot program is to provide tuition grants and offer economic development, marketing and technology access services to qualifying rural businesses and communities as determined by the Oklahoma Department of Career and Technology Education.

B. A pilot program may be established at technology center school districts to increase the number of students taking industry certification examinations and obtaining trade-specific industry certifications and licenses. The local technology center board may establish board policy suitable for their district. The expenditure of public funds for this purpose shall be deemed a public purpose and the funds expended shall be an authorized expenditure of general funds from the technology center school districts to cover the direct costs of trade-specific industry certification examinations and licenses related to the program of study.

Added by Laws 1998, c. 335, § 1, eff. July 1, 1998. Amended by Laws 2001, c. 33, § 93, eff. July 1, 2001; Laws 2012, c. 116, § 1, eff. July 1, 2012.

§70-14-103.4. Program for medical micropigmentation training and certification.

The State Board of Career and Technology Education may establish a program for training and certification in medical micropigmentation. The program shall be developed with curricular advice from the Oklahoma Board of Nursing, State Board of Medical

Licensure and Supervision, State Board of Osteopathic Examiners, and the Board of Dentistry.

Added by Laws 2000, c. 330, § 2, emerg. eff. June 5, 2000. Amended by Laws 2001, c. 33, § 94, eff. July 1, 2001; Laws 2003, c. 384, § 4, eff. Nov. 1, 2003.

§70-14-104. Oklahoma Department of Career and Technology Education - Successor to Oklahoma Department of Vocational and Technical Education.

A. There is hereby created the Oklahoma Department of Career and Technology Education, which shall consist of such divisions, units and positions as may be established by the State Board of Career and Technology Education. The department shall be under the control of the State Board of Career and Technology Education, which shall formulate policies and adopt rules for the administration and operation of the department.

B. The official name of the state agency which is known as "State Department of Vocational and Technical Education" or the "Oklahoma Department of Vocational and Technical Education" shall be designated in all future references as the "Oklahoma Department of Career and Technology Education". Any references in the statutes to the State Department of Vocational and Technical Education or the Oklahoma Department of Vocational and Technical Education shall be deemed references to the Oklahoma Department of Career and Technology Education.

Added by Laws 1971, c. 281, § 14-104, eff. July 2, 1971. Amended by Laws 1995, c. 144, § 1, eff. July 1, 1995; Laws 2000, c. 209, § 2, emerg. eff. May 19, 2000.

§70-14-105. Courses of instruction and training - State Career-Technology Fund.

The Oklahoma Department of Career and Technology Education may operate and maintain, or otherwise provide for, courses of instruction and training in vocational and technical education courses and subjects, and charge students reasonable tuition fees for such instruction or training. The fees shall be deposited in a special fund, which is hereby created, to be known as the State Career-Technology Fund. The fund may be used to pay expenses incurred by the Department in operating and maintaining such classes, and payment therefrom may be upon vouchers signed by a person or persons designated by the State Board of Career and Technology Education. The fund may also be used for the operation of the Multi-State Academic Vocational Curriculum Consortium (MAVCC) for the purpose of developing and disseminating curriculum materials for the member states.

Added by Laws 1971, c. 281, § 14-105, eff. July 2, 1971. Amended by Laws 1985, c. 323, § 6, emerg. eff. July 30, 1985; Laws 1995, c. 144, § 2, eff. July 1, 1995; Laws 2001, c. 33, § 95, eff. July 1, 2001.

§70-14-106. Equipment pool.

A. The Oklahoma Department of Career and Technology Education may operate and maintain an equipment pool, at which there shall be kept equipment for the use of technology center school districts and schools supported by public funds, and said department and schools shall be eligible for surplus property and equipment.

B. Whenever the Department determines that any such district or school has, and does not have a need for, equipment purchased wholly or partly with state or federal funds, it may, if consistent with federal laws and regulations, order the equipment transferred to the equipment pool; and the district or school, or officials thereof, shall thereupon have the duty to comply with such order. Provided, any equipment which has been purchased wholly or in part with local school funds shall require the concurrence of the governing board of that local school before the equipment shall be transferred to the state equipment pool.

C. Whenever the Department determines that a technology center school district or school supported by public funds has a need for any equipment in the equipment pool, the Department may transfer the equipment to such district or school.

D. The State Board of Career and Technology Education shall adopt and enforce such rules as it deems necessary to carry out the provisions of this section.

Added by Laws 1971, c. 281, § 14-106, eff. July 2, 1971. Amended by Laws 2001, c. 33, § 96, eff. July 1, 2001.

§70-14-107. Repealed by Laws 1989, c. 13, § 1, eff. Nov. 1, 1989.

§70-14-108. Technology center school districts - Organization and operation - Governing board - Levy elections - Estimate of needs - Appropriation accounts - Annexation and detachment of territory - Classification, inspection and accreditation - Treasurer - Transfer of tenure or accrued benefits.

A. The State Board of Career and Technology Education shall prescribe criteria and procedures for the establishment and governance of technology center school districts, as provided by Section 9B, Article X, Oklahoma Constitution, and such districts so established shall be operated in accordance with rules of the State Board of Career and Technology Education, except as otherwise provided in this title.

B. A technology center school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes. Its official name shall be designated by the State Board

of Career and Technology Education, in which name it may sue and be sued, and be capable of contracting and being contracted with, and holding real and personal estate.

C. The governing board of a technology center school district shall be a board of education consisting of not less than five (5) nor more than seven (7) members. Except as otherwise provided for in subsection D of this section, all members of the board of education shall be elected in a manner prescribed by the State Board of Career and Technology Education. The State Board shall promulgate rules prescribing the manner in which the elections required by this subsection are held.

D. In a technology center school district that serves seventy or more public school districts, the territory of the school district shall be divided into district zones by the State Board of Career and Technology Education. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the Board shall reapportion the territory of the technology center school district into district zones. All boundaries of district zones shall follow clearly visible, definable, and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow, as much as possible, precinct boundaries. District zones shall be compact, contiguous and shall be as equal in population as practical with not more than a five-percent variance between the most populous and least populous district zones. The board of education of a technology center school district shall consist of one member elected from each of the district zones of the school district created pursuant to this subsection. The electors of each district zone shall elect a person, who is a resident of the district zone, to represent the district zone on the school board. If during the term of office to which a person was elected, that member ceases to be a resident of the district zone for which the person was elected, the office shall become vacant and the vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes. The State Board of Career and Technology Education shall promulgate rules prescribing the manner in which the elections required by this subsection are held.

E. The board of education of a technology center school district shall have the same powers and duties that boards of education of independent school districts have. It may require nonresident students to pay reasonable tuition fees, which may be paid for a student by the independent or elementary school district in which the student resides.

F. An election to vote on the question of making a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in a technology center school district under the provisions of subsection A, Section 9B, Article X, Oklahoma Constitution, shall be called by the board of education and conducted by the county election board of such district in the same manner that elections for emergency levies in school districts under the provisions of Section 9(d), Article X, Oklahoma Constitution, are called and conducted. When such levy is approved by a majority of the electors of the technology center school district voting on the question at such election, the levy shall be made each fiscal year thereafter until repealed by a majority of the electors of the district voting on the question at an election called for such purpose. An election to vote on the question of making a local incentive levy of not to exceed five (5) mills on the dollar valuation of the taxable property in a technology center school district under the provisions of subsection B of Section 9B of Article X of the Oklahoma Constitution, may be called by the board of education; and elections on a levy for a building fund for an area school district under the provisions of Section 10, Article X, Oklahoma Constitution, shall be called by the board of education of such district and conducted by the county election board in the same manner that elections for similar levies are called and conducted in independent school districts.

G. Annual estimates of needs of technology center school districts shall be made and approved in the same manner that those of independent school districts are made and approved. Provided, that the State Board of Career and Technology Education shall prescribe a list of appropriation accounts by which the funds of technology center school districts shall be budgeted, accounted for and expended. Any such estimate of needs may include an estimate of federal funds as probable income from sources other than ad valorem tax of the district and other than any excise or other tax assessed by legislative enactment and distributed in lieu of ad valorem taxes. If a technology center school district lies in more than one county, the district's estimate of needs shall be filed with and approved by the county excise board of the county designated by the school district board of education.

H. Territory may be annexed to or detached from a technology center school district, in accordance with rules prescribed by the State Board of Career and Technology Education. If the State Board of Career and Technology Education requires the submission of a petition in order for an election to be called for the purpose of annexation or deannexation of territory to a technology center school district, such petition shall not be required to bear a number of technology center school district electors' signatures which exceed fifty percent (50%) of the number of technology center school district electors who voted in the last school board election in the

territory proposed to be annexed or deannexed. Provided, the period of time from which the petition is initiated to its time of filing with the State Board shall not exceed ninety (90) days.

I. Schools of technology center school districts shall be subject to classification, inspection and accreditation by the State Board of Education.

J. The technology center school board of education may designate a county treasurer to serve as treasurer of the school district or may appoint an independent treasurer.

K. Within four (4) years after the creation of a technology center school district, such school district may, at its discretion, permit a teacher to transfer any or all accrued benefits upon employment including credit for years of service in the previous school district by the technology center school district, if the teacher at the time of hiring is employed as a teacher by an independent or elementary school district which is all or partly within the boundaries of the technology center school district or is employed as a teacher in a skills center within the boundaries of the school district.

L. The board of education of a technology center school district may convey surplus personal property without consideration to :

1. A school district that is within the boundary of the technology center school district;

2. A public school offering secondary level education which was created and is operated by the State of Oklahoma and that is within the boundary of the technology center school district;

3. A technology center school district; or

4. The Oklahoma Department of Career and Technology Education for the support or delivery of department initiatives.

M. The board of education of a technology center school district may, without prior approval of the State Board of Career and Technology Education, approve all plans and specifications for technology center school buildings, additions, and major modifications to school buildings that are designed to provide for the offering of vocational-technical education programs and services when the cost of the building project is to be paid with local levies or state bond monies or both local levies and state bond monies.

Added by Laws 1971, c. 281, § 14-108, eff. July 2, 1971. Amended by Laws 1975, c. 134, § 1, emerg. eff. May 19, 1975; Laws 1979, c. 193, § 1, emerg. eff. May 17, 1979; Laws 1980, c. 93, § 1, emerg. eff. April 9, 1980; Laws 1982, c. 257, § 1, operative July 1, 1982; Laws 1988, c. 90, § 21, operative July 1, 1988; Laws 1990, c. 263, § 152, operative July 1, 1990; Laws 1991, c. 281, § 10, eff. July 1, 1991; Laws 1991, c. 335, § 25, emerg. eff. June 15, 1991; Laws 1999, c. 171, § 1, emerg. eff. May 21, 1999; Laws 2001, c. 33, § 97, eff. July 1, 2001; Laws 2002, c. 47, § 1, eff. July 1, 2002; Laws 2003, c. 50,

§ 1, eff. Nov. 1, 2003; Laws 2009, c. 235, § 1, eff. July 1, 2009; Laws 2010, c. 2, § 85, emerg. eff. March 3, 2010.

NOTE: Laws 1989, 1st Ex.Sess., c. 2, § 87 repealed by Laws 1991, c. 281, § 11, eff. July 1, 1991. Laws 1991, c. 3, § 18 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 2009, c. 202, § 1 repealed by Laws 2010, c. 2, § 86, emerg. eff. March 3, 2010.

§70-14-108.1. Employee health insurance plans.

A. The board of education of each technology center school district in this state shall provide a health insurance plan for the employees of the technology center school district. Technology center school districts may obtain health and dental insurance coverage as provided for in the State and Education Employees Group Insurance Act or may obtain other health insurance coverage. Any technology center district that does not participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act shall obtain health insurance coverage for the employees which provides open enrollment, and provide for the continuation of health insurance coverage, including supplemental Medicare insurance coverage, for those district employees who retire from said district after September 30, 1991, with a vested benefit in the Teachers' Retirement System of Oklahoma. A retired person who begins receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1991, who retires from a technology center school district that provides other health insurance coverage, and who elects to continue said health insurance coverage shall pay to the technology center school district the premium rate for the health insurance minus an amount equal to the premium rate of the Medicare supplement or the amount determined pursuant to subsection (4) of Section 1316.3 of Title 74 of the Oklahoma Statutes, whichever is less, which shall be paid by the Teachers' Retirement System of Oklahoma to the technology center school district. The technology center school district shall remit to the health insurance coverage provider the total premium due less any uncollected amounts payable from retired technology center school district employees or their qualified survivors.

B. A technology center school district that participates in health insurance coverage other than the health insurance plan offered by the State and Education Employees Group Insurance Act shall not be required to pay any portion of the premium for the employees or the dependents of the employees of said school district. Unless a school district negotiates an agreement with its employees regarding health insurance pursuant to Sections 509.1 through 509.9 of this title, and to the extent that the agreement provides for the members of the recognized bargaining unit, a technology center school district that participates in health insurance coverage other than the health insurance plan offered by the State and Education

Employees Group Insurance Act is prohibited from acquiring additional or supplemental health or dental insurance for any board member, superintendent or any other employee which is not available to all employees of said district, and said technology center school district shall not pay a greater portion of the employee or dependent premium for any health or dental insurance plan or plans provided by said technology center school district on behalf of any board member, superintendent or employee than that portion paid on behalf of all participating employees of said district.

C. If a technology center school district obtains health insurance coverage from a source other than through the State and Education Employees Group Insurance Act, the employees of the technology center school district who would be eligible to participate in the health and dental plans may require the board of education of the technology center school district to call an election to allow said employees to vote as to whether the technology center school district shall participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act. Upon the filing with the board of education of a petition calling for such an election which is signed by no less than thirty percent (30%) of the eligible employees of the technology center school district, the board of education shall call an election for the purpose of determining whether the technology center school district shall participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act. The election shall be held within thirty (30) days of the filing of the petition. If a majority of those eligible employees voting at the election vote to participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act, the board of education of the technology center school district shall apply for such participation within thirty (30) days of the election.

D. If a technology center school district does not have any health insurance coverage of the type required by this section, that technology center school district shall immediately be enrolled in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act.

E. A carrier providing health insurance coverage for employees of a technology center school district health insurance group which replaces a previous carrier for such technology center school district employees shall provide coverage for each retired employee who is receiving a benefit or terminates employment with a vested benefit from the Teachers' Retirement System of Oklahoma and who is enrolled in the health insurance group by the previous carrier at the time the previous carrier providing health insurance coverage is replaced. Notwithstanding any provision in this section to the contrary, any person who retires pursuant to the provisions of the

Teachers' Retirement System of Oklahoma prior to May 1, 1993, or terminates service with a vested benefit, pursuant to the provisions of the Teachers' Retirement System of Oklahoma prior to May 1, 1993, may continue to participate in the health and dental plans authorized by the provisions of the State and Education Employees Group Insurance Act.

F. In the event a technology center school district ceases to exist, the assets and duties of said technology center school district are transferred to one or more other technology center school districts, said other technology center school district or districts do not agree to employ all of the former employees of the technology center school district that is ceasing to exist, and said former employees who are not being reemployed have rights under federal or state law to continue group insurance coverage, the annexing technology center school district having the largest general fund revenue for the most recent preceding fiscal year for which data is available shall provide group insurance coverage to said former employees not being retained during the period as required by law. Added by Laws 1988, c. 165, § 2, operative July 1, 1988. Amended by Laws 1991, c. 219, § 2, emerg. eff. May 22, 1991; Laws 1993, c. 359, § 2, eff. July 1, 1993; Laws 2001, c. 33, § 98, eff. July 1, 2001.

§70-14-108.2. Agricultural education programs.

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

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

C. For each agricultural education program which is funded by the Oklahoma Department of Career and Technology Education, the local school district shall provide transportation services for agricultural-education-program- and FFA-program-related duties and activities.

Added by Laws 2014, c. 31, § 1, emerg. eff. April 9, 2014. Amended by Laws 2015, c. 16, § 1, eff. July 1, 2015; Laws 2015, c. 121, § 1, eff. July 1, 2015.

§70-14-109. Technology center school districts - Special building project account.

A. If required to do so as a prerequisite to the receipt of federal funds for a building project, the board of education of a technology center school district may establish a special account to be used for payment of the cost of the building project. Federal and state funds received for the building project may be deposited in the special account. Monies from the following sources, if available for

the payment of the cost of the building project, may also be deposited in the special account: bond issues, levies for a building fund under Section 10 of Article X, Oklahoma Constitution and appropriations for capital outlay in the general fund of the district.

B. The board of education shall estimate the total amount to be deposited in or transferred to the aforesaid building project account, and may issue warrants against the account for the payment of the cost of the building project. The total amount of such warrants shall not exceed the estimate of the board of education of the total amount to be deposited in or transferred to the account. If there shall be an insufficient amount in the building project account to pay a warrant, the warrant shall bear interest at a rate to be fixed by the board of education, not to exceed six percent (6%) per annum, from the date of issuance until paid.

C. For the purposes of this section, the cost of a building project shall include expenditures for sites, for the construction of buildings, and for equipment, furniture and fixtures.

D. The State Board of Career and Technology Education shall adopt such rules as it deems necessary to make the provisions of this section effective.

Added by Laws 1971, c. 281, § 14-109, eff. July 2, 1971. Amended by Laws 2001, c. 33, § 99, eff. July 1, 2001.

§70-14-110. Technology center school districts and independent school districts - Separate boards - Existing boards - Election procedure.

A. If the territory comprising an independent school district has been established by the State Board of Career and Technology Education as a technology center school district, and the boundaries of each are coterminous, the board of education of the technology center school district shall be separate from the board of education of the independent school district and no member of either board shall be eligible to serve on the other.

B. Existing boards of education of technology center school districts which are comprised of members of the board of education of an independent school district with coterminous boundaries shall be dissolved by the State Board of Career and Technology Education, and the offices of the members of such boards shall become vacant on the first Monday in June, 1982. The State Board of Career and Technology Education shall establish election districts for such a technology center school district which shall have boundaries coterminous with the election districts of the independent school district and which shall be numbered identically to the election districts of the independent school district.

C. A separate board of education shall be created for such a technology center school district and its members elected in the

manner prescribed by the rules of the State Board of Career and Technology Education except as hereafter provided:

1. The Governor shall appoint members to those offices of the board of education of such a technology center school district which will become vacant on the first Monday in June, 1982, to staggered terms as follows:

- a. two members shall be appointed to a term of one (1) year. Each of these offices shall become vacant on the first Monday in June, 1983,
- b. two members shall be appointed to a term of two (2) years. Each of these offices shall become vacant on the first Monday in June, 1984,
- c. two members shall be appointed to a term of three (3) years. Each of these offices shall become vacant on the first Monday in June, 1985, and
- d. one member shall be appointed to a term of four (4) years. This office shall become vacant on the first Monday in June, 1986;

2. Upon the expiration of the term of an office of the board of education of a technology center school district prior to the expiration of the term of an office of the board of education of the independent school district in a coterminous election district, the Governor shall appoint a board member to the office of the technology center school district for the number of years necessary to establish a coterminous term between the board members of the technology center school board and the independent school district in the coterminous election district;

3. Thereafter, as the office of each member appointed to the board of education of the technology center school district becomes vacant, it shall be filled by a member elected as prescribed by the rules of the State Board of Career and Technology Education except as herein provided;

4. Elections of members to the board of education of the technology center school district shall be held on the same day as elections are held for election of members to the independent school district;

5. One member shall be elected from each election district by the voters of that election district; and

6. The term of office of each member elected to the board of education of the technology center school district shall be four (4) years.

Added by Laws 1971, c. 281, § 14-110, eff. July 2, 1971. Amended by Laws 1982, c. 91, § 1, emerg. eff. April 1, 1982; Laws 1983, c. 12, § 1, emerg. eff. March 23, 1983; Laws 2001, c. 33, § 100, eff. July 1, 2001.

§70-14-111. Repealed by Laws 1974, c. 152, § 4, emerg. eff. May 3, 1974.

§70-14-111A. Nondegree instructors in vocational and technical education programs - Increments.

Nondegree instructors in vocational and technical education who are employed in a full-time, approved, reimbursed program for vocational and technical education shall qualify for yearly increments the same as any other teacher in the public schools. Added by Laws 1974, c. 152, § 1, emerg. eff. May 3, 1974.

§70-14-112. Agency for state.

The State Board of Career and Technology Education is hereby specifically designated as the agency of this state to cooperate and deal with any officer, board, or authority of the United States Government which may require or recommend cooperation with any state board of vocational and technical education. The Board, unless otherwise provided specifically by law, shall have no authority to use or pledge funds of the state for cooperation without approval by the Governor of the state.

Added by Laws 1971, c. 281, § 14-112, eff. July 2, 1971. Amended by Laws 2001, c. 33, § 101, eff. July 1, 2001.

§70-14-113. Citation.

This act may be cited as the "Displaced Homemakers Act". Added by Laws 1978, c. 94, § 1, eff. July 1, 1978.

§70-14-114. Legislative findings, purpose and intent.

The Legislature hereby finds and declares that there is an ever-increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse or other loss of family income; as a consequence, displaced homemakers are very often without any source of income; they are ineligible for categorical welfare assistance; they are subject to the highest unemployment rate of any sector of the work force; they face continuing discrimination in employment because they are often older and have no recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security because they are too young, and for many, they will never qualify for social security because they have been divorced from the family wage earner; they have often lost their rights as beneficiaries under employers' pension and health plans through divorce or death of spouse, despite many years of contribution to the family well-being; and they are most often ineligible for Medicaid and are generally unacceptable to private health insurance plans because of their age.

The Legislature further finds and declares that homemakers are an unrecognized part of the work force who make an invaluable contribution to the welfare of the society as a whole.

It is the intention of the Legislature in enacting this chapter to provide the necessary counseling, training, jobs, services and support programs for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life and to improve the welfare of this ever-growing group of citizens.

Added by Laws 1978, c. 94, § 2, eff. July 1, 1978.

§70-14-115. Definitions.

As used in this act:

1. Board means the State Board of Career and Technology Education;
2. Superintendent means the superintendent of the technology center school designated as the pilot multipurpose service center for displaced homemakers;
3. Center means the pilot multipurpose service center for displaced homemakers; and
4. Displaced homemaker means an individual who:
 - a. has worked without pay as a homemaker for his or her family, and who has reached the age of thirty-five (35) years or older,
 - b. is not gainfully employed,
 - c. has had, or would have, difficulty finding employment, and
 - d. (1) has depended on the income of a family member and has lost that income, or
(2) has depended on government assistance as the parent of dependent children, but who is no longer eligible for such assistance.

Added by Laws 1978, c. 94, § 3, eff. July 1, 1978. Amended by Laws 2001, c. 33, § 102, eff. July 1, 2001.

§70-14-116. Pilot multipurpose service center.

The Board shall establish a pilot multipurpose service center for displaced homemakers in a suitable technology center school with adequate facilities. The Board shall designate the technology center school which is to serve as the pilot multipurpose service center for displaced homemakers. The superintendent of the designated technology center school shall hire the personnel and administer the program for the pilot project. The superintendent is authorized to contract with or make grants to private nonprofit agencies or organizations to carry out the various programs of the centers as enumerated in this act.

Added by Laws 1978, c. 94, § 4, eff. July 1, 1978. Amended by Laws 2001, c. 33, § 103, eff. July 1, 2001.

§70-14-117. Location of center - Criteria.

A. In selecting the site for the center, the Board shall consider the following criteria:

1. Accessibility to substantial displaced homemaker population;
2. Suitability of vocational and technical training programs;
3. Availability of child care programs and services;
4. Availability of support services or programs in the community or surrounding areas; and
5. Accessibility to a variety of educational or training programs.

B. To the greatest extent possible, the staff of the service center, including supervisory, technical and administrative positions, shall be filled by displaced homemakers.

Added by Laws 1978, c. 94, § 5, eff. July 1, 1978.

§70-14-118. Funds.

The Board, superintendent and director of the center shall explore all possible sources of funding and in-kind contributions from federal, local and private sources in establishing and enhancing the center and its programs.

Added by Laws 1978, c. 94, § 6, eff. July 1, 1978.

§70-14-119. Job-counseling and job-training programs.

The center shall establish the following programs:

1. Job-counseling program for displaced homemakers which shall be specifically designed for the person reentering the job market after a number of years as a homemaker. The counseling will take into consideration, and build upon, the skills and experiences of a homemaker. Peer counseling and job readiness as well as skill updating and development shall be emphasized; and

2. Job-training program for displaced homemakers in which the staff at the center shall work with local government agencies and private employers to develop training programs for available jobs in the public and private sectors.

Added by Laws 1978, c. 94, § 7, eff. July 1, 1978.

§70-14-120. Center staff - Responsibilities and duties.

Center staff shall be responsible for assisting the trainee in finding permanent employment. To this end, the superintendent and the center staff shall work with the Oklahoma Employment Security Commission and the service delivery areas under the Job Training Partnership Act of 1982 in the area of the center to secure employment for displaced homemakers and/or training stipends for displaced homemakers.

The center staff and the superintendent shall also work to determine the feasibility and appropriate procedures for allowing displaced homemakers to participate in the following:

1. Programs established under the Job Training Partnership Act of 1982 29 U.S.C., Section 1501, et seq.;

2. Work incentive programs established under the Federal Social Security Act;

3. Programs established or benefits provided under federal and state unemployment compensation laws by consideration of full-time homemakers as workers eligible for such benefits or programs;

4. The Federal-State Expanded Unemployment Compensation Act of 1970 26 U.S.C., Section 3304, Note;

5. Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 26 U.S.C., Section 3304, Note;

6. The Emergency Unemployment Compensation Act of 1974 26 U.S.C., Section 3304, Note; and

7. Related federal and state employment, education, health and unemployment assistance programs.

Amended by Laws 1986, c. 207, § 62, operative July 1, 1986; Laws 1989, c. 313, § 12, operative July 1, 1989.

§70-14-121. Service programs.

The center shall include, but not be limited to, the following service programs for displaced homemakers:

1. Money management courses, including information and assistance in dealing with insurance programs, life, health, home and car, taxes, mortgages, loans and probate problems; and

2. Educational programs, including courses offering credit through higher educational institutions or leading toward a high school equivalency degree. Support services shall be established which are designed to supplement the usual academic course offerings and training programs with classes aimed toward older persons to improve their employment capabilities.

Added by Laws 1978, c. 94, § 9, eff. July 1, 1978.

§70-14-122. Regulations concerning eligibility for service programs.

The superintendent, in consultation with the director of the service center, shall establish regulations concerning the eligibility of persons for the job training and other programs of the multipurpose service center, the level of stipends, if any, for the job training programs, and such other matters as the superintendent deems necessary to carry out the purpose of this act.

Added by Laws 1978, c. 94, § 10, eff. July 1, 1978.

§70-14-123. Evaluation of programs - Reports.

A. The superintendent shall require the center staff to evaluate the effectiveness of the job training, placement and service

components of the center. Such evaluation shall include the number of persons trained, the number of persons placed in employment, follow-up data on such persons, the number of persons served by the various service programs and cost effectiveness of the various components of the center.

B. The superintendent shall compile the evaluation into a written report for the Legislature to determine the feasibility of extending the pilot program to other areas of the State of Oklahoma. The evaluation report shall be filed no later than July 1, 1979. Added by Laws 1978, c. 94, § 11, eff. July 1, 1978.

§70-14-124. Correctional institutions - Administration, supervision and instruction of vocational training programs.

The State Board of Career and Technology Education is hereby directed to assume the administrative, supervisory and instructional operations of all vocational training programs in correctional institutions for which it receives funds.

Added by Laws 1980, c. 217, § 6, eff. May 30, 1980. Amended by Laws 1986, c. 258, § 10, operative July 1, 1986; Laws 2001, c. 33, § 104, eff. July 1, 2001.

§70-14-125. Stringtown Correctional Center - Transfer of administration, supervision, and operation.

The administration, supervision, and operation of the Vocational Training Program and School located at the Stringtown Correctional Center is hereby transferred from the Department of Human Services to the State Board of Career and Technology Education. All property, records, and personnel of said center are hereby transferred to the State Board of Career and Technology Education.

Added by Laws 1983, c. 247, § 11, operative July 1, 1983. Amended by Laws 2001, c. 33, § 105, eff. July 1, 2001.

§70-14-125.1. Employees of Stringtown Correctional Center - Retirement benefits.

Employees of the Vocational Training Program and School located at the Stringtown Correctional Center who are members of the Oklahoma Public Employees Retirement System and are being transferred from the Department of Human Services to the State Board of Career and Technology Education shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits pursuant to the Teachers' Retirement System on July 1, 1983. On January 1, 1984, the Oklahoma Public Employees Retirement System shall transfer to the Teachers' Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each employee of the Vocational Training Program and School located at the Stringtown Correctional Center transferring to the Teachers' Retirement System and the retirement records of those

transferring employees. Service accrued by said employees pursuant to the provisions of the Oklahoma Public Employees Retirement System shall be treated as credited service in the Teachers' Retirement System.

Added by Laws 1983, c. 247, § 12, operative July 1, 1983. Amended by Laws 2001, c. 33, § 106, eff. July 1, 2001.

§70-14-126. Consultant services - Contracts with retired administrators.

No administration of a technology center school district shall enter into a contract for consultant services with any person who has retired from employment as an administrator with any technology center school district for two (2) years after the retirement date of such administrator. Nothing in this section shall prohibit a board of education of a technology center school district from employing as a substitute teacher, a person who has retired as an administrator or teacher with a technology center school district within two (2) years after the retirement date of the person.

Added by Laws 1988, c. 128, § 2, emerg. eff. April 12, 1988. Amended by Laws 2001, c. 33, § 107, eff. July 1, 2001.

§70-14-127. Youth apprenticeship program guidelines.

A. The Oklahoma Legislature, recognizing the need for improved methods of helping secondary students make a smooth transition from high school to the workplace, hereby establishes guidelines for youth apprenticeship programs.

B. Youth apprenticeship programs shall be defined as learning programs for young people enrolled in vocational education that combine on-the-job learning with classroom instruction, that offer a bridge between secondary and post high school training and education, and that result in certification of mastery of work skills.

C. Youth apprenticeship programs shall be administered and supervised by the State Board of Career and Technology Education, which shall also establish standards for program operation.

D. Notwithstanding any other section of law, youth apprenticeship programs shall not mean any traditional apprenticeship program registered by the Bureau of Apprenticeship and Training, United States Department of Labor.

Added by Laws 1993, c. 144, § 2, eff. April 1, 1993. Amended by Laws 2001, c. 33, § 108, eff. July 1, 2001.

§70-14-128. Oklahoma Youth Apprenticeship Committee - Members - Quorum.

A. There is hereby created the Oklahoma Youth Apprenticeship Committee. The committee shall be appointed by the State Board of Career and Technology Education within thirty (30) days of the

effective date of this act and shall consist of thirteen (13) members as follows:

1. The Director of the Oklahoma Department of Career and Technology Education or designee who shall also serve as committee chair;

2. The State Superintendent of Public Instruction or designee;

3. The Chancellor of Higher Education or designee;

4. One superintendent of a technology center school district;

5. One superintendent of an independent school district;

6. One president of a state community or junior college;

7. Two members who represent the interests of labor, including one who represents the Bureau of Apprenticeship Training of the United States Department of Labor;

8. Four members who are currently employed in business or industry; and

9. One member who represents a city chamber of commerce.

B. Seven members of the committee shall constitute a quorum. A quorum must be present to transact any business of the committee. The committee is advisory in nature and shall meet as necessary to provide recommendations to the State Board of Career and Technology Education related to the administration of and standards for youth apprenticeship programs. The members of the committee shall be reimbursed for travel expenses incurred in performing official duties in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Added by Laws 1993, c. 144, § 3, eff. April 1, 1993. Amended by Laws 2001, c. 33, § 109, eff. July 1, 2001.

§70-14-129. Rules.

The State Board of Career and Technology Education shall promulgate rules to implement the provisions of this act.

Added by Laws 1993, c. 144, § 4, eff. April 1, 1993. Amended by Laws 2001, c. 33, § 110, eff. July 1, 2001.

§70-14-130. State Board of Career and Technology Education.

A. On July 1, 2014, all powers, duties, functions, and responsibilities of the State Board of Education that relate to adult education shall be transferred to the State Board of Career and Technology Education. The transfer shall include all equipment, supplies, records, assets, current and future liabilities, fund balances, encumbrances, obligations, and indebtedness associated with the State Board of Education that relate to adult education.

B. Any monies accruing to or in the name of the State Board of Education on and after the effective date of this act that relate to adult education, or any monies that accrue in any funds or accounts or are maintained for the benefit of the State Board of Education on and after the effective date of this act that relate to adult

education shall be transferred to the State Board of Career and Technology Education.

C. The State Board of Career and Technology Education shall succeed to any contractual rights and responsibilities incurred by the State Board of Education.

D. The Director of the Office of Management and Enterprise Services is hereby directed to coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations or encumbrances as provided for in this section.

Added by Laws 2014, c. 164, § 3, eff. July 1, 2014.

§70-14-131. Administrative rules - Distribution of funds.

A. Effective July 1, 2014, all administrative rules promulgated by the State Board of Education that relate to adult education programs shall be transferred to and become a part of the administrative rules of the State Board of Career and Technology Education. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in the Oklahoma Register of the transfer of such rules, and shall place the transferred rules under the Administrative Code section of the State Board of Career and Technology Education. Such rules shall continue in force and effect as rules of the office of the State Board of Career and Technology Education from and after July 1, 2014, and any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the State Board of Career and Technology Education.

B. The State Board of Career and Technology Education shall adopt and promulgate rules and standards for adult education programs and distribution of funds to school districts and organizations which offer adult education services in this state.

Added by Laws 2014, c. 164, § 4, eff. July 1, 2014.

§70-14-132. Agreements and contracts for services.

A. The State Board of Career and Technology Education is hereby authorized and directed to enter into agreements and to contract for the provision of adult education, assessment and other services for courses leading to a high school equivalency diploma. Any adult education program providing services pursuant to a contract or subcontract with the State Board of Career and Technology Education and receiving funds from the State Board of Career and Technology Education or any contractor with the State Board of Career and Technology Education shall be subject to the provisions of the administrative rules of the State Board of Career and Technology Education.

B. The Department of Education shall retain the responsibility for issuing diplomas to those who successfully complete a high school equivalency test, pursuant to criteria established by the State Board of Education.

Added by Laws 2014, c. 164, § 5, eff. July 1, 2014. Amended by Laws 2015, c. 360, § 2, eff. July 1, 2015.

§70-14-133. Adult Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Career and Technology Education to be designated the "Adult Education Revolving Fund". The fund shall consist of fees paid to the Board for the oversight and management of the high school equivalency test as administered by the Board pursuant to law. The revolving fund shall be a continuing fund, not subject to fiscal year limitations, and shall be under the control and management of the administrative authority of the State Board of Career and Technology Education. Expenditures from the fund shall be made to maintain the high school equivalency testing process. Warrants for expenditure shall be drawn by the State Treasurer on claims by an authorized employee of the State Board of Career and Technology Education and approved by the Director of the Office of Management and Enterprise Services.

Added by Laws 2014, c. 164, § 6, eff. July 1, 2014. Amended by Laws 2015, c. 360, § 3, eff. July 1, 2015.

§70-14-134. Tuition waivers for children of persons killed in the line of duty.

A. Within the system of career technology districts, no resident tuition or nonresident tuition shall be charged to the:

1. Children of Oklahoma peace officers as defined by Section 648 of Title 21 of the Oklahoma Statutes who have given their lives in the line of duty;

2. Children of Oklahoma firefighters who have given their lives in the line of duty;

3. Children of members of the Oklahoma Law Enforcement Retirement System who have given their lives in the line of duty or whose disability is by means of personal and traumatic injury of a catastrophic nature, as defined by Section 2-300 of Title 47 of the Oklahoma Statutes, and occurred in the line of duty; and

4. Children of Oklahoma emergency medical technicians who have given their lives in the line of duty.

B. Such waiver of resident tuition and nonresident tuition shall be limited to a period of five (5) years.

C. Such waiver of resident tuition or nonresident tuition to the children of deceased peace officers and to the children of deceased firefighters as provided for in this section shall be a service benefit of each Oklahoma peace officer and Oklahoma firefighter.

D. For purposes of this section:

1. "Firefighter" means a volunteer firefighter or a permanent salaried professional member of any fire department within the State of Oklahoma; and

2. "Emergency medical technician" means a person volunteering or employed as an emergency medical technician and who is licensed as an emergency medical technician pursuant to Section 1-2505 of Title 63 of the Oklahoma Statutes.

Added by Laws 2014, c. 133, § 1, eff. Nov. 1, 2014.

NOTE: Editorially renumbered from § 14-130 of this title to avoid a duplication in numbering.

§70-14-135. Career-readiness assessments and assessment-based credentials.

Subject to the availability of funds, beginning with the 2019-2020 school year, the Oklahoma Department of Commerce, in cooperation with the State Department of Education and the Commission for Educational Quality and Accountability, shall review and approve career-readiness assessments and assessment-based credentials that measure and document foundational workplace skills. Beginning with the 2019-2020 school year, the assessments shall be made available to all public school districts to be administered to students at the discretion of each school district's administration. The assessment-based credential shall be available to any student who achieves the prescribed level on the required assessments. If the public school district chooses to administer the assessments, the assessments shall be administered at least once to each student who chooses to take the assessment at no cost to the student. The assessments shall:

1. Be a standardized, criterion-referenced measure of broadly relevant foundational workplace skills;

2. Assess and document student readiness for a wide range of jobs;

3. Measure skills in the following areas, including but not limited to:

a. applied mathematics,

b. workplace documents,

c. graphic literacy, or

d. critical thinking and leadership collaboration;

4. Align with research-based skill requirement profiles for specific industries and occupations;

5. Lead to nationally recognized work-readiness certificates or credentials for students who meet the minimum proficiency requirements on the component assessments; and

6. Be available in paper- and computer-based formats.

Added by Laws 2019, c. 419, § 1, eff. July 1, 2019.

§70-14A-1. Repealed by Laws 1961, p. 555, § 1.

§70-14A-1a. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14A-1b. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14A-1c. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14A-1d. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14A-1e. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14A-1f. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14A-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14B-1. Repealed by Laws 1961, p. 555, § 1.

§70-14B-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14B-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14B-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14c-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14c-14. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14c-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14C-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14C-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-14C-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-14C-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-14C-17. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-15-7. Repealed by Laws 1955, p. 445, § 55.
- §70-15-8. Repealed by Laws 1955, p. 445, § 55.
- §70-15-9. Repealed by Laws 1955, p. 445, § 55.
- §70-15-10. Repealed by Laws 1955, p. 445, § 55.
- §70-15-11. Repealed by Laws 1955, p. 445, § 55.
- §70-15-12. Repealed by Laws 1955, p. 445, § 55.
- §70-15-13. Repealed by Laws 1955, p. 445, § 55.
- §70-15-14. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-15. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-15-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-15-101. School buildings - Bonds.

Whenever it shall become necessary for the board of education of any school district to raise sufficient funds for the purchase of a school site or sites, or to erect or purchase and equip a suitable school building or buildings, either or both, or for the purpose of making repairs to an existing school building or buildings, or for the purchase of school furniture and fixtures, or for making improvements to any school site or sites, either or both, it shall be lawful for such board of education to borrow money for which it is hereby authorized and empowered to issue bonds bearing a rate of interest not exceeding seven percent (7%) per annum, payable semiannually, at such place as may be shown on the face of such bonds, which bonds shall be payable serially as otherwise provided by law in not more than twenty-five (25) years from date; and the board of education is hereby authorized and empowered to sell such bonds at not less than their par value; provided, before any bonds shall be issued, the board of education shall cause an election to be held in such district as herein provided; provided, further, bonds may be voted in one issue and at the same election for any or all of the purposes hereinbefore enumerated.

Added by Laws 1971, c. 281, § 15-101, eff. July 2, 1971.

§70-15-102. Election - Notice - Cost - Election on same proposition within four (4) months after defeat prohibited.

The board of education shall call an election, to be conducted by the county election board in all respects as other elections, for the purpose of taking the sense of the district upon the question of issuing such bonds, naming in the proclamation of such election the amount of bonds to be voted on and the purpose for which they are to be issued; and it shall cause to be published in a newspaper of general circulation in said district the time and place of such election, such notices to be given at least ten (10) days before such election. In all instances where proclamations for elections for boards of education are required by statute of the mayor of a city, and in all instances where elections for boards of education are provided for by statute wherein the mayor and city clerk are denominated, the president of the board of education shall be substituted for the mayor and the clerk of the board of education shall be substituted for the city clerk. Boards of education are hereby declared to be free and independent of cities in all matters relating to school elections legally called upon all school matters, and presidents of boards of education shall have full power to issue proclamations calling school elections; provided, that no election shall be called on the same proposition within four (4) months after such proposition has been defeated at an election by the school district electors. The provisions of this act as to the waiting period shall not apply where the school facilities have been destroyed by an act of God. The cost of such elections, together with the cost of such proclamations, publication, notices or other expenses required, shall be legal costs of boards of education. Laws 1971, c. 281, § 15-102, eff. July 2, 1971.

§70-15-103. Electors - Qualifications.

On the question of issuance of said bonds, no person shall be qualified to vote unless he be in all respects a school district elector of such district. In case three-fifths (3/5) of the voters thereof voting at such election shall vote affirmatively for the issuance of said bonds, then the said board of education shall issue the same and not otherwise. The amount of the bonds so voted upon and issued shall not cause the school district to become indebted in an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness; but if the school district has an absolute need therefor, such district may, with the assent of three-fifths (3/5) of the voters thereof, voting at such election, incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) but not exceeding ten percent (10%) of the valuation of the taxable

property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness, for the purpose of acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings or acquiring school furniture, fixtures or equipment or more than one or all of such purposes; and such assent to such indebtedness shall be deemed to be a sufficient showing of such absolute need. Section 26, Article X, of the Oklahoma Constitution, as amended on April 5, 1955, shall hereafter be in full force and effect. Provided, that any bond election that shall have heretofore been called or held in accordance with the provisions of Section 26, Article X, of the Oklahoma Constitution, as amended on April 5, 1955, is hereby validated if the bonds so authorized at such election have not yet been sold and delivered.

Added by Laws 1971, c. 281, § 15-103, eff. July 2, 1971.

§70-15-104. Form - Provision for collection of annual tax.

The said bonds shall contain all necessary provisions as to form; and such school district shall, before or at the time of the issuance of the same, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof.

Added by Laws 1971, c. 281, § 15-104, eff. July 2, 1971.

§70-15-105. Signatures - Registration - Certificate.

The bonds, the issuance of which is provided in the preceding sections, shall be signed by the president, attested by the clerk and registered by the treasurer of the board of education, and shall have endorsed thereon a certificate signed by the county clerk and the district attorney of the county wherein such district is located, stating that said bonds or evidence of debt are issued pursuant to law and that said issue is within the debt limit.

Laws 1971, c. 281, § 15-105, eff. July 2, 1971.

§70-15-106. Transportation equipment - Bonds.

Any school district that is authorized by law to provide transportation for pupils to and from school may become indebted for the purpose of purchasing transportation equipment and may issue its bonds, as provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within the school district, as shown by the last preceding assessment for state and county purposes previous to the incurring of indebtedness. The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution was intended to include the "transportation equipment" referred to in this section.

Added by Laws 1971, c. 281, § 15-106, eff. July 2, 1971. Amended by Laws 1995, c. 257, § 3, emerg. eff. May 25, 1995.

§70-15-106.1. Equipment purchase - Bonds.

Any school district may become indebted for the purpose of purchasing equipment and may issue its bonds, as provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within the school district, as shown by the last incurring of indebtedness. The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution was intended to include: library books, textbooks, school-owned uniforms, computer software, electronic media content, perpetual or continuous district software license agreements and web-based software subscriptions with a term of more than one (1) year but not more than five (5) years, the acquisition of telecommunications devices and components to be used to enhance classroom instruction and maintenance/service contracts which are included as a part of the equipment purchase price and any associated hardware and software necessary for implementation and training and any maintenance agreements. This provision shall not restrict a school district from issuing bonds with a maturity of greater than five (5) years for the purchase of equipment not listed in this section. If the maturity of the bond is greater than five (5) years, the maturity of the bond shall not exceed the effective life of any equipment purchased with the proceeds.

Added by Laws 1995, c. 257, § 4, emerg. eff. May 25, 1995. Amended by Laws 2004, c. 361, § 22, eff. July 1, 2004; Laws 2010, c. 1, § 1; Laws 2010, c. 455, § 2, eff. July 1, 2010.

§70-15-107. Expenses.

All expenses incident to the issuance of school district bonds, including the expense of holding the bond election, may be paid from the proceeds of such bonds.

Added by Laws 1971, c. 281, § 15-107, eff. July 2, 1971. Amended by Laws 1974, c. 76, § 1, emerg. eff. April 19, 1974; Laws 1980, c. 217, § 6, eff. May 30, 1980.

§70-15-108. Investment in government bonds.

The proceeds of any school bonds or any portion thereof, or the sinking fund for the payment of any school bonds, may be invested by the issuing board in any type or series of United States Government Bonds.

Added by Laws 1971, c. 281, § 15-108, eff. July 2, 1971.

§70-15-109. Bond issues of area school districts.

Area school districts may, in accordance with the provisions of Section 9B, Article X of the Oklahoma Constitution, issue bonds in the same manner as bonds are issued by other school districts. Added by Laws 1971, c. 281, § 15-109, eff. July 2, 1971.

§70-15-201. Definitions.

For the purposes of this act:

1. "School bonds" means bonds issued pursuant to the provisions of Sections 15-101 through 15-109 of Title 70 of the Oklahoma Statutes;
2. "Commissioners" means Commissioners of the Land Office of the State of Oklahoma; and
3. "Fund" means permanent school fund for the support of common schools of the State of Oklahoma.

Added by Laws 1994, c. 346, § 1, eff. Nov. 8, 1994.

§70-15-202. Guarantee of bonds issued.

On approval by the Commissioners, bonds issued pursuant to Sections 15-101 through 15-109 of Title 70 of Oklahoma Statutes are guaranteed by the corpus of the permanent school fund for the support of common schools.

Added by Laws 1994, c. 346, § 2, eff. Nov. 8, 1994.

§70-15-203. Restriction on guarantee of bonds.

The Commissioners shall not approve bonds for guarantee if the approval would result in the total amount of outstanding guaranteed bonds to exceed an amount equal to twice the cost value or twice the market value of the assets of the permanent school fund whichever is lower, exclusive of real estate as calculated by the annual audit of the Commissioners of the Land Office.

Added by Laws 1994, c. 346, § 3, eff. Nov. 8, 1994.

§70-15-204. Application by school districts for bond guarantee program.

A school district seeking the guarantee of eligible bonds shall apply to the Commissioners on an application which must include:

1. The name of the school district and the principal amount of the bonds to be issued;
2. The maturity schedule, estimated interest rate and date of the bonds; and
3. Any other information as deemed necessary and appropriate by the Commissioners of the Land Office.

The application must be accompanied by a fee set by the Commissioners in an amount to cover costs of administering the guarantee program. The Commissioners and the State Bond Advisor shall enter into an interagency agreement in order to administer their responsibilities pursuant to the provisions of this act.

From the fees collected, the Commissioners shall enter into a cooperative agreement with the State Bond Advisor to defray any administrative costs of his office in carrying out the provisions of this act.

Added by Laws 1994, c. 346, § 4, eff. Nov. 8, 1994.

§70-15-205. Duty of State Bond Advisor.

It shall be the duty of the State Bond Advisor to review the bond applications and to advise the Commissioners of the validity of the guarantee application.

Added by Laws 1994, c. 346, § 5, eff. Nov. 8, 1994.

§70-15-206. Requirements for districts applying for guarantee.

A. Any district applying to utilize the provisions of this act for its bonded indebtedness shall:

1. Be certified to be in good standing and be accredited without probation by the State Board of Education;

2. Verify to the Commissioners that the bond issue involved is within any limitation provided by law;

3. Comply with such criteria or other requirements deemed necessary by the Commissioners; and

4. Fully comply with all provisions of the rules promulgated by the Commissioners pursuant to this act.

B. No guarantee of bonds shall be effective unless approved by a majority of the Commissioners.

Added by Laws 1994, c. 346, § 6, eff. Nov. 8, 1994.

§70-15-207. Inability to pay on guaranteed bond - Notice.

Immediately following a determination that a school district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, but not later than the fifth business day before the maturity date, the district shall notify the State Bond Advisor and the Commissioners of the Land Office.

Added by Laws 1994, c. 346, § 7, eff. Nov. 8, 1994.

§70-15-208. Transfer of funds to pay maturing or matured bond - Cancellation of bond - Reimbursement by school district.

A. Following receipt of notice, the Commissioners shall cause to be transferred from the permanent school fund the necessary funding to pay the maturing or matured principal or interest.

B. Immediately following receipt of the funds for payment of the principal or interest, the district treasurer shall pay the amount due and forward the canceled bond or coupon to the Commissioners of the Land Office.

C. Following full reimbursement to the fund with interest, the Commissioners shall forward the canceled bond to the school district for which the payment was made.

Added by Laws 1994, c. 346, § 8, eff. Nov. 8, 1994.

§70-15-209. No acceleration of remaining bonds due to default.

If a school district fails to pay principal or interest on a bond guaranteed by the fund when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district default.

Added by Laws 1994, c. 346, § 9, eff. Nov. 8, 1994.

§70-15-210. Collection of deficient payments from school districts.

A. If the Commissioners make payment from the fund on behalf of a school district, the Commissioners shall withhold from any trust fund apportionment payable to the school district until the amount paid, plus interest, is repaid in full or the Commissioners may proceed to collect the deficient payments plus interest and reasonable attorney fees as provided by Section 365.5 of Title 62 of the Oklahoma Statutes. Monies collected from said school district for deficient payments shall be forwarded to the Commissioners within thirty (30) days of collection. In the determination of State Aid pursuant to Section 18-200 of Title 70 of the Oklahoma Statutes the State Apportionment component of the Foundation Program Income shall be determined as if the school district had received all state apportionment funds withheld pursuant to this section.

B. The amount withheld shall be deposited to the credit of the permanent school fund.

C. Immediately following any payments from the fund on behalf of a school district pursuant to this section, the Commissioners shall notify the State Treasurer of the payment for purposes of taking any action as is required by Section 8 of this act.

Added by Laws 1994, c. 346, § 10, eff. Nov. 8, 1994.

§70-15-211. Implementation.

The Commissioners of the Land Office shall adopt rules necessary to implement the provisions of this act.

Added by Laws 1994, c. 346, § 11, eff. Nov. 8, 1994.

§70-16-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-16-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-6A. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-14. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-15. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-16. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-17. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-16-18. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-19. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-20. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-20a. Repealed by Laws 1957, p. 506, § 1.

§70-16-20b. Repealed by Laws 1957, p. 506, § 1.

§70-16-21. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-22. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-23. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-16-24. Repealed by Laws 1961, p. 155, § 1.

§70-16-101. State Textbook Committee - Members - Qualifications - Travel expenses - Terms.

There is hereby created the State Textbook Committee, which shall be composed of thirteen (13) members appointed by the Governor with the advice and consent of the Senate: two members from each congressional district, two members from the state at large and one member who shall be a lay citizen not having a teaching certificate and having at least one child in the public schools of Oklahoma. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by two board members until such time as each of the modified congressional districts is represented by two board members. A majority of the twelve educator members shall be classroom teachers. The regular terms of all members shall be for three (3) years. Members shall not be eligible to succeed themselves. At no time shall more than one member of the State Textbook Committee be an employee of the same school district. Each educator member shall have had not less than five (5) years' teaching or supervisory experience in the public schools of Oklahoma at the time of appointment, and shall be actively employed in the public schools of Oklahoma during the term of service on said Committee. The State

Superintendent of Public Instruction or a designated member of the staff shall serve as Secretary of the Committee and vote only when there is a tie vote in the membership of the Committee. Each member shall receive necessary traveling expenses while in the performance of duties pursuant to the State Travel Reimbursement Act.

The Committee may meet at the call of the State Superintendent of Public Instruction at the State Capitol and elect by secret written ballot a chair and vice-chair from its membership to serve for the year. The terms for which new members from the congressional districts are appointed shall be staggered by the Governor in making appointments. The terms of four members shall expire each year. The four new members appointed each year shall be certified in one of the curriculum areas in which the textbooks will be adopted that ensuing fiscal year.

Added by Laws 1971, c. 281, § 16-101, eff. July 2, 1971. Amended by Laws 1976, c. 99, § 1, emerg. eff. May 11, 1976; Laws 1985, c. 178, § 54, operative July 1, 1985; Laws 1992, c. 364, § 9, emerg. eff. June 4, 1992; Laws 1993, c. 229, § 1, eff. July 1, 1993; Laws 2002, c. 375, § 18, eff. Nov. 5, 2002; Laws 2003, c. 229, § 5, emerg. eff. May 20, 2003.

§70-16-101.1. Lay citizen - Term.

The lay citizen appointed shall be appointed for a term of three (3) years.

Laws 1976, c. 99, § 2, emerg. eff. May 11, 1976; Laws 1993, c. 229, § 2, eff. July 1, 1993.

§70-16-102. Meetings - Selection of textbooks.

A. The State Textbook Committee shall meet at the call of the chairperson as often as necessary, with two (2) weeks' public notice, to discharge its responsibilities. If necessary, not later than the first day of December of each year the State Textbook Committee shall meet at the call of the chairperson at the State Capitol and select textbooks for subjects taught in the public schools of the state up to and including the twelfth grade, which selections shall be for not more than six (6) years for every textbook.

B. The Committee may suspend any currently pending selection process of textbooks and may extend by at least two (2) years the six-year adoption period of those textbooks currently on the state adopted list, for the purpose of delaying for two (2) years the six-year adoption cycle of subjects.

C. "Textbooks", as used in Sections 16-101 through 16-124 of this title, means instructional materials that are designed for use by pupils as a learning resource. Instructional materials may be printed or nonprinted and may include textbooks, technology-based and other educational materials.

D. The Committee shall select textbooks or series of textbooks for each subject, which are in its judgment satisfactory. The State Textbook Committee may determine that unusual or extraordinary circumstances exist in a particular subject area during the period for which textbooks have been selected for that subject area. Unusual or extraordinary circumstances shall include but not be limited to significant new techniques of teaching in a particular subject area or significant new findings or discoveries in a particular subject area. Upon a determination by three-fourths (3/4) of the members of the State Textbook Committee that unusual or extraordinary circumstances exist in a particular subject area, the Committee may select one or more textbooks in that subject area for the remainder of the adoption period.

E. Five or more district boards of education may petition the State Board of Education to add a book or series of textbooks to the approved list selected by the State Textbook Committee.

The State Board of Education shall promulgate rules to implement the method and time frame for handling the petitions in the most expeditious manner.

Added by Laws 1971, c. 281, § 16-102, eff. July 2, 1971. Amended by Laws 1976, c. 99, § 3, emerg. eff. May 11, 1976; Laws 1977, c. 229, § 1, emerg. eff. June 14, 1977; Laws 1979, c. 94, § 1, emerg. eff. April 23, 1979; Laws 1984, c. 241, § 4, eff. Nov. 1, 1984; Laws 1991, c. 280, § 69, eff. July 1, 1991; Laws 1993, c. 229, § 3, eff. July 1, 1993; Laws 2010, c. 457, § 5; Laws 2011, c. 49, § 1, emerg. eff. April 13, 2011; Laws 2016, c. 75, § 1, eff. July 1, 2016.

§70-16-102.1. Public hearing on proposed textbooks.

The State Textbook Committee shall conduct a public hearing in the first two (2) weeks of October each year for the purpose of gathering public testimony concerning the various textbooks being considered for adoption by the Committee. Any person wishing to be heard at the public hearing shall register with the secretary of the State Textbook Committee at least two (2) weeks prior to the date set for the public hearing. The registration shall be accompanied by a typed summary detailing the nature of the testimony which will be presented at the public hearing. All testimony shall pertain to a specific textbook or textbooks for which the State Textbook Committee has received bids. The time and number of people testifying for any one organization may be limited by the State Textbook Committee. The Committee, in its discretion, may conduct additional public hearings. The date of the public hearing shall be set by the Committee when the advertisement for bids for books is issued.

Added by Laws 1984, c. 241, § 1, eff. Nov. 1, 1984. Amended by Laws 1993, c. 229, § 4, eff. July 1, 1993.

§70-16-103. Advertisement - Sealed bids - Display of textbooks.

The State Textbook Committee shall advertise for books in all basic subjects in such manner and for such time as it may deem best. Each year the Committee shall advertise for sealed bids from publishers of textbooks for furnishing textbooks for the public schools of this state. Each bid shall state specifically and clearly the price at which each book will be furnished FOB the bidder's depository or delivered to any ordering school district in this state, and the price the books may be sold for through local retail book dealers, and shall be accompanied by a sample copy of each book offered in such bid, together with any teacher edition or teacher aids used with such book. A copy of each textbook for which a bid has been accepted by the Committee shall be displayed in at least one library or institution of higher education within each Congressional District in this state. The facility shall have free public access. The textbooks shall be displayed from the time they are accepted by the Committee until their final selection or rejection. A record of all the books delivered direct to any school district shall be immediately furnished by the shipper and the school district to the State Board of Education. Each bid shall be accompanied by a sworn statement specifically:

1. Stating whether the publisher is the owner of any interest or share in any other textbook publishing houses and, if so, giving the names and addresses thereof;

2. Showing whether any member of the Committee is in any manner interested, directly or indirectly, in such person, firm, or corporation submitting such bid; and

3. Showing the name and address of every committee, public official, or individual in this state who has been furnished, within the preceding twelve (12) months, any copy of the textbook or textbooks or any edition thereof included in the bid, together with the numbers and titles thereof furnished to each recipient. If the fact shall be disclosed that any member of the Committee, State Textbook Director, or any employee of that office is interested in the bidder, it shall work a disqualification of such member, and the member shall not be permitted to serve on the Committee, and the bidder shall be disqualified. If it shall be disclosed that such sworn statement does not accurately and completely give the information required, the State Textbook Committee shall disregard the bid. Oklahoma authors of school textbooks shall be permitted to receive the customary royalty, regardless of employment.

Added by Laws 1971, c. 281, § 16-103, eff. July 2, 1971. Amended by Laws 1984, c. 241, § 2, eff. Nov. 1, 1984; Laws 1993, c. 229, § 5, eff. July 1, 1993; Laws 1997, c. 341, § 2, emerg. eff. June 9, 1997.

§70-16-104. Delivery of bids - Examination and investigation - Consultants - Adoption of textbook.

All bids shall be sealed and delivered to the secretary of the State Textbook Committee, to be delivered by the secretary to the Committee for the purpose of considering the bids. The Committee shall meet prior to August 15 of each year at the time and place mentioned in the advertisement, to open and examine the sealed bids received, and make a full and complete investigation of all books and the bids accompanying the same. The Committee may use regular classroom teachers as consultants. The books shall be selected after careful consideration of all the books presented, and the books selected for adoption shall be those which, in the opinion of the Committee, are best suited for the public schools in this state. The Committee shall give consideration to any legislative resolution concerning textbook content and the testimony received at public hearings when making the selections. The Committee shall proceed without delay to select, for use of the public schools of this state, textbooks as specified in this article and shall notify publishers to whom contracts are awarded. If the State Textbook Committee determines that significant inaccuracies exist in the contents of a textbook which has been bid or that information contained in the textbook is not current, the Committee may adopt the book on a provisional basis. Final adoption of the textbook and use of textbook money shall be contingent upon the publisher providing a modified or revised textbook which is acceptable by the State Textbook Committee.

Laws 1971, c. 281, § 16-104, eff. July 2, 1971; Laws 1984, c. 241, § 3, eff. Nov. 1, 1984; Laws 1993, c. 229, § 6, eff. July 1, 1993.

§70-16-105. Repealed by Laws 1993, c. 229, § 22, eff. July 1, 1993.

§70-16-106. Publishers' contracts - Prices - Reduction - Term of contract - Braille versions.

A. All contracts with publishers shall be signed by the chairperson and secretary of the State Textbook Committee on behalf of the state. Each contract shall stipulate the price at which each textbook will be sold to the State of Oklahoma, and that all copies supplied to the State of Oklahoma will be equal to or better than the official copy filed with the secretary of the Committee. The State Textbook Committee may approve the substitution of a later edition in lieu of the textbook originally selected. The publisher shall stipulate in the contract that:

1. The price for which the textbook is to be furnished will be the lowest at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the six (6) months prior to the date of the execution of the contract;

2. It will reduce the contract price of the textbook, if the price of the same textbook is reduced below such contract price

elsewhere in the United States, and that it will file with the secretary of the Committee a sworn statement of such reduction made elsewhere;

3. If it prepares any supplementary or abridged or special editions of any of the textbooks, and shall sell such editions elsewhere at a lower price than that stipulated in the contract, it will file copies of any and all such editions, together with the prices thereof, with the secretary of the Committee;

4. It has not entered into any understanding, agreement or combination to control the prices or restrict competition in the sale of textbooks;

5. It will furnish the textbooks to the State of Oklahoma during the term of the contract in such amounts as may be required; and

6. It will furnish for a like period in lieu of the corresponding textbooks under contract any other books listed in any annual statement subsequently filed by it during the term of the contract to any school district at the lowest new prices contained in such statement, and that it will maintain said prices uniformly through the state.

B. Textbooks selected by the State Textbook Committee may be purchased by school districts at the prices for which contracts have been awarded, pending the effective dates of the contracts.

C. The chairperson and secretary of the State Textbook Committee, on the advice and consent of the attorney for the State Department of Education, may, with the consent of the holders of state textbook contracts, change any contract to conform with the provisions of Section 16-102 of this title.

D. As requested by a school district or the Oklahoma School for the Blind, all publishers who enter into contracts with the State Textbook Committee shall be required to furnish the Committee with electronic files in a file format from which Braille and other accessible versions of the instructional materials can be produced. The file format in which electronic instructional materials files are provided to the Committee shall be in a format prescribed by federal law or regulations promulgated by the United States Department of Education which requires national standards for electronic files to be used for production of accessible instructional materials. In the absence of a federal law or regulation establishing a national standard, a file format standard shall be prescribed by the State Department of Rehabilitation Services.

Added by Laws 1971, c. 281, § 16-106, eff. July 2, 1971. Amended by Laws 1976, c. 99, § 5, emerg. eff. May 11, 1976; Laws 1993, c. 229, § 7, eff. July 1, 1993; Laws 1994, c. 74, § 1, eff. July 1, 1994; Laws 1997, c. 97, § 1, eff. July 1, 1997; Laws 2004, c. 238, § 1, eff. July 1, 2004.

§70-16-107. Revised editions - Late adoptions.

A. In the event that a publisher whose bid has been accepted shall publish at any time before the expiration of the adoption period a new or revised edition of the adopted textbook, the State Textbook Committee may require such publisher to substitute such new or revised edition for the adopted edition at a price to be mutually agreed upon by the publisher and the State Textbook Committee, but not in excess of the lowest price at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the twelve (12) months preceding the date of submitting such new or revised edition. A contract shall be made for such new or revised edition as for any other selection. Each bidder shall expressly agree to this provision as a part of the bid and the contract awarded if successful.

B. In the event that a publisher shall publish a textbook for a subject during the period for which adoptions for that subject have not expired, such publisher may submit a bid for such textbook at the time and in the manner other bids are submitted. The State Textbook Committee may adopt such book for the balance of the adoption period and thereafter local textbook committees may adopt such book. Laws 1971, c. 281, § 16-107, eff. July 2, 1971; Laws 1993, c. 229, § 8, eff. July 1, 1993.

§70-16-108. Surety bond - Approval of contract - Recoveries.

The bidder to whom one or more contracts may be awarded shall make and execute a good and sufficient surety bond, payable to the State of Oklahoma, in a sum not less than Two Thousand Dollars (\$2,000.00), nor more than Ten Thousand Dollars (\$10,000.00), to be fixed by the Committee, conditioned that the contractor shall perform all of the conditions of the contract. Prior to acceptance, the contract shall be approved by an attorney for the State Department of Education and shall be in conformity with, and subject to, all of the provisions of this article. The bond shall not be exhausted by a single recovery thereon but may be sued upon until the full amount thereof is recovered; and the Committee may, after twenty (20) days' notice, require a new bond to be given, and in the event the contractor shall fail to furnish such new bond, such contract may at the option of the Committee be forfeited. Laws 1971, c. 281, § 16-108, eff. July 2, 1971; Laws 1993, c. 229, § 9, eff. July 1, 1993.

§70-16-109. Right to reject bids - Failure to secure textbooks.

The State Textbook Committee shall have and reserve the right to reject any and all bids, if said Committee be of the opinion that any or all bids should, for any reason, be rejected; and in case it fails, from among the proposals submitted, to select sufficient books upon any of the branches of study provided for herein, it may

advertise for sealed bids under the same terms as before, and proceed in its investigation in all respects as it did in the first instance. Laws 1971, c. 281, § 16-109, eff. July 2, 1971.

§70-16-110. List of textbooks.

As soon as any contract is entered into for the furnishing of textbooks for use in the public schools of the state, the secretary of the State Textbook Committee shall send a list of the textbooks selected by the State Textbook Committee to every superintendent of schools and local textbook committee in the state, which list shall show the respective prices of such textbooks and contain such other information as the secretary shall deem advisable. The secretary shall annually publish and distribute a list of all textbooks that have been selected and that are then in force.

Laws 1971, c. 281, § 16-110, eff. July 2, 1971; Laws 1993, c. 239, § 40, eff. July 1, 1993; Laws 1993, c. 360, § 9, eff. July 1, 1993.

NOTE: Laws 1993, c. 229, § 10 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§70-16-111. Local textbook committee - Examination copies, teacher editions and software copies - Adoptions of textbooks - Textbook orders.

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

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

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

replaced by another local textbook committee appointed in the same manner as provided for in this section.

D. Except as otherwise provided for in subsection E of this section, on or before a date to be fixed by the State Board of Education, the superintendent of each school district shall submit to the State Board of Education a textbook plan outlining the estimated number of textbooks needed by the school district and the total amount of money to be expended by the district for textbooks including the allocated funds and any additional supplemental funds to be expended. The superintendent or textbook coordinator appointed by the superintendent, shall place orders from the proper depository or depositories for all of the textbooks needed as outlined in the textbook plan by the district for the ensuing year. The superintendent of a school district or textbook coordinator may order any textbooks placed on the official multiple textbook list. If the order exceeds the allocation for each school district as provided in Section 16-114a of this title any additional funds expended shall be reported on the statement of expenditures for the district.

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

2. The provisions of paragraph 1 of this subsection shall cease to be effective during the fiscal year which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.

Added by Laws 1971, c. 281, § 16-111, eff. July 2, 1971. Amended by Laws 1988, c. 64, § 1, operative July 1, 1988; Laws 1989, c. 380, § 1, operative July 1, 1989; Laws 1991, c. 3, § 19, eff. July 1, 1991; Laws 1993, c. 239, § 41, eff. July 1, 1993; Laws 1993, c. 360, § 10, eff. July 1, 1993; Laws 1997, c. 341, § 3, emerg. eff. June 9, 1997; Laws 2010, c. 457, § 6; Laws 2012, c. 236, § 3, eff. July 1, 2012; Laws 2014, c. 311, § 4, eff. July 1, 2014; Laws 2016, c. 253, § 3, eff. July 1, 2016; Laws 2019, c. 488, § 3, eff. July 1, 2019.

NOTE: Laws 1993, c. 229, § 11 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§70-16-111.1. Supplementary textbooks and materials.

The funds allocated for textbooks in Section 16-114a of this title may be used by a school district for supplementary textbooks and other instructional materials other than those selected and listed by the State Textbook Committee.

Laws 1974, c. 124, § 1, emerg. eff. May 3, 1974; Laws 1976, c. 99, § 4, emerg. eff. May 11, 1976; Laws 1993, c. 229, § 12, eff. July 1, 1993; Laws 2011, c. 367, § 4.

§70-16-112. Repealed by Laws 1993, c. 229, § 22, eff. July 1, 1993.

§70-16-113. Costs of textbooks - How paid - Repair service.

A. All monies allocated for the purchase of textbooks shall be sent directly to the school districts. The treasurer of each school district shall enter the allocated textbook amount for deposit in the appropriate account and the reporting of financial transactions involving textbooks shall be made according to the Oklahoma Cost Accounting System, as adopted by the State Board of Education pursuant to Section 5-135 of this title. The price to be paid for instructional materials on the state textbook list shall be no greater than that stipulated in the contract with the publisher. The State Board of Education shall approve purchase order forms to be used by school districts to order books from the depository. All books ordered shall be delivered to the school district. Depositories are authorized to confer with individual school districts on plans to reduce the number of textbooks returned by school districts to depositories and to confer on restocking fees associated with such returns.

B. The State Board of Education shall provide sufficient office space, equipment, records and supplies necessary for a proper performance of the duties and functions vested in it and the State Textbook Committee, and the State Board of Education shall appoint and fix the compensation and duties of necessary personnel to assist the State Board of Education in performing its said duties and functions.

C. The State Board of Education shall not reserve any funds from appropriations made for the purchase of textbooks for rebinding or for freight or transportation costs. Each school district shall be responsible for any cost incurred by that district for rebinding services or freight or transportation costs.

Added by Laws 1971, c. 281, § 16-113, eff. July 2, 1971. Amended by Laws 1993, c. 229, § 13, eff. July 1, 1993; Laws 1997, c. 341, § 4, emerg. eff. June 9, 1997.

§70-16-114. Repealed by Laws 2002, c. 2, § 24, emerg. eff. Feb. 15, 2002.

§70-16-114.1. Allocation of funds for the purchase of textbooks.

The funds appropriated for the purchase of textbooks shall be apportioned by the State Board of Education to each school district pursuant to the provisions of Sections 16-101 through 16-124 of this title. Upon application from a local school district, the State Board of Education may allocate funds appropriated for the purchase of textbooks to be used for the purchase of special education textbooks or other instructional materials for those students enrolled in special education programs. Approval of funds shall be based on the following formula:

No funds shall be provided for students attending special education classes less than two (2) hours per day. Those attending two (2) hours or more per day but less than four (4) hours shall receive a one-half (1/2) allocation. Those attending special education classes for four (4) or more hours per day shall receive a full allocation.

Added by Laws 1995, c. 305, § 16, eff. July 1, 1995.

§70-16-114a. Textbook allocation and adjustment

A. Based upon legislative appropriations, the State Board of Education shall determine the textbook allocation to be distributed to each school district in the state. Each year the textbook allocation for each school district shall be calculated and distributed in July and adjusted in December. The initial allocation shall be calculated based on the audited end-of-year average daily attendance of the preceding school year multiplied by Fifty-five Dollars (\$55.00). The initial allocation shall be calculated and distributed to each school district in July. The December adjustment shall be calculated by multiplying the audited first nine (9) weeks' average daily attendance for that current school year by Fifty-five Dollars (\$55.00) and subtracting from that amount the amount of the initial allocation. The adjustment shall be calculated in December and distributed to each eligible school district no later than January 15. A school district shall receive an adjustment only if the adjustment figure as calculated in this section is greater than zero. The State Department of Education shall retain from the total amount appropriated for textbooks not less than one percent (1%) of the total amount to be used for the purpose of making the adjustments. If the amount appropriated, including the retained amount, is not sufficient to fully fund the adjusted allocation, each school district eligible for an adjustment shall receive a proportionate reduction in funding. Any unused portion of the value of textbooks allowed to a school district shall be cumulative and may be carried over by the school district to subsequent fiscal years, in addition to the allocation it is entitled to receive during that fiscal year.

B. A school district seeking flexibility in the use of state-appropriated funding allocated pursuant to this section for textbooks

shall be required to demonstrate to the State Board of Education that the textbooks and instructional materials used by the district for the subject areas being considered in the current textbook adoption cycle are current and appropriate for student learning. Subject to the provisions of subsection E of Section 16-111 of this title, a school district that has received textbook funding flexibility approval from the Board may elect to expend any monies allocated pursuant to this section for textbooks, including any monies carried over as authorized pursuant to subsection A of this section, for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district.

C. All textbooks distributed to a school district that have been destroyed by fire or other hazard shall be replaced by the State Board of Education. The total cost of all additional textbooks delivered to school districts to replace those destroyed by fire or other hazard shall not exceed, for the entire state in any fiscal year, the aggregate sum of One Hundred Thousand Dollars (\$100,000.00), which sum shall be reserved for that purpose from any appropriation made to carry out the provision of this section for any fiscal year.

Added by Laws 2002, c. 2, § 7, emerg. eff. Feb. 15, 2002. Amended by Laws 2010, c. 457, § 7; Laws 2012, c. 236, § 4, eff. July 1, 2012; Laws 2014, c. 311, § 5, eff. July 1, 2014; Laws 2016, c. 253, § 4, eff. July 1, 2016.

§70-16-115. Contractors - Book depositories - Insufficient stock or supply.

All contractors shall establish and maintain a suitable and convenient depository or depositories in the State of Oklahoma where a stock of their books to supply all immediate demands shall be kept. Said depository or depositories may be operated jointly with other contractors. Each contractor shall maintain at the depository a sufficient supply of textbooks for individuals or boards of education desiring to purchase the same and shall be required to sell such books to any individual or board of education at the same price at which the textbook is sold to the State of Oklahoma plus cost of transportation to the individual or board of education purchasing the textbook. Upon the failure of any contractor to carry a sufficient stock of books at the depository to take care of all immediate demands of the State of Oklahoma and others requesting the same, or to furnish the textbooks as required by the contract, the State Board of Education shall have power to recover on the bond given by such contractor for the full value of the books not furnished as required by the contract and terminate said contract.

Laws 1971, c. 281, § 16-115, eff. July 2, 1971; Laws 1993, c. 239, § 42, eff. July 1, 1993; Laws 1993, c. 360, § 11, eff. July 1, 1993.

NOTE: Laws 1993, c. 229, § 14 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§70-16-116. Repealed by Laws 1993, c. 229, § 22, eff. July 1, 1993.

§70-16-117. List of names of agents and representatives of publishers.

Each person, firm or corporation offering textbooks for sale in the State of Oklahoma shall list with the secretary of the State Textbook Committee the names and addresses of its agents or representatives which shall be a matter of public record in the office of the secretary of the State Textbook Committee.

Laws 1971, c. 281, § 16-117, eff. July 2, 1971; Laws 1993, c. 229, § 15, eff. July 1, 1993.

§70-16-118. Rules for issuance of textbooks.

The State Board of Education shall adopt rules for the issuance of textbooks to school children and for the preservation of such textbooks, and all rules it deems necessary to carry out its duties and functions, and all such rules shall apply alike to all school districts. It shall prescribe the form of all reports and applications, and superintendents of schools, and boards of education shall be required to make such reports fully and completely at the time and in the manner prescribed by the State Board of Education. The State Board of Education shall keep an exact account of the cost of books distributed to each school district, together with the proper proportion of transportation and accounting charges.

The State Textbook Committee shall also have the power to adopt such rules as it deems necessary to enable it to perform its functions and duties.

Laws 1971, c. 281, § 16-118, eff. July 2, 1971; Laws 1993, c. 229, § 16, eff. July 1, 1993.

§70-16-119. Sample textbooks.

All advance or sample copies of textbooks or any edition thereof furnished to any member of the State Textbook Committee, or to any individual for the purpose of obtaining a selection of the textbook by the State Textbook Committee, shall not be sold by the recipient thereof, but shall be disposed of as may be prescribed by the rules of the State Board of Education. Any advance or sample textbook or any edition thereof furnished to a member of a local textbook committee, or to any school official or individual for the purpose of obtaining a local adoption of the textbook, may be returned to the publisher for credit if the cost of such book was charged against the value of textbooks allowed such school district. Publishers shall pay the cost of shipment on returned samples. All publishers having contracts to furnish textbooks to the State of Oklahoma shall be

required to file with the State Board of Education, not later than the first day of January and the first day of July of each year following the dates of their respective contracts, a sworn statement showing the names and addresses of all persons to whom they have furnished, during the preceding six (6) months, any advance or sample copies of such textbooks, or any edition thereof, together with the numbers and titles of such textbooks furnished to each such recipient, and a failure to do so, or to give accurate and complete information concerning the same, shall authorize the State Board of Education to cancel the contract of such publisher.
Laws 1971, c. 281, § 16-119, eff. July 2, 1971; Laws 1993, c. 229, § 17, eff. July 1, 1993.

§70-16-120. Prior contracts.

All legally executed contracts and extensions thereof now existing between any person, firm or corporation and the State of Oklahoma for furnishing textbooks on the basis of an exclusive adoption shall remain in full force and effect until such contract or extension thereof has expired, and the State Board of Education shall purchase and distribute such textbooks.
Added by Laws 1971, c. 281, § 16-120, eff. July 2, 1971.

§70-16-121. Free textbooks - Ownership - Return or payment therefor.

A. All textbooks adopted, purchased and distributed to school districts shall be furnished free of cost to the school children of such districts and shall be owned by such districts and each district shall mark each textbook with an appropriate number or other identification as deemed necessary to maintain proper records thereof. Each district board of education shall ensure that all textbooks necessary for completion of assigned course work are routinely available for every child enrolled in the schools of the district for the child's personal use in a manner that will enable the child to complete assigned course work. The State Board of Education shall maintain a replacement program so that all textbooks for student use are in satisfactory condition. Nothing herein shall prevent the purchase, from local school district funds, of any adopted textbook or any additional and supplementary textbooks if the board of education of any school district deems it necessary to make such purchases in order to establish and maintain the highest standards of excellence of its schools.

B. 1. Each school child who has been issued a set of textbooks pursuant to this section, and the parents or legal guardian of such child shall be responsible to the school district for the return of or payment for such textbook issued to the child which is not returned to the school.

2. The State Board of Education is authorized to promulgate rules requiring the return of or payment for any textbook used by a

school child which is not returned to the school. Such rules shall provide for certain exceptions to such policies. Local boards shall include considerations for the inability to pay for the textbook, and reasons for the nonreturn of the textbook. A local school board is authorized to withhold transcripts, or other records of the school relating to any school child who fails to return a textbook or make payment for the textbook if not returned. For the purpose of this subsection, the term "transcript" shall include any record of a grade or grades given to a student by a teacher.

3. The provisions of this subsection shall not authorize the State Board of Education to prevent any school child from actually receiving a grade he is otherwise entitled to for completion of a course of study, from graduating upon completion of the requirements, or from obtaining any records or information supplied to the school or otherwise owned by the child.

Laws 1971, c. 281, § 16-121, eff. July 2, 1971; Laws 1985, c. 83, § 1, emerg. eff. May 23, 1985; Laws 1993, c. 229, § 18, eff. July 1, 1993.

§70-16-122. Bribes - Punishment.

Any person who directly or indirectly promises or offers to give, or causes to be promised, offered or given, any money, books, bribe, present or reward or any valuable thing whatsoever to any member of the State Board of Education, the State Textbook Committee, or a local textbook committee, or any member of a board of education, teacher or other person with the intent to influence a decision on any question, matter, cause or proceeding in the selection or adoption of any textbooks, or series of textbooks, upon conviction, shall be guilty of a felony. Any teacher in the public schools of Oklahoma, any superintendent of a school district or any employee of a school district who shall in any way be interested in the profits, proceeds or sale of any school textbook used in the public schools under such person's charge, or with which such person is connected in any official capacity, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00), and shall in addition thereto forfeit the office or position.

Added by Laws 1971, c. 281, § 16-122, eff. July 2, 1971. Amended by Laws 1993, c. 239, § 43, eff. July 1, 1993; Laws 1993, c. 360, § 12, eff. July 1, 1993; Laws 1997, c. 133, § 573, eff. July 1, 1998.

NOTE: Laws 1993, c. 229, § 19 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§70-16-123. Soliciting or receiving bribes - Punishment.

Any member of the State Board of Education and any member of the State Textbook Committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present,

reward or any valuable thing whatsoever with the intent, and which will have the effect, to influence a decision on any question, matter, cause or proceeding in the selection or adoption of any textbook or series of textbooks provided for in this article, upon conviction, shall be guilty of a felony.

Any superintendent of schools, any member of a board of education, and any member of a local textbook committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent and which will have the effect to influence a decision on any question, matter, cause or proceeding in the selection or adoption of any textbook or series of textbooks, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not to exceed six (6) months, or both such fine and imprisonment.

Added by Laws 1971, c. 281, § 16-123, eff. July 2, 1971. Amended by Laws 1993, c. 239, § 44, eff. July 1, 1993; Laws 1993, c. 360, § 13, eff. July 1, 1993; Laws 1997, c. 133, § 574, eff. July 1, 1998.

NOTE: Laws 1993, c. 229, § 20 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§70-16-124. Violations of act - Punishment.

Any person, firm or corporation that violates any of the provisions of this article, or any of the rules of the State Board of Education or the State Textbook Committee adopted pursuant to the provisions of this article, the penalty for violation thereof not otherwise being provided herein, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than ninety (90) days and not more than one (1) year, or by both such fine and imprisonment. Any public official or public employee violating any of the provisions of this article or any of such rules shall be subject to the foregoing penalties and in addition thereto shall forfeit the position or office. Any officer or employee of the State Board of Education or of the State Textbook Committee who knowingly or willingly apports or disburses any money appropriated to carry out the provisions hereof, contrary to the provisions hereof, shall be subject to the foregoing penalties and in addition thereto shall forfeit the office or position.

Laws 1971, c. 281, § 16-124, eff. July 2, 1971; Laws 1993, c. 229, § 21, eff. July 1, 1993.

§70-17-1. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.

- §70-17-2. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-3. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-4. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-5. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-6. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-7. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-8. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-9. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-10. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-11. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-12. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-13. Repealed by Laws 1961, p. 555, § 1.
- §70-17-14. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.
- §70-17-15. Repealed by Laws 1969, c. 157, § 17, operative Aug. 2, 1969.

§70-17-101. Definitions.

The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

- (1) "Retirement system" shall mean the Teachers' Retirement System of Oklahoma, as defined in Section 17-102 of this title.

(2) "Public school" shall mean a school district, a state college or university, the State Board of Education, the State Board of Career and Technology Education and any other state educational entity conducted within the state supported wholly or partly by public funds and operating under the authority and supervision of a legally constituted board or agency having authority and responsibility for any function of public education. "Public school" shall also mean a tuition free, nonprofit alternative school of choice that provides education, therapeutic counseling and outreach programs which is aligned with a school district and which receives grant funds from governmental sources.

(3) "Classified personnel" shall mean any teacher, principal, superintendent, supervisor, administrator, librarian, certified or registered nurse, college professor, or college president whose salary is paid wholly or in part from public funds. An employee of any state department, board, board of regents or board of trustees, who is in a supervisory or an administrative position, the function of which is primarily devoted to public education, shall be considered classified personnel under the meaning of this act, at the discretion of the Board of Trustees of the Teachers' Retirement System. The term "teacher" shall also include instructors and counselors employed by the Department of Corrections and holding valid teaching certificates issued by the State Department of Education. Provided, that a person employed by the Department of Corrections as an instructor or counselor shall have been actively engaged in the teaching profession for a period of not less than three (3) years prior to employment to be eligible to participate in the Oklahoma Teachers' Retirement System. The Department of Corrections shall contribute the employer's share to the Oklahoma Teachers' Retirement System.

(4) "Nonclassified optional personnel" shall include cooks, janitors, maintenance personnel not in a supervisory capacity, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of the public schools, state colleges, universities or any state department, board, board of regents or board of trustees, the functions of which are primarily devoted to public education and whose salaries are paid wholly or in part from public funds.

(5) "Employer" shall mean the state and any of its designated agents or agencies with responsibility and authority for public education, such as boards of education of elementary and independent school districts, boards of regents, boards of control or any other agency of and within the state by which a person may be employed for service in public education. "Employer" shall also mean the board of directors of a tuition free, nonprofit alternative school of choice that provides education, therapeutic counseling and outreach programs

which is aligned with a school district and which receives grant funds from governmental sources.

(6) "Member" shall mean any teacher or other employee included in the membership of the system as provided in Section 17-103 of this title.

(7) "Board of Trustees" shall mean the board provided for in Section 17-106 of this title to administer the retirement system.

(8) "Service" shall mean service as a classified or nonclassified optional employee in the public school system, or any other service devoted primarily to public education in the state.

(9) "Prior service" shall mean service rendered prior to July 1, 1943.

(10) "Membership service" shall mean service as a member of the classified or nonclassified personnel as defined in paragraphs (3) and (4) of this section.

(11) "Creditable service" shall mean membership service plus any prior service authorized under this title.

(12) "Annuitant" shall mean any person in receipt of a retirement allowance as provided in this title.

(13) "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the Teacher Savings Fund, together with interest as of June 30, 1968.

(14) "Earnable compensation" shall mean the full rate of the compensation that would be payable to a member if he worked the full normal working time.

(15) "Average salary":

- (a) for those members who joined the System prior to July 1, 1992, shall mean the average of the salaries for the three (3) years on which the highest contributions to the Teachers' Retirement System was paid not to exceed the maximum contribution level specified in Section 17-116.2 of this title or the maximum compensation level specified in subsection (28) of this section. Provided, no member shall retire with an average salary in excess of Twenty-five Thousand Dollars (\$25,000.00) unless the member has made the required election and paid the required contributions on such salary in excess of Twenty-five Thousand Dollars (\$25,000.00), or unless an eligible member fulfills the requirements of Section 17-116.2C of this title in order to have pre-cap removal service included in the retirement benefit computation of the member using the regular annual compensation of the member for any pre-cap removal year of service so included subject to the maximum average salary amount, and

(b) for those members who join the System after June 30, 1992, shall mean the average of the salaries for five (5) consecutive years on which the highest contribution to the Teachers' Retirement System was paid. Only salary on which required contributions have been made may be used in computing average salary.

(16) "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

(17) "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

(18) "Monthly retirement allowance" is one-twelfth (1/12) of the annual retirement allowance which shall be payable monthly.

(19) "Retirement Benefit Fund" shall mean the fund from which all retirement benefits shall be paid based on such mortality tables as shall be adopted by the Board of Trustees.

(20) "Actuary" shall mean a person especially skilled through training and experience in financial calculation respecting the expectancy and duration of life.

(21) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality and other tables as shall be adopted by the Board of Trustees.

(22) The masculine pronoun, whenever used, shall include the feminine.

(23) "Actuarially determined cost" shall mean the single sum which is actuarially equivalent in value to a specified pension amount as determined on the basis of mortality and interest assumptions adopted by the Board of Trustees.

(24) "Normal retirement age" means the earliest date upon which:

- (a) a member reaches the age sixty-two (62) with respect to a member whose first creditable service occurs prior to November 1, 2011, unless the member reaches a normal retirement date pursuant to subparagraph (c) or subparagraph (d) of this paragraph, or
- (b) a member reaches the age of sixty-five (65) with respect to a member whose first creditable service occurs on or after November 1, 2011, or with respect to a member whose first creditable service occurs on or after November 1, 2011, reaches a normal retirement date pursuant to subparagraph (d) of this paragraph having attained a minimum age of sixty (60) years, or
- (c) the age at which the sum of a member's age and number of years of creditable service total eighty (80), with respect to a member whose first creditable service occurred prior to July 1, 1992, and who does not reach

a normal retirement age pursuant to subparagraph (a) of this paragraph, or

- (d) the age at which the sum of a member's age and number of years of creditable service total ninety (90), with respect to a member whose first creditable service occurred on or after July 1, 1992, but prior to November 1, 2011, if the member does not reach a normal retirement age pursuant to subparagraph (a) of this paragraph.

(25) "Regular annual compensation" means salary plus fringe benefits, excluding the flexible benefit allowance pursuant to Section 26-105 of this title and for purposes pursuant to Section 17-101 et seq. of this title. For purposes of this definition, regular annual compensation shall include:

- (a) salary which accrues on a regular basis in proportion to the service performed, including payments for staff development,
- (b) amounts that would otherwise qualify as salary under paragraph (a) of this subsection but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax-sheltered annuity program or to finance benefit options under a cafeteria plan qualifying under the United States Internal Revenue Code, 26 U.S.C., Section 101 et seq.,
- (c) group health and disability insurance, group term life insurance, annuities and pension plans, provided on a periodic basis to all qualified employees of the employer, which qualify as fringe benefits under the United States Internal Revenue Code, and
- (d) excluded from regular annual compensation are:
 - 1. expense reimbursement payments,
 - 2. office, vehicle, housing or other maintenance allowances,
 - 3. the flexible benefit allowance provided pursuant to Section 26-105 of this title,
 - 4. payment for unused vacation and sick leave,
 - 5. any payment made for reason of termination or retirement not specifically provided for in subparagraphs (a) through (c) of this subsection,
 - 6. maintenance or other nonmonetary compensation,
 - 7. payment received as an independent contractor or consultant, pursuant to a lawful contract which complies with the requirements of subsection B of Section 6-101.2 of this title,

8. any benefit payments not made pursuant to a valid employment agreement,
9. compensation for clinical related activity performed in the University of Oklahoma Health Sciences Center (OUHSC) Professional Practice Plan or Oklahoma State University Center for Health Sciences (OSU-CHS) Professional Practice Plan,
10. any other compensation not described in subparagraphs (a) through (c) of this subsection.

(26) "Teacher" means classified personnel and nonclassified optional personnel.

(27) "Active classroom teacher" means a person employed by a school district to teach students specifically identified classes for specifically identified subjects during the course of a semester, and who holds a valid certificate or license issued by and in accordance with the rules and regulations of the State Board of Education.

(28) "Maximum compensation level" shall, except as otherwise authorized pursuant to the provisions of Section 17-116.2C of this title, mean:

- (a) Twenty-five Thousand Dollars (\$25,000.00) for creditable service authorized and performed prior to July 1, 1995, for members not electing a higher maximum compensation level,
- (b) Forty Thousand Dollars (\$40,000.00) for creditable service authorized and performed prior to July 1, 1995, for members electing a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00),
- (c) Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) for members who, as of June 30, 1995, had elected to have a maximum compensation level not in excess of Twenty-five Thousand Dollars (\$25,000.00), and who were employed by an entity or institution within The Oklahoma State System of Higher Education for creditable service authorized and performed on or after July 1, 1995, but not later than June 30, 1996, if such member does not elect a higher maximum compensation level for this period as authorized by Section 17-116.2A of this title,
- (d) Thirty-two Thousand Five Hundred Dollars (\$32,500.00) for members employed by a comprehensive university if the member meets the requirements imposed by Section 17-116.2A of this title and the member elects to impose a higher maximum compensation level for service performed on or after July 1, 1995, but not later than June 30, 1996,
- (e) Forty-four Thousand Dollars (\$44,000.00) for members who, as of June 30, 1995, had elected to have a maximum

compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00), and who were employed by an entity or institution within The Oklahoma State System of Higher Education for creditable service authorized and performed on or after July 1, 1995, but not later than June 30, 1996, if such member does not elect a higher maximum compensation level for this period as authorized by Section 17-116.2A of this title,

- (f) Forty-nine Thousand Dollars (\$49,000.00) for members employed by a comprehensive university if the member meets the requirements imposed by Section 17-116.2A of this title and the member elects to impose a higher maximum compensation level for service performed on or after July 1, 1995, but not later than June 30, 1996,
- (g) the following amounts for creditable service authorized and performed by members employed by a comprehensive university, based upon the election of the member in effect as of June 30, 1995:
 - 1. for members who elected a maximum compensation level not in excess of Twenty-five Thousand Dollars (\$25,000.00):
 - (i) Thirty-two Thousand Five Hundred Dollars (\$32,500.00) for service authorized and performed on or after July 1, 1996, but not later than June 30, 1997,
 - (ii) Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) for service authorized and performed on or after July 1, 1997, but not later than June 30, 1998,
 - (iii) Forty-two Thousand Five Hundred Dollars (\$42,500.00) for service authorized and performed on or after July 1, 1998, but not later than June 30, 2000,
 - (iv) Forty-seven Thousand Five Hundred Dollars (\$47,500.00) for service authorized and performed on or after July 1, 2000, but not later than June 30, 2001,
 - (v) Fifty-two Thousand Five Hundred Dollars (\$52,500.00) for service authorized and performed on or after July 1, 2001, but not later than June 30, 2002,
 - (vi) Fifty-seven Thousand Five Hundred Dollars (\$57,500.00) for service authorized and performed on or after July 1, 2002, but not later than June 30, 2003,
 - (vii) Sixty-two Thousand Five Hundred Dollars (\$62,500.00) for service authorized and

- performed on or after July 1, 2003, but not later than June 30, 2004,
- (viii) Sixty-seven Thousand Five Hundred Dollars (\$67,500.00) for service authorized and performed on or after July 1, 2004, but not later than June 30, 2005,
 - (ix) Seventy-two Thousand Five Hundred Dollars (\$72,500.00) for service authorized and performed on or after July 1, 2005, but not later than June 30, 2006,
 - (x) Seventy-seven Thousand Five Hundred Dollars (\$77,500.00) for service authorized and performed on or after July 1, 2006, but not later than June 30, 2007,
 - (xi) the full amount of regular annual compensation for service authorized and performed on or after July 1, 2007, and
2. for members who elected a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00):
- (i) Forty-nine Thousand Dollars (\$49,000.00) for service authorized and performed on or after July 1, 1996, but not later than June 30, 1997,
 - (ii) Fifty-four Thousand Dollars (\$54,000.00) for service authorized and performed on or after July 1, 1997, but not later than June 30, 1998,
 - (iii) Fifty-nine Thousand Dollars (\$59,000.00) for service authorized and performed on or after July 1, 1998, but not later than June 30, 2000,
 - (iv) Sixty-four Thousand Dollars (\$64,000.00) for service authorized and performed on or after July 1, 2000, but not later than June 30, 2001,
 - (v) Sixty-nine Thousand Dollars (\$69,000.00) for service authorized and performed on or after July 1, 2001, but not later than June 30, 2002,
 - (vi) Seventy-four Thousand Dollars (\$74,000.00) for service authorized and performed on or after July 1, 2002, but not later than June 30, 2003,
 - (vii) Seventy-nine Thousand Dollars (\$79,000.00) for service authorized and performed on or

- after July 1, 2003, but not later than June 30, 2004,
- (viii) Eighty-four Thousand Dollars (\$84,000.00) for service authorized and performed on or after July 1, 2004, but not later than June 30, 2005,
 - (ix) Eighty-nine Thousand Dollars (\$89,000.00) for service authorized and performed on or after July 1, 2005, but not later than June 30, 2006,
 - (x) Ninety-four Thousand Dollars (\$94,000.00) for service authorized and performed on or after July 1, 2006, but not later than June 30, 2007,
 - (xi) the full amount of regular annual compensation for service authorized and performed on or after July 1, 2007,
- (h) the full amount of regular annual compensation of:
1. a member of the retirement system not employed by an entity or institution within The Oklahoma State System of Higher Education for all creditable service authorized and performed on or after July 1, 1995,
 2. a member of the retirement system first employed on or after July 1, 1995, by an entity or institution within The Oklahoma State System of Higher Education for all creditable service authorized and performed on or after July 1, 1995, but not later than June 30, 1996,
 3. a member of the retirement system employed by an entity or institution within The Oklahoma State System of Higher Education, other than a comprehensive university, if the member elects to impose a higher maximum compensation level for service performed on or after July 1, 1995, but not later than June 30, 1996, pursuant to subsection B of Section 17-116.2A of this title,
 4. a member of the retirement system who is first employed on or after July 1, 1996, by any entity or institution within The Oklahoma State System of Higher Education, including a comprehensive university, for creditable service authorized and performed on or after July 1, 1996,
 5. a member of the retirement system who, as of July 1, 1996, is subject to a maximum compensation level pursuant to paragraph (g) of this subsection if the member terminates service with a

- comprehensive university and is subsequently reemployed by a comprehensive university,
6. a member of the retirement system employed by a comprehensive university for all service performed on and after July 1, 2007, or
 7. an eligible member of the retirement system who fulfills the requirements of Section 2 of this act with respect to pre-cap removal service included in the retirement benefit computation of the member at the average salary of the member subject to the maximum average salary amount.

(29) "Comprehensive university" shall mean:

- (a) the University of Oklahoma and all of its constituent agencies, including the University of Oklahoma Health Sciences Center, the University of Oklahoma Law Center and the Geological Survey, and
- (b) Oklahoma State University and all of its constituent agencies, including the Oklahoma State University Agricultural Experiment Station, the Oklahoma State University Agricultural Extension Division, the Oklahoma State University College of Veterinary Medicine, the Oklahoma State University Center for Health Sciences, the Technical Branch at Oklahoma City, the Oklahoma State University Institute of Technology-Oklmulgee and Oklahoma State University-Tulsa.

(30) "Retirement contract" means the document prepared by the Teachers' Retirement System upon member request, which incorporates member's selected retirement option, and which must be executed and submitted to the Teachers' Retirement System no less than thirty (30) days prior to the projected retirement date.

Added by Laws 1969, c. 157, § 1, operative Aug. 2, 1969. Amended by Laws 1970, c. 176, § 1, operative Aug. 2, 1970; Laws 1978, c. 238, § 1, eff. July 1, 1978; Laws 1979, c. 286, § 1, eff. July 1, 1979; Laws 1980, c. 355, § 1, eff. July 1, 1980; Laws 1982, c. 329, § 3, eff. July 1, 1982; Laws 1985, c. 180, § 1, eff. July 1, 1985; Laws 1987, c. 236, § 167, emerg. eff. July 20, 1987; Laws 1989, c. 101, § 1, operative July 1, 1989; Laws 1990, c. 340, § 26, eff. July 1, 1990; Laws 1991, c. 3, § 20, eff. July 1, 1991; Laws 1992, c. 376, § 6, eff. July 1, 1992; Laws 1993, c. 239, § 45, eff. July 1, 1993; Laws 1996, c. 359, § 1, eff. July 1, 1996; Laws 1998, c. 380, § 1, emerg. eff. June 9, 1998; Laws 1999, c. 105, § 1, eff. July 1, 1999; Laws 2001, c. 33, § 111, eff. July 1, 2001; Laws 2004, c. 536, § 16, eff. July 1, 2004; Laws 2005, c. 1, § 118, emerg. eff. March 15, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 3, eff. July 1, 2006; Laws 2008, c. 54, § 5, eff. July 1, 2008; Laws 2008, c. 270, § 2, eff. July 1, 2008; Laws 2011, c. 203, § 1, eff. Nov. 1, 2011; Laws 2013, c. 101, § 1, eff. Nov. 1, 2013; Laws 2014, c. 114, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2004, c. 315, § 1 repealed by Laws 2005, c. 1, § 119, emerg. eff. March 15, 2005. Laws 2004, c. 385, § 9 repealed by Laws 2005, c. 1, § 120, emerg. eff. March 15, 2005.

§70-17-101.1. Transfer of employees of Oklahoma Board of Private Vocational Schools to Teachers' Retirement System.

A. Except as otherwise provided for in this section, employees of the Oklahoma Board of Private Vocational Schools shall be members of the Teachers' Retirement System of Oklahoma.

B. Employees of the Oklahoma Board of Private Vocational Schools who were as of June 30, 1986, employees of the Oklahoma Board of Private Schools and members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and commence accruing benefits under the Teachers' Retirement System of Oklahoma on August 1, 1986. The Oklahoma Public Employees Retirement System shall transfer to the Teachers' Retirement System of Oklahoma the retirement records for each such employee and the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each such employee transferring to the Oklahoma Teachers' Retirement System. All years and months of service accrued by each such employee pursuant to the provisions of the Oklahoma Public Employees Retirement System shall be treated as credited service in the Teachers' Retirement System of Oklahoma.

C. Employees of the Oklahoma Board of Private Vocational Schools who were as of June 30, 1986, employees of the Oklahoma Board of Private Schools and members of the Oklahoma Public Employees Retirement System, individually may choose to remain members of the Oklahoma Public Employees Retirement System. Any such employee choosing to remain a member of the Oklahoma Public Employees Retirement System shall submit written notification of such choice to the Oklahoma Department of Career and Technology Education prior to August 1, 1986. On August 1, 1986, the Oklahoma Department of Career and Technology Education shall notify the Oklahoma Public Employees Retirement System of those employees who chose to remain members of the Oklahoma Public Employees Retirement System and such employees shall not be transferred from the Oklahoma Public Employees Retirement System to the Teachers' Retirement System of Oklahoma. Added by Laws 1986, c. 258, § 13, operative July 1, 1986. Amended by Laws 2001, c. 33, § 112, eff. July 1, 2001.

§70-17-102. Establishment of system - Powers and privileges - Name.

A retirement system is hereby established and placed under the management of the Board of Trustees for the purpose of providing retirement allowances and other benefits under the provisions of this act for teachers of the State of Oklahoma.

The Board of Trustees shall have the power and privileges of a corporation and shall be known as the "Board of Trustees of the Teachers' Retirement System of Oklahoma", and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held in trust for the purpose for which received.

Laws 1969, c. 157, § 2, operative Aug. 2, 1969; Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-102.1. Termination of retirement plan.

(1) In the event a plan of the retirement system is terminated or partially terminated the right of all participants or in the event of partial termination the rights of the affected participants, whether retired or otherwise, shall become fully vested.

(2) In the event of termination of the plan, the Board of Trustees shall distribute the net assets of the fund, allowing a period of not less than six (6) nor more than nine (9) months for dissolution of disability claims, as follows:

- (a) First, accumulated contributions shall be allocated to each respective participant, former participant, retired member, joint annuitant or beneficiary then receiving payments. If these assets are insufficient for this purpose, they shall be allocated to each such person in the proportion which his accumulated contributions bear to the total of all such participants' accumulated contributions. For purposes of this section, contribution means payment into the system by an employer or employee for the benefit of an individual employee.
- (b) The balance of such assets, if any, remaining after making the allocations provided in subparagraph (a) of this section shall be disposed of by allocating to each person then having an interest in the fund the excess of his retirement income under the plan less the retirement income which is equal to the actuarial equivalent of the amount allocated to him under subparagraph (a) of this section. Such allocation shall be made with the full amount of the remaining assets to be allocated to the persons in each group in the following order of precedence:
 - (i) those retired members, joint annuitants or beneficiaries receiving benefits,
 - (ii) those members eligible to retire,
 - (iii) those members eligible for early retirement,
 - (iv) former participants electing to receive a vested benefit, and
 - (v) all other members.

In the event the balance of the fund remaining after all allocations have been made with respect to all retirement income in a preceding group is insufficient to allocate the full actuarial equivalent of such retirement income to all persons in the group for which it is then being applied, such balance of the fund shall be allocated to each person in such group in the proportion which the actuarial equivalent of the retirement income allocable to him pursuant to such group bears to the total actuarial equivalent of the retirement income so allocable to all persons in such group.

Provided no discrimination in value results, the Board of Trustees shall distribute the amounts so allocated in one of the following manners as the Board of Trustees in their discretion may determine:

- (i) by continuing payment of benefits as they become due, or
- (ii) by paying, in cash, the amount allocated to any such person.

Added by Laws 1978, c. 238, § 2, eff. July 1, 1978.

§70-17-102.2. Tax qualification as a governmental retirement plan.

The retirement system shall satisfy the applicable qualification requirements for governmental plans as specified in Sections 401 and 414(d) of the Internal Revenue Code of 1954 or 1986, as amended from time to time and as appropriate for a governmental plan (hereinafter referred to as the "Code"). In addition to other Code provisions otherwise noted, and in order to satisfy the applicable requirements under the Code, the retirement system shall be subject to the following provisions, notwithstanding any other provision of the retirement system law:

(1) The Board of Trustees shall distribute the corpus and income of the retirement system to the members and their beneficiaries in accordance with the retirement system law.

(2) Forfeitures arising from severance of employment, death, or for any other reason may not be applied to increase the benefits any member would otherwise receive under the retirement system law.

(3) All benefits paid from the retirement system shall be distributed in accordance with the requirements of Code Section 401(a)(9) and the regulations thereto. In order to meet these requirements, the retirement system shall be administered in accordance with the following provisions:

(a) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence.

(b) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died.

(c) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Code.

(4) The Board of Trustees or its designee may not:

(a) determine eligibility for benefits,

(b) compute rates of contribution, or

(c) compute benefits of members or beneficiaries,

in a manner that discriminates in favor of members who are considered officers, supervisors, or highly compensated, as prohibited under Code Section 401(a)(4).

(5) Benefits paid from the retirement system shall not exceed the maximum benefits permissible under Code Section 415.

(6) The Board of Trustees may not engage in a transaction prohibited by Code Section 503(b).

(7) To the extent required by Code Section 401(a)(31), the retirement system shall allow members and qualified beneficiaries to elect a direct rollover of eligible distributions to another eligible retirement plan.

Added by Laws 1994, c. 380, § 1, eff. July 1, 1994.

§70-17-102.3. Tax-Sheltered Annuity Program - Federal tax qualification - Termination.

The Tax-Sheltered Annuity Program provided by Section 17-101 et seq. of this title shall satisfy the applicable qualification requirements for grandfathered governmental tax-sheltered annuity programs as specified in 26 U.S.C. Section 403(b) and the relevant regulatory provisions and guidance related thereto. In order to satisfy these requirements and guidelines, the Teachers' Retirement Tax-Sheltered Annuity Program shall be subject to the following provisions, notwithstanding any other provision of the law governing the Oklahoma Teachers' Retirement System:

(1) The Board of Trustees shall administer and distribute the corpus and income of the Tax-Sheltered Annuity Program to members and their beneficiaries pursuant to the applicable requirements under 26 U.S.C. Section 403(b), relevant regulatory provisions and guidance under 26 U.S.C. Section 403(b), and in accordance with the law governing the Oklahoma Teachers' Retirement System.

(2) All benefits paid from the retirement system shall be distributed in accordance with the applicable requirements of 26 U.S.C. Sections 403(b)(10) and 401(a)(9) and the regulations thereto.

(3) To the extent required by 26 U.S.C. Sections 403(b)(10) and 401(a)(31), the retirement system shall allow members and qualified beneficiaries to elect a direct rollover of eligible distributions to another eligible retirement plan.

(4) To the extent required under 26 U.S.C. Section 403(b)(11) and the regulations thereto, distributions under the Tax-Sheltered Annuity Program shall only be paid when the member attains the age of

fifty-nine and one-half (59 1/2) years, separates from service, dies, becomes disabled, or in the case of hardship.

(5) The Board of Trustees may terminate the Tax-Sheltered Annuity Program administered under 26 U.S.C. Section 403(b). The Board of Trustees shall do so in accordance with the requirements of federal tax law and in a way that is designed to minimize financial harm to the participants in the program. To assist in minimizing any such harm, an employer that sponsors a local tax-sheltered annuity program under 26 U.S.C. Section 403(b) and that has an active or inactive participant with an account balance under the program, shall permit the provider administering the program on the effective date of such termination to be a provider in the local program and to offer the same investment options to program participants that were available under the program. The employer is required to permit the program provider to remain a provider under the local program for a two-year period beginning with the first day of the local program's plan year following the effective date of such termination; provided, that this requirement shall apply with respect to an investment option only so long as the program provider continues to lawfully provide the investment option. Notwithstanding the foregoing, any program participant may elect to remit contributions to and/or, subject to any contractual restrictions, transfer the balance of the program participant to, any other approved provider under the local program at any time during the two-year period provided herein. An employer that sponsors a local program that includes the program as the only investment option, and that has an active or inactive participant with an account balance under the program, shall permit the program provider to be a provider in that local program subject to the above terms, or the local program of the employer shall terminate at such time that the program is terminated, in which case the employer shall be prohibited from contributing to any 403(b) program on behalf of any employee for the twelve-month period required under Treasury Regulation Section 1.403(b)-10.

Added by Laws 1994, c. 380, § 2, eff. July 1, 1994. Amended by Laws 2018, c. 248, § 1.

§70-17-103. Membership.

Except as provided in the Alternate Retirement Plan for Comprehensive Universities Act, the membership of the retirement system shall consist of the following:

- (1) All classified personnel shall become members of the retirement system as a condition of their employment;
- (2) All full-time nonclassified optional personnel regularly employed for more than one (1) year may join the Teachers' Retirement System subject to the rules and regulations adopted pursuant to this act. Subject to the outcome of the private letter ruling request (2003) submitted by the Board of Trustees to the Internal Revenue

Service (2001), the retirement system shall permit eligible nonclassified optional personnel who have ceased to make otherwise required employee contributions after having made an election to become a member of the retirement system to resume employee contributions. No service shall be credited to any such member for any period of time during which employee contributions were not made;

(3) All persons who shall become classified personnel or who are regularly employed in any school system as new classified personnel after July 1, 1943, hereof, shall become members of the retirement system as a condition of their employment;

(4) All other regular school employees may join the Teachers' Retirement System subject to the rules and regulations as may be adopted by the Board of Trustees of the Teachers' Retirement System;

(5) The Board of Trustees may, in its discretion, deny the right to become members to any class of members whose compensation is only partly paid by the state, or who is serving on a temporary or other than per annum basis, and it also may, in its discretion, make optional with members in any such class their individual entrance into the retirement system;

(6) Should any member, with less than ten (10) years of teaching service in Oklahoma, in any period of six (6) consecutive years after becoming a member be absent from service more than five (5) years, withdraw his or her contributions, retire or die, he or she shall thereupon cease to be a member. The provisions of this paragraph shall not apply to any member of the Teachers' Retirement System who has been a member of such classes of military services as may be approved by the Board of Trustees, until a period of one and one-half (1 1/2) years from date of termination of such service shall have elapsed; and

(7) Effective November 1, 2019, a retired member of the Teachers' Retirement System who becomes employed by the State Department of Education for the first time on or after November 1, 2019, shall have the option to remain a member of the Teachers' Retirement System subject to any applicable limitations placed on retired members returning to work or may choose to participate in the Oklahoma Public Employees Retirement System as an active member. Added by Laws 1969, c. 157, § 3, operative Aug. 2, 1969. Amended by Laws 1970, c. 176, § 2, operative Aug. 2, 1970; Laws 1976, c. 252, § 4, operative July 1, 1976; Laws 1978, c. 238, § 3, eff. July 1, 1978; Laws 1985, c. 180, § 2, eff. July 1, 1985; Laws 1986, c. 283, § 1, operative July 1, 1986; Laws 1990, c. 340, § 27, eff. July 1, 1990; Laws 2001, c. 336, § 1, eff. July 1, 2001; Laws 2003, c. 326, § 1, eff. July 1, 2003; Laws 2004, c. 385, § 10, eff. July 1, 2004; Laws 2010, c. 357, § 1, eff. July 1, 2010; Laws 2019, c. 141, § 1, eff. Nov. 1, 2019.

NOTE: Sections 17-101 through 17-119 of this title were designated Article XVII of the Oklahoma School Code by Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-103.1. Oklahoma State University Cooperative Extension Service employees - Transfer to Teachers' Retirement System.

Employees of the Oklahoma State University Cooperative Extension Service who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Teachers' Retirement System of Oklahoma on July 1, 1987. On January 1, 1988, the Oklahoma Public Employees Retirement System shall transfer to the Teachers' Retirement System of Oklahoma the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each employee of the Oklahoma State University Cooperative Extension Service transferring to the Teachers' Retirement System of Oklahoma and the retirement records of those transferring employees. Service accrued by said employee of the Oklahoma State University Cooperative Extension Service under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Teachers' Retirement System of Oklahoma. For purposes of this section, creditable service transferred from the Oklahoma Public Employees Retirement System shall include service authorized under paragraph (f) of subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes. Members who retire prior to July 1, 1990, shall have their monthly benefit adjusted to include all services accrued under paragraph (f) of subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes. Provided however, that any adjustment of existing retirement benefits caused by reason of inclusion of such service authorized under paragraph (f) of subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes shall not affect any retirement benefit paid prior to July 1, 1990. Added by Laws 1987, c. 236, § 168, emerg. eff. July 20, 1987. Amended by Laws 1990, c. 156, § 1, eff. July 1, 1990.

§70-17-104. Prior service credits.

(1) Under such rules and regulations as the Board of Trustees shall adopt, each member who became a member within one (1) year after July 1, 1943, shall file a detailed statement of all service as a member rendered by him prior to the date of establishment for which he claims credit.

(2) The Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one (1) year of service, but in no case shall it allow any credit for a period of absence without pay of more than one (1) month's duration nor shall more than one (1) year of service be creditable for all

services in one (1) school year. Service rendered for a regular school year shall be equivalent to one (1) year's service.

(a) Prior service credit shall be granted to any member who shall become a member when he has completed one (1) year of membership service credit. Prior service shall include years taught in what is now Oklahoma preceding statehood.

1. Subject to the above restrictions and to such other rules and regulations as the Board of Trustees may adopt, the Board of Trustees shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed.

2. Upon verification of the statements of service, the Board of Trustees shall issue prior service certificates certifying to each member the length of service rendered prior to the date of establishment, with which he is credited on the basis of his statement of service. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, the Board of Trustees may, upon request of the member, modify or correct his prior service certificate. The prior service credit and certificate of a member who has retired may be corrected, if incorrect. When the correction constitutes an addition to the retired member's service record, the Board of Trustees may grant allowance retroactively as the facts justify.

When membership ceases such prior service certificate shall become void. Should the former member return to service in Oklahoma, he shall again become a member not entitled to prior service credit, with the provision that he may reestablish his prior service credit by redepositing in the appropriate fund the amount formerly withdrawn, with the interest at five percent (5%) per annum from the date membership ceased to the date of redeposit; provided, however, effective January 1, 1990, the rate of interest provided herein shall be ten percent (10%) per annum. No member shall be permitted to take advantage of this provision for restoration of prior service more than one time.

(b) Any person who is, or shall become, a member of the Teachers' Retirement System may receive prior service credit for not more than five (5) years of service rendered in public schools, state colleges, or state universities outside this state prior to July 1, 1943, subject to the regulations of the Board of Trustees, provided he is not receiving, and is not eligible to receive, retirement credit or benefits for this service in any other teacher retirement system, subject to the following provision:

1. The member is required to have two (2) years of creditable service teaching earned in Oklahoma for each year of out-of-state credit granted.

(3) Any teacher who served in the Armed Forces of the United States of America prior to July 1, 1943, during World War I or World

War II, whose service was terminated by an honorable discharge and who qualifies for prior service credit under the terms of this act shall be granted prior service teaching credit by the Board of Trustees for the period of such service in the Armed Forces, occurring prior to July 1, 1943, upon presentation to the Board of Trustees of satisfactory proof of such service in the Armed Forces. The amount of prior service teaching credit to be allowed such teacher shall be determined by the Board of Trustees. Added by Laws 1969, c. 157, § 4. Amended by Laws 1970, c. 77, § 1, emerg. eff. March 20, 1970; Laws 1971, c. 281, § 24-122, eff. July 2, 1971; Laws 1989, c. 327, §1, eff. July 1, 1989.

§70-17-105. Retirement.

(1) (a) Any member who has attained age fifty-five (55) or who has completed thirty (30) years of creditable service, as defined in Section 17-101 of this title, or for any person who initially became a member prior to July 1, 1992, regardless of whether there were breaks in service after July 1, 1992, whose age and number of years of creditable service total eighty (80) may be retired upon proper application for retirement on forms established by the System and executing a retirement contract. Such a retirement date will also apply to any person who became a member of the sending system as defined in this act, prior to July 1, 1992, regardless of whether there were breaks in service after July 1, 1992. Any person who became a member after June 30, 1992, but prior to November 1, 2011, whose age and number of years of creditable service total ninety (90) may be retired upon proper application for retirement and executing a retirement contract. Any person who becomes a member on or after November 1, 2011, who attains the age of sixty-five (65) years or who reaches a normal retirement date pursuant to subparagraph (d) of paragraph (24) of Section 17-101 of this title having attained a minimum age of sixty (60) years may be retired upon proper application for retirement and executing a retirement contract. The application shall be filed on the form provided by the Board of Trustees for this purpose, not less than sixty (60) days before the date of retirement, provided that the Executive Director may waive the sixty-day deadline for good cause shown as defined by the Board.

1. The employer shall provide the System with the following information for a retiring member, no later than the fifteenth day of the month of retirement: last day physically on the job; last day on payroll; any regular compensation not already reported to the System; and final unused sick leave balance.
2. Failure to submit this information by the deadline, or errors in submitted information that result in a disqualification of retirement eligibility shall be the responsibility of the employer. In cases where the

error results in disqualification of retirement eligibility, it is the employer's responsibility to reemploy the member, or retain the member on the payroll, for the time period required to reach eligibility, not exceeding two (2) months.

(b) An individual who becomes a member of the Teachers' Retirement System on or after November 1, 2017, shall be employed by the public schools, state colleges or universities of Oklahoma for a minimum of seven (7) years and be a contributing member of the Teachers' Retirement System of Oklahoma for a minimum of seven (7) years to qualify for monthly retirement benefits from the Teachers' Retirement System of Oklahoma.

(c) Any member with seven (7) or more years of Oklahoma teaching service and whose accumulated contributions during such period have not been withdrawn shall be given an indefinite extension of membership beginning with the sixth year following his or her last contributing membership and shall become eligible to apply for retirement and be retired upon attaining age fifty-five (55).

(2) An unclassified optional member who has retired or who retires at sixty-two (62) years of age or older or whose retirement is because of disability shall have his or her minimum retirement benefits calculated on an average salary of Five Thousand Three Hundred Fifty Dollars (\$5,350.00) or, if a larger monthly allowance would result, an amount arrived at pursuant to application of the formula prescribed herein.

(3) No member shall receive a lesser retirement benefit than he or she would have received under the law in effect at the time he or she retired. Any individual under the Teachers' Retirement System, who through error in stating the title of the position which he or she held, may, at the discretion of the Board of Trustees, be changed from the nonclassified optional group to the classified group for the purpose of calculating retirement benefits.

Any individual regardless of residence, who has a minimum of ten (10) years of teaching in Oklahoma schools prior to July 1, 1943, or who taught in Oklahoma schools prior to 1934 and thereafter taught a minimum of ten (10) years and who does not qualify under the present retirement System, or who has a minimum of thirty (30) years of teaching in Oklahoma schools and has reached seventy (70) years of age prior to July 1, 1984, and is not otherwise eligible to receive any benefits from the retirement system shall receive a minimum of One Hundred Fifty Dollars (\$150.00) per month in retirement benefits from the Teachers' Retirement System of Oklahoma plus any general increase in benefits for annuitants as may be provided hereafter by the Legislature. Each individual must apply to the Teachers' Retirement System for such benefit and provide evidence to the Teachers' Retirement System that the service was actually rendered. The surviving spouse of any person who made application for the

benefit provided for by this paragraph during his or her lifetime but did not receive said benefit may submit an application to the System for payment of said benefit for those months during the lifetime of the deceased person that he or she was eligible for but did not receive the benefit. Upon approval of the application by the Board of Trustees, the benefit shall be paid to the surviving spouse in one lump sum.

(4) The value of each year of prior service is the total monthly retirement benefit divided by the number of years of creditable service.

(5) Upon application of a member who is actively engaged in teaching in Oklahoma or his or her employer, any member who has been a contributing member for ten (10) years may be retired by the System subsequent to the execution and filing thereof, on a disability retirement allowance, provided that it is found by the Medical Board after medical examination of such member by a duly qualified physician that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. The System shall rely on and give full consideration to the conclusions and recommendations in the certified written report of the Medical Board of the Teachers' Retirement System regarding the disability application of such member. If the Medical Board does not find that a member applying for disability retirement is mentally or physically incapacitated for performance of duty or otherwise eligible for a disability retirement, the application shall then be considered by the Board of Trustees. If a member is determined to be eligible for disability benefits pursuant to the Social Security System, then such determination shall entitle the member to the authorized disability retirement allowance provided by law. For members who are not eligible for disability benefits pursuant to the Social Security System, the Board of Trustees and the Medical Board shall apply the same standard for which provision is made in the first two sentences of this subsection for determining the eligibility of a person for such disability benefits in making a determination of eligibility for disability benefits as authorized by this subsection.

(6) (a) A member who at the time of retirement has been found to be permanently physically or mentally incapacitated to teach school shall receive a minimum monthly retirement payment for life or until such time as the member may be found to be recovered to the point where he or she may return to teaching. Any member retired before July 1, 1992, shall be eligible to receive the monthly retirement allowance herein provided, but such payment shall not begin until the first payment due him or her after July 1, 1992, and shall not be retroactive. The Board of Trustees is empowered to make such rules and regulations as it considers proper to preserve equity

in retirements under this provision, which shall include a provision to protect the rights of the member's spouse.

(b) A member who has qualified for retirement benefits under disability retirement shall have the total monthly payment deducted from his or her accumulated contributions plus interest earned and any money remaining in the member's account after the above deductions at the death of the member shall be paid in a lump sum to the beneficiary or to the estate of the member. Provided, if the deceased disabled member had thirty (30) years or more of creditable service and the death occurred after June 30, 1981, and death occurred prior to the disabled member receiving twelve monthly retirement payments, a surviving spouse may elect to receive the retirement benefit to which the deceased member would have been entitled at the time of death under the Option 2 Plan of Retirement provided for in subsection (8) of this section in lieu of the death benefit provided for in this subsection and in subsection (12) of this section.

(c) Once each year the System may require any disabled annuitant who has not yet attained the age of sixty (60) years to undergo a medical examination, such examination to be made at the place of residence for said disabled annuitant or other place mutually agreed upon by a physician or physicians designated by the System. Should any disabled annuitant who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such year by a physician or physicians designated by the System his or her allowance may be discontinued until he or she submits to such examination.

(d) Should the Medical Board report and certify to the Board of Trustees that such disabled annuitant is engaged in or is able to engage in a gainful occupation paying more than the difference between his or her retirement allowance and the average final compensation, and should the Board of Trustees concur in such report then the amount of his or her pension shall be reduced to an amount which, together with his or her retirement allowance and that amount earnable by him or her, shall equal the amount of his or her average final compensation. Should his or her earning capacity be later increased, the amount of his or her pension may be further modified, provided the new pension shall not exceed that amount of the pension originally granted nor an amount, which when added to the amount earnable by the member, together with his or her annuity, equals the amount of his or her average final compensation.

(e) Should a disabled annuitant be restored to active service, his or her disability retirement allowance shall cease and he or she shall again become a member of the Teachers' Retirement System and shall make regular contributions as required under this article. The unused portion of his or her accumulated contributions shall be reestablished to his or her credit in the Teachers' Savings Fund.

Any such prior service certificates on the basis of which his or her service was computed at the time of his or her retirement shall be restored to full force and effect.

(7) Should a member before retirement under Section 1-101 et seq. of this title make application for withdrawal duly filed with the Board of Trustees and approved by it, not earlier than four (4) months after the date of termination of such service as a teacher, the contribution standing to the credit of his or her individual account in the Teachers' Savings Fund shall be paid to him or her or, in the event of his or her death before retirement, shall be paid to such person or persons as he or she shall have nominated by written designation, duly executed and filed with the Board of Trustees; provided, however, if there be no designated beneficiary surviving upon such death, such contributions shall be paid to his or her administrators, executors, or assigns, together with interest as hereinafter provided. In lieu of a lump-sum settlement at the death of the member, the amount of money the member has on deposit in the Teachers' Savings Fund and the money the member has on deposit in the Teachers' Deposit Fund may be paid in monthly payments to a designated beneficiary, who must be the spouse, under the Maximum or Option 1 Plan of Retirement providing the monthly payment shall be not less than Twenty-five Dollars (\$25.00) per month. The monthly payment shall be the actuarial equivalent of the amount becoming due at the member's death based on the sex of the spouse and the age the spouse has attained at the last birthday prior to the member's death. Provided further, if there be no designated beneficiary surviving upon such death, and the contributions standing to the credit of such member do not exceed Two Hundred Dollars (\$200.00), no part of such contributions shall be subject to the payment of any expense of the last illness or funeral of the deceased member or any expense of administration of the estate of such deceased and the Board of Trustees, upon satisfactory proof of the death of such member and of the name or names of the person or persons who would be entitled to receive such contributions under the laws of descent and distribution of the state, may authorize the payment of accumulated contributions to such person or persons. A member terminating his or her membership by withdrawal after June 30, 2003, shall have the interest computed at a rate of interest determined by the Board of Trustees and paid to him or her subject to the following schedule:

(a) If termination occurs within sixteen (16) years from the date membership began, fifty percent (50%) of such interest accumulations shall be paid.

(b) With at least sixteen (16) but less than twenty-one (21) years of membership, sixty percent (60%) of such interest accumulations shall be paid.

(c) With at least twenty-one (21) but less than twenty-six (26) years of membership, seventy-five percent (75%) of such interest accumulations shall be paid.

(d) With at least twenty-six (26) years of membership, ninety percent (90%) of such interest accumulations shall be paid.

In case of death of an active member, the interest shall be calculated and restored to the member's account and paid to his or her beneficiary.

(8) (a) In lieu of his or her retirement allowance payable throughout life for such an amount as determined under this section, the member may select a retirement allowance for a reduced amount payable under any of the following options the present value of which is the actuarial equivalent thereof.

(b) A member may select the option under which he or she desires to retire at the end of the school year in which he or she attains age seventy (70) and said option shall be binding and cannot be changed. Provided further that if a member retires before age seventy (70), no election of an option shall be effective in case an annuitant dies before the first payment due under such option has been received.

(c) The first payment of any benefit selected shall be made on the first day of the month following approval of the retirement by the System. If the named designated beneficiary under Option 2 or 3 dies at any time after the member's retirement date, but before the death of the member, the member shall return to the retirement benefit, including any post retirement benefit increases the member would have received had the member not selected Option 2 or 3 of this subsection. The benefit shall be determined at the date of death of the designated beneficiary or July 1, 1994, whichever is later. This increase shall become effective the first day of the month following the date of death of the designated beneficiary or July 1, 1994, whichever is later, and shall be payable for the member's remaining lifetime. The member shall notify the Teachers' Retirement System of Oklahoma of the death of the designated beneficiary in writing. In the absence of said written notice being filed by the member notifying the Teachers' Retirement System of Oklahoma of the death of the designated beneficiary within six (6) months of the date of death, nothing in this subsection shall require the Teachers' Retirement System of Oklahoma to pay more than six (6) months of retrospective benefits increase.

Option 1. If he or she dies before he or she has received in annuity payments the present value of his or her annuity as it was at the time of his or her retirement, the balance shall be paid to his or her legal representatives or to such person as he or she shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his or her retirement; or

Option 2. A member takes a reduced retirement allowance for life. Upon the death of the member the payments shall continue to the member's designated beneficiary for the life of the beneficiary. The written designation of the beneficiary must be duly acknowledged and filed with the Board of Trustees at the time of the member's retirement and, except as provided in paragraph (e) of this subsection, cannot be changed after the effective date of the member's retirement; or

Option 3. A member receives a reduced retirement allowance for life. Upon the death of the member one-half (1/2) of the retirement allowance paid the member shall be continued throughout the life of the designated beneficiary. A written designation of a beneficiary must be duly acknowledged and filed with the Board of Trustees at the time of the member's retirement and, except as provided in paragraph (e) of this subsection, cannot be changed after the effective date of the member's retirement; or

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he or she shall nominate, provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his or her retirement allowance and shall be approved by the Board of Trustees.

(d) Provided that Option 2 and Option 3 shall not be available if the member's expected benefit is less than fifty percent (50%) of the lump-sum actuarial equivalent and the designated beneficiary is not the spouse of the member.

(e) A member who chose the maximum retirement benefit plan at the time of retirement may make a one-time election to choose either Option 2 or 3 and name the member's spouse as designated beneficiary if the member marries after making the initial election. Such an election shall be made by July 1, 2011, or within one (1) year of the date of marriage, whichever is later. The member shall provide proof of a member's good health before the Board of Trustees will permit a change to either Option 2 or 3 and the naming of a designated beneficiary. A medical examination conducted by a licensed physician is required for purposes of determining good health. Such examination must be approved by the Medical Board. The member shall be required to provide proof of age for the new beneficiary. The Board of Trustees shall adjust the monthly benefit to the actuarially equivalent amount based on the new designated beneficiary's age. The Board of Trustees shall promulgate rules to implement the provisions of this subsection.

(f) A member who retires after the effective date of this act and has selected a retirement allowance for a reduced amount payable under one of the options provided for in this subsection may make a one-time irrevocable election to select a different option within sixty (60) days of the member's retirement date. The beneficiary

designated by the member at the time of retirement shall not be changed if the member makes the election provided for in this paragraph.

(g) Any individual who is eligible to be a beneficiary of a member under this subsection, and who is also a beneficiary of a trust created under the Oklahoma Discretionary and Special Needs Trust Act, Section 175.81 et seq. of Title 60 of the Oklahoma Statutes, or a comparable Trust Act created under the laws of another state, hereinafter collectively referred to as "Trust Acts", may be a beneficiary under this subsection by having the trustee of the trust established for the benefit of that individual named as the legal beneficiary under this subsection. The age of that beneficiary shall be used for calculating any benefit payable to the trust under this subsection. The beneficiary of such a trust shall be treated as the beneficiary under this subsection except that payments of any benefits due under this subsection shall be payable to the lawfully appointed trustee of the trust. The obligation of the System to pay the beneficiary under this subsection shall be satisfied by payment to the trustee whom the System, in good faith, believes to be the lawfully appointed trustee. Any conflict between the statutes creating and governing the Teachers' Retirement System in Section 17-101 et seq. of this title and the provisions of any Trust Act referred to above shall be resolved in favor of the statutes governing the System. If an eligible beneficiary is named at the time of retirement, and becomes a beneficiary of a trust under one of the Trust Acts described herein after that time, the System will acknowledge the trust as the beneficiary upon the submission of adequate documentation of the existence of the trust. All other provisions of this subsection shall apply to these subsequently created trusts.

(h) The Board of Trustees of the System may recognize other trusts set up for the benefit of individuals otherwise eligible to be named as a beneficiary under this subsection by administrative rule if it can be done without undue additional administrative expense of the System.

(9) The governing board of any "public school", as that term is defined in Section 17-101 of this title, is hereby authorized and empowered to pay additional retirement allowances or compensation to any person who was in the employ of such public school for not less than seven (7) school years preceding the date of his or her retirement. Payments so made shall be a proper charge against the current appropriation or appropriations of any such public school for salaries for the fiscal year in which such payments are made. Such payments shall be made in regular monthly installments in such amounts as the governing board of any such public school, in its judgment, shall determine to be reasonable and appropriate in view of the length and type of service rendered by any such person to such

public school by which such person was employed at the time of retirement. All such additional payments shall be uniform, based upon the length of service and the type of services performed, to persons formerly employed by such public school who have retired or been retired in accordance with the provisions of Section 17-101 et seq. of this title.

The governing board of any such public school may adopt rules and regulations of general application outlining the terms and conditions under which such additional retirement benefits shall be paid, and all decisions of such board shall be final.

(10) In addition to the teachers' retirement herein provided, teachers may voluntarily avail themselves of the Federal Social Security Program upon a district basis.

(11) Upon the death of an in-service member, the System shall pay to the designated beneficiary of the member or, if there is no designated beneficiary or if the designated beneficiary predeceases the member, to the estate of the member, the sum of Eighteen Thousand Dollars (\$18,000.00) as a death benefit. Provided, if the deceased member had ten (10) years or more of creditable service and the death occurred after February 1, 1985, the member's designated beneficiary may elect to receive the retirement benefit to which the deceased member would have been entitled at the time of death under the Option 2 plan of retirement in lieu of the death benefit provided for in this subsection. Provided further, the option provided in this subsection is only available when the member has designated one individual as the designated beneficiary. The beneficiary or beneficiaries of death benefits in the amount not to exceed Eighteen Thousand Dollars (\$18,000.00), but exclusive of any retirement benefit received by an electing beneficiary based upon creditable service performed by the deceased member, which are provided pursuant to this subsection may elect to disclaim such death benefits in which case such benefits will be transferred to a person licensed as a funeral director or to a lawfully recognized business entity licensed as required by law to provide funeral services for the deceased member. The qualified disclaimer must be in writing and will be an irrevocable and an unqualified refusal to accept all or a portion of the death benefit. It must be received by the transferor no more than nine (9) months after the later of the day the transfer creating the interest in the disclaiming person is made or the day the disclaiming person attains age twenty-one (21). The interest in the death benefits must pass without direction by the disclaiming person to another person.

(12) Upon the death of an annuitant who has contributed to the System, the retirement system shall pay to the designated beneficiary of the annuitant or, if there is no designated beneficiary or if the designated beneficiary predeceases the annuitant, to the estate of the annuitant, the sum of Five Thousand Dollars (\$5,000.00) as a

death benefit. The beneficiary or beneficiaries of benefits provided pursuant to this subsection may elect to disclaim such death benefits in which case such benefits will be transferred to a person licensed as a funeral director or to a lawfully recognized business entity licensed as required by law to provide funeral services for the deceased member. The qualified disclaimer must be in writing and will be an irrevocable and an unqualified refusal to accept all or a portion of the death benefit. It must be received by the transferor no more than nine (9) months after the later of the day the transfer creating the interest in the disclaiming person is made or the day the disclaiming person attains age twenty-one (21). The interest in the death benefits must pass without direction by the disclaiming person to another person. The benefit payable pursuant to this subsection shall be deemed, for purposes of federal income taxation, as life insurance proceeds and not as a death benefit if the Internal Revenue Service approves this provision pursuant to a private letter ruling request which shall be submitted by the Board of Trustees of the System for that purpose.

(13) Upon the death of a member who dies leaving no living beneficiary or having designated his or her estate as beneficiary, the System may pay any applicable death benefit, unpaid contributions, or unpaid benefit which may be subject to probate, in an amount of Twenty-five Thousand Dollars (\$25,000.00) or less, without the intervention of the probate court or probate procedure pursuant to Section 1 et seq. of Title 58 of the Oklahoma Statutes.

(a) Before any applicable probate procedure may be waived, the System must be in receipt of the member's proof of death and the following documents from those persons claiming to be the legal heirs of the deceased member:

1. The member's valid last will and testament, trust documents or affidavit that a will does not exist;
2. An affidavit or affidavits of heirship which must state:
 - a. the names and signatures of all claiming heirs to the deceased member's estate including the claiming heirs' names, relationship to the deceased, current addresses, tax I.D. numbers if known and current telephone numbers,
 - b. a statement or statements by the claiming heirs that no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction,
 - c. a description of the personal property claimed, (i.e., death benefit or unpaid contributions or both) together with a statement that such personal property is subject to probate,

- d. a statement by each individual claiming heir identifying the amount of personal property that the heir is claiming from the System, and that the heir has been notified of, is aware of and consents to the identified claims of all the other claiming heirs of the deceased member pending with the System;
3. A written agreement or agreements signed by all claiming heirs of the deceased member which provides that the claiming heirs release, discharge and hold harmless the System from any and all liability, obligations and costs which it may incur as a result of making a payment to any of the deceased member's heirs;
4. A corroborating affidavit from an individual other than a claiming heir, who was familiar with the affairs of the deceased member;
5. Proof that all debts of the deceased member, including payment of last sickness, hospital, medical, death, funeral and burial expenses have been paid or provided for.

(b) The Executive Director of the System shall retain complete discretion in determining which requests for probate waiver may be granted or denied, for any reason. Should the System have any question as to the validity of any document presented by the claiming heirs, or as to any statement or assertion contained therein, the probate requirement provided for in Section 1 et seq. of Title 58 of the Oklahoma Statutes shall not be waived.

(c) After paying any death benefits or unpaid contributions to any claiming heirs as provided pursuant to this subsection, the System is discharged and released from any and all liability, obligation and costs to the same extent as if the System had dealt with a personal representative of the deceased member. The System is not required to inquire into the truth of any matter specified in this subsection or into the payment of any estate tax liability.

(14) Upon the death of a retired member, the benefit payment for the month in which the retired member died, if not previously paid, shall be made to the beneficiary of the member or to the member's estate if there is no beneficiary. Such benefit payment shall be made in an amount equal to a full monthly benefit payment regardless of the day of the month in which the retired member died.

Added by Laws 1969, c. 157, § 5, operative Aug. 2, 1969. Amended by Laws 1970, c. 176, § 3, operative March 2, 1970; Laws 1971, c. 31, § 1, emerg. eff. March 23, 1971; Laws 1974, c. 246, § 1, operative July 1, 1974; Laws 1975, c. 353, § 1, operative July 1, 1975; Laws 1976, c. 252, § 1, operative July 1, 1976; Laws 1978, c. 238, § 4, eff. July 1, 1978; Laws 1979, c. 286, § 2, eff. July 1, 1979; Laws 1980, c. 355, § 2, eff. July 1, 1980; Laws 1982, c. 329, § 4, eff. July 1,

1982; Laws 1984, c. 267, § 7, operative July 1, 1984; Laws 1985, c. 180, § 3, eff. July 1, 1985; Laws 1986, c. 283, § 2, operative July 1, 1986; Laws 1987, c. 236, § 169, emerg. eff. July 20, 1987; Laws 1990, c. 7, § 1, emerg. eff. March 28, 1990; Laws 1991, c. 335, § 26, emerg. eff. June 15, 1991; Laws 1992, c. 376, § 7, eff. July 1, 1992; Laws 1993, c. 322, § 15, emerg. eff. June 7, 1993; Laws 1994, c. 371, § 1, eff. July 1, 1994; Laws 1995, c. 93, § 1, eff. Nov. 1, 1995; Laws 1995, c. 358, § 8, eff. Nov. 1, 1995; Laws 1997, c. 316, § 1, eff. July 1, 1997; Laws 1997, c. 384, § 23, eff. July 1, 1997; Laws 1998, c. 419, § 9, eff. July 1, 1998; Laws 1999, c. 1, § 26, emerg. eff. Feb. 24, 1999; Laws 2002, c. 352, § 5, eff. July 1, 2002; Laws 2003, c. 326, § 2, eff. July 1, 2003; Laws 2004, c. 536, § 17, eff. July 1, 2004; Laws 2010, c. 273, § 1; Laws 2010, c. 357, § 2, eff. July 1, 2010; Laws 2011, c. 173, § 1, eff. July 1, 2011; Laws 2011, c. 203, § 2, eff. Nov. 1, 2011; Laws 2013, c. 101, § 2, eff. Nov. 1, 2013; Laws 2016, c. 129, § 1, eff. Nov. 1, 2016; Laws 2017, c. 48, § 2, eff. Nov. 1, 2017; Laws 2018, c. 248, § 2; Laws 2019, c. 268, § 1, eff. July 1, 2019.

NOTE: Laws 1989, 1st Ex. Sess., c. 2, § 113 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1994, c. 145, § 1 and Laws 1994, c. 370, § 1 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1995, c. 1, § 26 repealed by Laws 1995, c. 358, § 13, eff. Nov. 1, 1995. Laws 1998, c. 360, § 1 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2004, c. 315, § 2 repealed by Laws 2005, c. 1, § 121, emerg. eff. March 15, 2005. Laws 2010, c. 263, § 1 repealed by Laws 2010, c. 357, § 8, eff. July 1, 2010. Laws 2018, c. 304, § 19 repealed by Laws 2019, c. 25, § 46, emerg. eff. April 4, 2019.

NOTE: Laws 2017, c. 48, § 2 was purportedly repealed by Laws 2018, c. 304, § 20, but without reference to Laws 2018, c. 248, § 2, which amended it.

NOTE: Sections 17-101 through 17-119 of this title were designated Article XVII of the Oklahoma School Code by Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-105.1. Unpaid accumulated contributions - Payment to beneficiary or next of kin.

In the event the total retirement payments made to a retired member and the retired member's joint annuitant, if any, are less than the member's accumulated contributions with interest as credited at the time of retirement under Section 17-105 of this title, the difference shall be paid to the member's designated beneficiary or if no designated beneficiary survives, then to the member's nearest surviving next of kin as determined by law. This provision shall apply to retired members dying on or after July 1, 1979. Laws 1980, c. 355, § 6, eff. July 1, 1980.

§70-17-105.2. Partial lump-sum payment and reduced annuity.

A. A member who is eligible to retire with at least thirty (30) years of creditable service may elect to receive a partial lump-sum payment on the date of retirement and a reduced annuity. The partial lump-sum payment shall be an amount equal to the unreduced retirement benefit, which shall be referred to as the "Maximum Retirement Allowance" for purposes of this section, which would have been paid over a period of twelve (12), twenty-four (24) or thirty-six (36) months, had the lump-sum option not been elected. Once the payout amount is elected, a reduced Maximum Retirement Allowance is then calculated using factors adopted by the Board of Trustees based upon the System's actuarial expected rate of return and the member's age at retirement and the payout option (twelve (12), twenty-four (24), or thirty-six (36) months) elected. This reduced Maximum Retirement Allowance shall also be reduced in accordance with any retirement options the member has elected pursuant to Section 17-105 of Title 70 of the Oklahoma Statutes.

B. The partial lump-sum payment, pursuant to this section, shall be paid in a check separate from the regular monthly retirement benefit. The total amount of the partial lump-sum payment shall be deducted from the member's account balance consisting of the employee contributions plus interest for purposes of determining unused contributions remaining in the account. The member may elect to rollover the taxable portion of the partial lump-sum payment to an eligible retirement plan or individual retirement account (IRA). The nontaxable portion of the partial lump-sum payment can be rolled over to an IRA or another qualified retirement plan as allowed by the Internal Revenue Code and regulations. This partial lump-sum payment shall be subject to federal income tax in accordance with the Internal Revenue Code Section 72 and other such Internal Revenue Code sections and regulations as may be applicable. This partial lump-sum benefit is subject to the same restrictions for assignment and attachment as all other retirement benefits. The appropriate portion of the partial lump-sum distribution will be reported to the Internal Revenue Service (IRS) as taxable income and appropriate tax withholdings will be withheld unless the member elects to make a direct rollover of the taxable portion of the funds. Should the member have after-tax contributions, a portion of such after-tax contributions will be allocated to the partial lump-sum payment and to the remaining annuity on a prorata basis.

C. The partial lump-sum option under this section may be elected only once by a member and may not be elected by a retiree.

D. The board of trustees shall promulgate any rules necessary for the implementation of this section.

Added by Laws 2003, c. 328, § 1, eff. July 1, 2003.

§70-17-106. Board of Trustees and other personnel.

(1) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of the act are hereby vested in a Board of Trustees which shall be known as the Board of Trustees and shall be organized immediately after a majority of the trustees provided for in this section shall have qualified and taken the oath of office.

(2) The Board shall consist of the following members and all appointees shall serve their terms at the pleasure of the appointing authority and may be removed or replaced without cause:

(a) The State Superintendent of Public Instruction, ex officio or a designee.

(b) The Director of the Office of Management and Enterprise Services, ex officio or a designee.

(c) The Director of the Oklahoma Department of Career and Technology Education, ex officio, or his or her designee.

(d) The State Treasurer, ex officio, or his or her designee.

(e) One member appointed by the Governor whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(f) Two members shall be appointed by the Governor of the State of Oklahoma and approved by the Senate. The two members shall be:

1. a representative of a school of higher education in Oklahoma whose term of office shall initially be one (1) year, and
2. a member of the System of the nonclassified optional personnel status whose initial term of office shall be two (2) years.

After the initial terms of office the terms of the members shall be four (4) years.

(g) Upon the expiration of the term of office of the stockbroker member of the Board, the Governor shall appoint a member to the Board whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(h) Upon the expiration of the term of office of the representative of the insurance industry member of the Board, the Governor shall appoint a member to the Board whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(i) Upon the expiration of the term of office of the investment counselor member of the Board, the Governor shall appoint a member to the Board whose initial term of office shall expire on January 14,

1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(j) Upon the expiration of the term of office of the active classroom teacher member of the Board, the President Pro Tempore of the Senate shall appoint a member to the Board, who shall be an active classroom teacher and whose initial term of office shall expire on January 8, 1991. The members thereafter appointed by the President Pro Tempore of the Senate shall serve a term of office of four (4) years.

(k) Upon the expiration of the term of office of the retired classroom teacher member of the Board, the Speaker of the House of Representatives shall appoint a member to the Board, who shall be a retired member of the System and whose initial term of office shall expire on January 8, 1991. The members thereafter appointed by the Speaker of the House of Representatives shall serve a term of office of four (4) years.

(l) The Speaker of the House of Representatives shall appoint a member to the Board, who shall be an active classroom teacher and whose initial term of office shall expire on January 3, 1989. The members thereafter appointed by the Speaker of the House of Representatives shall serve a term of office of four (4) years.

(m) The President Pro Tempore of the Senate shall appoint a member to the Board, who shall be a retired member of the System and whose initial term of office shall expire on January 3, 1989. The members thereafter appointed by the President Pro Tempore of the Senate shall serve a term of office of four (4) years.

(n) A statewide organization representing retired educators shall appoint a member to the Board who shall be a nonvoting member.

(3) Persons who are appointed to the Board of Trustees by the Governor pursuant to paragraphs (e), (g), (h) and (i) of subsection (2) of this section shall:

(a) have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or

(b) have demonstrated experience in the banking profession and have demonstrated professional experience in investment or funds management; or

(c) be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or

(d) be licensed by the Oklahoma Accountancy Board to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs (a) through (d) of this subsection.

(4) No member of the Board of Trustees shall be a lobbyist registered in this state as provided by law.

(5) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(6) Each of the trustees, except those who are state officials serving ex officio, shall receive travel expenses in accordance with the State Travel Reimbursement Act.

(7) Each trustee shall, within ten (10) days after his or her appointment or election, take an oath of office that, so far as it devolves upon him or her, the trustee will diligently and honestly administer the affairs of the Board of Trustees and that he or she will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(8) Each trustee shall be entitled to one vote on the Board of Trustees. Eight votes shall be necessary for a decision by the trustees at any meeting of the Board.

(9) Subject to the limitations of this act, the Board of Trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business. Provided that such rules and regulations may include rules and regulations providing for the withholding from the retirement allowance due a retired person under the provisions of this act an amount requested in writing by the retiree for the purpose of paying:

(a) monthly premiums on group hospital and surgical insurance programs to which such retiree belongs, and for the transmitting of the sums so withheld to the insurance carrier designated by the retiree; and

(b) membership dues in any statewide association limited to retired educator membership with a minimum membership of one thousand (1,000) dues-paying members and for the transmitting of the sums so withheld.

(10) The Board of Trustees shall elect from its membership a chair, vice-chair and secretary by a majority vote of all of its members. The Board shall employ an executive director and shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the Board and all other expenses of the Board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the Board shall approve.

(11) The members of the Board of Trustees, the Executive Director and the employees of the System shall not accept gifts or gratuities from an individual organization with a value in excess of

Fifty Dollars (\$50.00) per year. The provisions of this section shall not be construed to prevent the members of the Board of Trustees, the Executive Director or the employees of the System from attending educational seminars, conferences, meetings or similar functions which are paid for, directly or indirectly, by more than one organization.

(12) The Board of Trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

(13) The Board of Trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system and a detailed accounting of its administrative expenses.

(14) The Board of Trustees shall retain an attorney who is licensed to practice law in this state. The attorney shall serve at the pleasure of the Board of Trustees for such compensation as may be provided by the Board of Trustees. The attorney shall advise the Board of Trustees and perform legal services for the Board of Trustees with respect to any matters properly before the Board of Trustees. When requested by the Board of Trustees, the Attorney General of the state also shall render legal services to the Board of Trustees. In addition to the above, the Board of Trustees may employ hearing examiners to conduct administrative grievance hearings under the provisions of the Administrative Procedures Act.

(15) Suitable offices shall be furnished by the Office of Management and Enterprise Services. Upon the failure or inability of the Office of Management and Enterprise Services to provide adequate facilities, the Board of Trustees may contract for necessary office space in suitable quarters.

(16) The Board of Trustees shall designate a Medical Board to be composed of three physicians not eligible to participate in the retirement system. The physicians so appointed by the Board of Trustees shall be legally qualified to practice medicine in Oklahoma or the state in which they reside and shall be physicians of good standing in the medical profession. The Board of Trustees may have more than one Medical Board and each Board shall have the same duties and authority under the statutes. If required, other physicians may be employed to report on special cases. The Medical Board shall pass upon all medical examinations required under the provisions of this act and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the Board of

Trustees its conclusion and recommendation upon all the matters referred to it. The Board of Trustees shall adopt such rules and regulations as may be necessary to properly administer this benefit.

(17) The Board of Trustees shall retain an actuarial firm that shall be technical advisors of the Board of Trustees on matters regarding the operation of funds created by the provisions of this act and shall perform such other duties as are required in connection therewith.

(18) At least once each five (5) years the Board of Trustees shall use an actuarial firm to make an actuarial investigation of the experience of the retirement system, including the mortality, service and compensation experience of members and beneficiaries. Based on the results of such investigation the actuarial firm shall recommend for adoption by the Board of Trustees such tables and rates as are required for the operation of the retirement system and for the preparation of annual actuarial valuations.

(19) On the basis of such tables and rates as the Board of Trustees shall adopt, the actuarial firm shall prepare an annual actuarial valuation of the assets and liabilities of the retirement system and certify the rates of contribution payable by the state under the provisions of law concerning the Teachers' Retirement System.

Added by Laws 1969, c. 157, § 6, operative Aug. 2, 1969. Amended by Laws 1978, c. 238, § 5, eff. July 1, 1978; Laws 1979, c. 286, § 3, eff. July 1, 1979; Laws 1981, c. 340, § 21, eff. July 1, 1981; Laws 1982, c. 329, § 5, eff. July 1, 1982; Laws 1985, c. 178, § 55, operative July 1, 1985; Laws 1985, c. 180, § 4, eff. July 1, 1985; Laws 1986, c. 283, § 3, operative July 1, 1986; Laws 1987, c. 236, § 170, emerg. eff. July 20, 1987; Laws 1988, c. 165, § 27, operative July 1, 1988; Laws 1988, c. 321, § 26, operative July 1, 1988; Laws 1990, c. 90, § 1, operative July 1, 1990; Laws 1991, c. 157, § 1, eff. July 1, 1991; Laws 1992, c. 376, § 8, eff. July 1, 1992; Laws 1993, c. 322, § 16, emerg. eff. June 7, 1993; Laws 1997, c. 316, § 2, eff. July 1, 1997; Laws 2001, c. 33, § 113, eff. July 1, 2001; Laws 2010, c. 357, § 3, eff. July 1, 2010; Laws 2012, c. 304, § 606; Laws 2014, c. 13, § 1, eff. July 1, 2014; Laws 2016, c. 129, § 2, eff. Nov. 1, 2016; Laws 2017, c. 312, § 1; Laws 2019, c. 268, § 2, eff. July 1, 2019.

NOTE: Laws 1985, c. 178, § 55 repealed by Laws 1986, c. 283, § 6, operative July 1, 1986.

NOTE: Sections 17-101 through 17-119 of this title were designated Article XVII of the Oklahoma School Code by Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-106.1. Duties of Board - Investments - Liability insurance - Investment committee and managers - Custodial services - Reports - Cost of living adjustment.

A. The Board of Trustees of the Teachers' Retirement System of Oklahoma shall discharge their duties with respect to the System solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:

- a. providing benefits to participants and their beneficiaries, and
- b. defraying reasonable expenses of administering the System;

2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of the System so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing the System.

B. The Board of Trustees of the Teachers' Retirement System of Oklahoma may invest the assets of the System in real property owned or to be acquired by the State of Oklahoma. It is further authorized to acquire, exchange, and grant any real property under its jurisdiction as is necessary to carry out the investment in the real property. The Board of Trustees of the Teachers' Retirement System of Oklahoma is authorized to invest not more than ten percent (10%) of the total value of assets of the System in connection with such investments. Limitations on investment of the assets of the System provided herein shall be determined as of the date of its making or acquisition.

C. The Board of Trustees may procure insurance indemnifying the members of the Board of Trustees from personal loss or accountability from liability resulting from a member's action or inaction as a member of the Board.

D. The Board of Trustees may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the Board of Trustees appointed by the chairman of the Board of Trustees. The committee shall make recommendations to the full Board of Trustees on all matters related to the choice of custodians and managers of the assets of the System, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the Board of Trustees in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the Board of Trustees nor take effect without the approval of the Board of Trustees as provided by law.

E. The Board of Trustees may retain qualified investment managers to provide for the investment of the monies of the System. The investment managers shall be chosen by a solicitation of

proposals on a competitive bid basis pursuant to standards set by the Board of Trustees. Subject to the overall investment guidelines set by the Board of Trustees, the investment managers shall have full discretion in the management of those monies of the System allocated to the investment managers. The Board of Trustees shall manage those monies not specifically allocated to the investment managers. The monies of the System allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

F. Funds and revenues for investment by the investment managers or the Board of Trustees shall be placed with a custodian selected by the Board of Trustees. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board of Trustees. In compliance with the investment policy guidelines of the Board of Trustees, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the System are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the System as to the investment of the monies of the System in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the Board of Trustees for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles.

G. By November 1, 1988, and prior to August 1 of each year thereafter, the Board of Trustees shall develop a written investment plan for the System.

H. The Board of Trustees shall compile a quarterly financial report of all the funds of the System on a fiscal year basis. The report shall be compiled pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The Board of Trustees shall include in the quarterly reports all commissions, fees or payments for investment services performed on behalf of the Board. The report shall be distributed to the Governor, the Oklahoma State Pension Commission, the Legislative Service Bureau, the Speaker of the House of

Representatives and the President Pro Tempore of the Senate. In lieu of compiling and distributing the quarterly report, the Board may provide the Oklahoma State Pension Commission with direct access to the same data from the custodian bank for the System.

I. After July 1 and before December 1 of each year, the Board of Trustees shall publish widely an annual report presented in simple and easily understood language pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Oklahoma State Pension Commission and the members of the System. The annual report shall cover the operation of the System during the past fiscal year, including income, disbursements, and the financial condition of the System at the end of the fiscal year. The annual report shall also contain the information issued in the quarterly reports required pursuant to subsection H of this section as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over funded status, contributions and any other information deemed relevant by the Board of Trustees. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performance of the System for the fiscal year.

Added by Laws 1988, c. 321, § 27, operative July 1, 1988. Amended by Laws 1992, c. 354, § 4; Laws 1995, c. 81, § 6, eff. July 1, 1995; Laws 2002, c. 391, § 7, eff. July 1, 2002; Laws 2004, c. 536, § 18, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 31, eff. July 1, 2006; Laws 2011, c. 379, § 6, eff. Sept. 1, 2011; Laws 2012, c. 312, § 1, eff. July 1, 2012; Laws 2016, c. 129, § 3, eff. Nov. 1, 2016.

§70-17-106.2. Duties of fiduciaries.

A. A fiduciary with respect to the Teachers' Retirement System of Oklahoma shall not cause the System to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect:

1. sale or exchange, or leasing of any property from the System to a party in interest for less than adequate consideration or from a party in interest to the System for more than adequate consideration;
2. lending of money or other extension of credit from the System to a party in interest without the receipt of adequate security and a reasonable rate of interest, or from a party in interest to the System with provision of excessive security or an unreasonably high rate of interest;
3. furnishing of goods, services or facilities from the System to a party in interest for less than adequate consideration, or from

a party in interest to the System for more than adequate consideration; or

4. transfer to, or use by or for the benefit of, a party in interest of any assets of the System for less than adequate consideration.

B. A fiduciary with respect to the Teachers' Retirement System of Oklahoma shall not:

1. deal with the assets of the System in the fiduciary's own interest or for the fiduciary's own account;

2. in the fiduciary's individual or any other capacity act in any transaction involving the System on behalf of a party whose interests are adverse to the interests of the System or the interests of its participants or beneficiaries; or

3. receive any consideration for the fiduciary's own personal account from any party dealing with the System in connection with a transaction involving the assets of the System.

C. A fiduciary with respect to the Teachers' Retirement System of Oklahoma may: 1. invest all or part of the assets of the System in deposits which bear a reasonable interest rate in a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan; or

2. provide any ancillary service by a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan.

D. A person or a financial institution is a fiduciary with respect to the Teachers' Retirement System of Oklahoma to the extent that the person or the financial institution:

1. exercises any discretionary authority or discretionary control respecting management of the Teachers' Retirement System of Oklahoma or exercises any authority or control respecting management or disposition of the assets of the System;

2. renders investment advice for a fee or other compensation, direct or indirect, with respect to any monies or other property of the System, or has any authority or responsibility to do so; or

3. has any discretionary authority or discretionary responsibility in the administration of the System.

Added by Laws 1988, c. 321, § 28, operative July 1, 1988.

§70-17-106.3. Deposit of contributions and dedicated revenues - Warrants and vouchers.

A. All employee and employer contributions and dedicated revenues shall be deposited in the Oklahoma Teachers' Retirement Fund in the State Treasury. The Board of Trustees shall have the responsibility for the management of the Oklahoma Teachers' Retirement Fund, and may transfer monies used for investment purposes by the Teachers' Retirement System of Oklahoma from the Oklahoma

Teachers' Retirement Fund in the State Treasury to the custodian bank or trust company of the System.

B. All benefits payable pursuant to the provisions of the Teachers' Retirement System of Oklahoma, refunds of contribution and overpayments, and all administrative expenses in connection with the System shall be paid from the Oklahoma Teachers' Retirement Fund upon warrants or vouchers signed by two persons designated by the Board of Trustees. All expenses of the administration of the Tax-Sheltered Annuity Fund shall be paid from the Oklahoma Teachers' Retirement Fund. The Board of Trustees may transfer monies from the custodian bank or trust company of the System to the Oklahoma Teachers' Retirement Fund in the State Treasury for the purposes specified in this subsection.

Amended by Laws 1982, c. 227, § 5, emerg. eff. May 4, 1982; Laws 1983, c. 6, § 3, emerg. eff. Feb. 24, 1983; Laws 1986, c. 131, § 19, operative July 1, 1986; Laws 1988, c. 321, § 30, operative July 1, 1988.

§70-17-106.4. Appeal to district court.

Any person aggrieved by any decision of the Board of Trustees may appeal from such decision by filing a petition in the Oklahoma County District Court within thirty (30) days from the date of such decision. All actions or proceedings directly or indirectly against the Teachers' Retirement System of Oklahoma shall be brought in Oklahoma County.

Added by Laws 1997, c. 316, § 3, eff. July 1, 1997.

§70-17-107. Disposition of interest.

The interest earned on the investments in the Teachers' Retirement System of Oklahoma shall be credited in the following manner:

1. money on deposit in the Teachers' Deposit Fund or Tax-Sheltered Annuity Fund shall be credited with interest annually compounded;

2. there shall be deducted from the annual interest on investments an amount necessary for the amortization of bonds purchased and owned by the Teachers' Retirement System of Oklahoma;

3. there shall be deducted from the annual interest on investments an amount of money necessary for the operation of the Teachers' Retirement System of Oklahoma; and

4. any residue remaining in the Interest Fund after the requirements of paragraphs 1 through 3 of this section have been fully met shall be used for the purpose of paying retirement benefits to the retirees of the Teachers' Retirement System of Oklahoma and transferred to the Retirement Benefit Fund; the interest income shall be distributed to the various funds on June 30 each year.

Added Laws 1969, c. 157, § 7. Amended by Laws 1970, c. 176, § 4, operative Aug. 2, 1970; Laws 1974, c. 246, § 2, operative July 1, 1974; Laws 1975, c. 353, § 2, operative July 1, 1975; Laws 1980, c. 270, § 1, eff. July 1, 1980; Laws 1982, c. 227, § 5, emerg. eff. May 4, 1982; Laws 1983, c. 6, § 3, emerg. eff. Feb. 24, 1983; Laws 1986, c. 131, § 19, July 1, 1986; Laws 1988, c. 321, § 30, operative July 1, 1988.

§70-17-107.1. Repealed by Laws 1988, c. 321, § 45, operative July 1, 1988.

§70-17-108. Contributions and funds.

A. Each local school district, or state college or university, or State Board of Education or State Board of Career and Technology Education, or other state agencies whose employees are members of the Teachers' Retirement System shall match on a pro rata basis, in accordance with subsection B of this section the contributions of members whose salaries are paid by federal funds or externally sponsored agreements such as grants, contracts and cooperative agreements. These funds shall be remitted at the same time as the regular contributions of members are remitted to the Teachers' Retirement System of Oklahoma and deposited in the Retirement Benefit Fund.

B. On an annual basis, the Board of Trustees shall set the contribution rate to be paid by contributing employers as provided in subsection A of this section. The contribution rate shall be determined using cost principles established by federal regulations and shall be consistent with policies, regulations and procedures that apply uniformly to both federally assisted and other activities, and be accorded consistent treatment through application of generally accepted accounting principles. The Board shall approve the contribution rate for each fiscal year ending June 30, no later than April 1 of the previous fiscal year.

C. All the assets of the retirement system shall be credited according to the purpose for which they are held to one of eight funds, namely: The Teachers' Savings Fund, the Retirement Benefit Fund, the Interest Fund, the Permanent Retirement Fund, the Expense Fund, the Suspense Fund, the Teachers' Deposit Fund, and the Retiree Medical Benefit Fund.

1. The Teachers' Savings Fund shall be a fund in which shall be accumulated the regular contributions from the compensation of members, including interest earnings prior to July 1, 1968. Contributions to and payments from the Teachers' Savings Fund shall be made as specifically provided in each plan available within the retirement system.

2. The deductions provided for in the plans within the retirement system shall be made notwithstanding that the minimum

compensation provided for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and payment of salary or compensation, less the deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The employer shall certify to the Board of Trustees on each and every payroll, or in such other manner as the Board may prescribe, the amounts to be deducted, and each of the amounts shall be deducted, and when deducted shall be paid into the Teachers' Savings Fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.

3. Following the termination of membership in the retirement system for any member who has been absent from service for five (5) years in any period of six (6) consecutive years, the Teachers' Savings Fund Account of such member shall be closed and the amount due the member as provided in Section 17-105 of this title shall be paid upon the filing of formal application. At the time such membership is terminated the amount due the member as provided in Section 17-105 of this title shall be transferred to the Suspense Fund.

4. Upon the retirement of a member, the balance of money he or she had in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund.

5. Retirement Benefit Fund.

- a. After August 2, 1969, there shall be transferred from the Teachers' Savings Fund for those members drawing retirement benefits from the Teachers' Retirement System of Oklahoma an amount necessary to provide the monthly annuity payments and pension payments as required in Section 17-107 of this title. In addition the fund shall consist of monies received from any state dedicated revenue, monies received from state appropriations, monies received from federal matching funds, and the residue of the interest on investments after the requirements of Section 17-107 of this title have been fully met. The Retirement Benefit Fund shall consist of an amount of money necessary for the making of retirement payments to retirees.
- b. Should a member have deposits in the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund and wish to receive monthly retirement benefits on such deposits, the actuarial equivalent of a two-year period and each succeeding fiscal year thereafter shall be transferred to the Retirement Benefit Fund. The member may choose any of the plans available in the Teachers' Retirement

Act as a method of receiving monthly retirement benefits on the money he has on deposit in the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund. The monthly retirement benefits paid from the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund shall be in addition to the regular retirement benefits and the money transferred from the Teachers' Deposit Fund or Tax-Sheltered Annuity Fund shall not be matched by the State of Oklahoma.

- c. From the Retirement Benefit Fund shall be paid all monthly retirement benefits.
- d. At the death of a retired member who has retired under the Maximum Plan of Retirement, Option 1 or Option 4, the balance of money the member has in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund and the amount due the beneficiary or his or her estate under Option 1 or Option 4 shall be paid from the Retirement Benefit Fund.
- e. At the death of both a retired member and the retired member's spouse, who had retired under Option 2 or 3, any balance in the Teachers' Savings Fund shall be transferred from the Teachers' Savings Fund to the Retirement Benefit Fund.
- f. At the death of a retired member who had retired under Option 5, the balance of any monies the member had in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund for the purpose of making a lump-sum settlement to the beneficiary or his estate. Providing that if the surviving spouse elects to receive the balance under the Maximum Plan of Retirement or Option 1 the member's money, if any, on a monthly basis, constituting actuarial equivalent of two (2) years' payments, and each year thereafter the annual actuarial equivalent, shall be transferred from the Teachers' Savings Fund for the purpose of paying monthly retirement benefits to the spouse under this option.

6. The Interest Fund is hereby created to facilitate the crediting of interest to the various other funds to which interest is to be credited. All income, interest and dividends derived from the deposits and investments authorized by this act shall be paid into the Interest Fund. On June 30, each year, interest shall be transferred to the other funds as herein provided.

7. The Permanent Retirement Fund shall consist of the accumulated gifts, awards, and bequests made to the retirement system, and transfers from the Suspense Fund, the principal of which is hereby held and dedicated as a perpetual endowment of the

retirement system and shall not be diverted or appropriated to any other cause or purpose unless specifically provided for in such gifts, awards or bequests.

8. The Expense Fund shall be the fund from which the expense of administration and maintenance of the retirement system shall be paid. The Board of Trustees shall cause to be prepared and adopt annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year.

Transfers to and payments from this fund shall be made as follows: first, from the Interest Fund; second, from any dedicated revenue; and, third, from appropriation by the Oklahoma Legislature.

All monies for the operation of the Teachers' Retirement System of Oklahoma shall be paid from the Expense Fund upon the approval by the Board of Trustees and the checks signed by two people designated to sign such checks by the Board of Trustees of the Teachers' Retirement System of Oklahoma.

9. The Suspense Fund shall be comprised of amounts transferred to the fund as provided in this section and Section 17-105 of this title and obligations of the retirement system to any member or person which cannot be legally discharged.

10. Teachers' Deposit Fund.

Any member may request, prior to a pay period, that his or her employer make additional deposits for him or her, for tax-sheltered annuity purposes. However, the amount deposited shall not exceed the limits as defined in Section 402(g) and Section 415 of the Internal Revenue Code of 1986, as amended, and applicable federal regulations. All such deposits shall be credited to the member's account in the Teachers' Deposit Fund for the purchase of a tax-sheltered annuity. The amount thus accumulated, with earnings, shall be used upon the member's retirement, separation from service, death or disability to purchase an annuity in addition to his or her regular service retirement allowance. The amount a member accumulates in the Teachers' Deposit Fund, not including interest, may be used to pay distributions in the case of hardship as provided in Section 403(b) (11) of the Internal Revenue Code of 1986, as amended, and applicable federal regulations.

11. Collection of Contributions.

The collection of members' contributions shall be as follows:

- (1) Each employer shall cause to be deducted on each and every payroll or claim of a member for each and every payroll claim period subsequent to the date of establishment of the retirement system the contribution payable by such member as provided in this act. With each and every payroll or claim the employer shall deliver to the treasurer of the employer warrants issued to the employees as shown

to be due by the payroll or claim, together with a warrant or warrants in favor of the Teachers' Retirement System as shown by the payroll or claim.

- (2) The treasurer or disbursing officer upon delivery of the warrants and a true copy of the payroll or claims as provided above shall register the warrants as provided for the registration of other school warrants, and shall deliver to the employer warrants issued in favor of the employees, and shall deliver warrants issued in favor of the Teachers' Retirement System and the copy of the payroll or claims to the school district superintendent as designated by the Board of Trustees. For the purpose of collecting contributions of teachers in the public schools, the superintendent of a school district is hereby designated to receive the Teachers' Retirement warrants from the treasurer or proper disbursing officer of the several school districts for the purpose of transmitting such warrants and payroll or claims to the Executive Director of the Teachers' Retirement System of the State of Oklahoma. Any college or university or other educational institution or agency operated in whole or in part by the state shall have the amount retained or deducted from the funds regularly appropriated by the state for the current maintenance for such educational departments and institutions.
- (3) For the purpose of enabling the collection of the contributions of the members of the retirement system to be made as simple as possible, the Board of Trustees shall require the secretary or other officer of each employer-board or agency, within thirty (30) days after the beginning of each school year, to make a list of all teachers in its employ who are members of the retirement system, certify to the correctness of this list, and file the same with the Executive Director of the Board of Trustees of the Teachers' Retirement System. If additions to or deductions from this list should be made during the year such additions or deductions shall likewise be certified to the Board of Trustees of the Teachers' Retirement System.

- (4) The State Treasurer shall furnish annually to the Board of Trustees a sworn statement of the amount of the funds in his or her custody belonging to the retirement system. The records of the Board of Trustees shall be open to public inspection and any member of the retirement system shall be furnished with a statement of the amount of the credit to his or her individual account upon written request by such member, provided the Board of Trustees shall not be required to answer more than one such request of a member in any one (1) year.
- (5) Failure of any superintendent, officer, or other person to discharge the duties imposed upon him or her by this act shall render him or her or his or her bondsman liable for any loss occasioned thereby to the Teachers' Retirement System or the employees of the school district, or both.
- (6) On a showing by the Teachers' Retirement System that a warrant, voucher or check issued to it has, for any reason, been lost or never received, after ninety (90) days from the date of issue or from transmittal for payment, it shall be the duty of the issuing authority forthwith, without any indemnifying bond or other requirements, to issue a duplicate thereof in lieu of that which was lost, to the Teachers' Retirement System; and the Teachers' Retirement System shall save harmless any school district or agency of state government making payment under the provisions hereof to the State Teachers' Retirement System if the original warrant, voucher or check is later presented for payment and same is paid after a duplicate warrant, voucher or check has been issued and paid to the Teachers' Retirement System, and any loss sustained therefrom shall be charged to the Interest Fund.

12. Rollover Contributions and Direct Trustee-to-Trustee Transfers from Other Plans.

Any member may purchase credit for service, to the extent specified in this title, with rollovers from an eligible retirement plan as defined by the Internal Revenue Code of 1986, as amended from time to time. A member may also purchase permissive service credit, as defined by Code Section 415(n)(3)(A), with a direct trustee-to-trustee transfer from a governmental Code Section 403(b) plan or governmental Code Section 457(b) plan. All rollovers and direct trustee-to-trustee transfers shall be allowed to the extent permitted

by federal law. Rollovers or direct transfers in excess of the amount necessary to purchase such service credit shall not be allowed.

13. Retiree Medical Benefit Fund.

The Retiree Medical Benefit Fund shall be maintained as a subaccount under the Retirement Benefit Fund. The Retiree Medical Benefit Fund is composed of all assets contributed to this subaccount to pay the retirement system's portion of the monthly retiree health insurance benefits described in Section 1316.3 of Title 74 of the Oklahoma Statutes. All allocated assets and the earnings thereon in the Retiree Medical Benefit Fund shall be held for the exclusive purpose of providing retiree medical benefits pursuant to Section 1316.3 of Title 74 of the Oklahoma Statutes. The Retiree Medical Benefit Fund shall be administered in accordance with the requirements under Section 401(h) of the Internal Revenue Code of 1986, as amended from time to time. An amount necessary to pay the health insurance premiums for retired members as provided by Section 1316.3 of Title 74 of the Oklahoma Statutes shall be deposited each month into the Retiree Medical Benefit Fund.

Added by Laws 1969, c. 157, § 8, operative Aug. 2, 1969. Amended by Laws 1970, c. 176, § 5, operative Aug. 2, 1970; Laws 1974, c. 246, § 3, operative July 1, 1974; Laws 1975, c. 353, § 3, operative July 1, 1975; Laws 1976, c. 252, § 2, operative July 1, 1976; Laws 1978, c. 238, § 6, eff. July 1, 1978; Laws 1993, c. 239, § 46, eff. July 1, 1993; Laws 1994, c. 380, § 3, eff. July 1, 1994; Laws 1999, c. 402, § 1, eff. July 1, 2001; Laws 2001, c. 33, § 114, eff. July 1, 2001; Laws 2002, c. 354, § 1, eff. July 1, 2002; Laws 2010, c. 357, § 4, eff. July 1, 2010; Laws 2011, c. 290, § 1.

NOTE: Laws 1974, c. 243, § 1 repealed by Laws 1975, c. 353, § 4, operative July 1, 1975.

NOTE: Laws 2000, c. 235, § 1 amended the effective date of Laws 1999, c. 402, § 1 from July 1, 2000, to July 1, 2001.

NOTE: Sections 17-101 through 17-119 of this title were designated Article XVII of the Oklahoma School Code by Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-108.1. Contributions - Amount - Payment.

A. 1. Except as provided in paragraph 2 of this subsection, the employer of any member of the Teachers' Retirement System of Oklahoma shall make the following contributions to the System:

- a. beginning July 1, 1998, through June 30, 1999, eleven and one-half percent (11 1/2%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
- b. beginning July 1, 1999, through June 30, 2000, four and eight-tenths percent (4.8%) of the regular annual

- compensation of the member not in excess of any applicable maximum compensation level of the member,
- c. beginning July 1, 2000, through June 30, 2001, five and eight-tenths percent (5.8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - d. beginning July 1, 2001, through June 30, 2002, six and eight-tenths percent (6.8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - e. beginning July 1, 2002, through December 31, 2006, seven and five-hundredths percent (7.05%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - f. beginning January 1, 2007, through June 30, 2007, seven and six-tenths percent (7.6%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - g. beginning July 1, 2007, through December 31, 2007, seven and eighty-five hundredths percent (7.85%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - h. beginning January 1, 2008, through June 30, 2008, eight and thirty-five hundredths percent (8.35%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - i. beginning July 1, 2008, through December 31, 2008, eight and five-tenths percent (8.5%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - j. beginning January 1, 2009, through December 31, 2009, nine percent (9%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member,
 - k. beginning January 1, 2010, through June 30, 2010, nine and five-tenths percent (9.5%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member, and
 - l. beginning July 1, 2010, through June 30, 2011, and for each fiscal year thereafter, nine and five-tenths percent (9.5%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

The employer contribution rate increase that would otherwise be effective, as provided by subparagraphs f, g, h, i, j, k and l of this paragraph, shall not become effective as law unless funding levels to each of the affected participating employers within the System are increased so that the additional employer contribution obligation is funded through an appropriation or transfer of monies instead of requiring the additional employer contribution to be paid for from existing budgetary resources of such participating employers. The participating employers shall use any monies specifically made available for purposes of making employer contributions for such purpose and to the extent of the funds made available for that purpose.

2. a. Beginning January 1, 2007, through December 31, 2007, a participating employer that employs an employee of a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher Education shall make contributions to the System with respect to such employees at the rate of seven and five-hundredths percent (7.05%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level.
- b. Beginning January 1, 2008, through December 31, 2008, a participating employer that employs an employee of a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher Education shall make contributions to the System with respect to such employees at the rate of seven and fifty-five hundredths percent (7.55%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.
- c. Beginning January 1, 2009, through December 31, 2009, a participating employer that employs an employee of a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher Education shall make contributions to the System with respect to such employees at the rate of eight and five hundredths percent (8.05%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.
- d. Beginning January 1, 2010, through June 30, 2010, a participating employer that employs an employee of a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher

Education shall make contributions to the System with respect to such employees at the rate of eight and fifty-five hundredths percent (8.55%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

- e. Beginning July 1, 2010, through June 30, 2011, and for each fiscal year thereafter, a participating employer that employs an employee of a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher Education shall make contributions to the System with respect to such employees at the rate of eight and fifty-five hundredths percent (8.55%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

The employer contribution rate increase that would otherwise be effective as provided by subparagraphs b, c, d and e of this paragraph shall not become effective as law unless funding levels are increased so that the additional employer contribution obligation is funded through such an appropriation or transfer of monies instead of requiring the additional employer contribution to be paid for from existing budgetary resources of such participating employers. The participating employers shall use any monies specifically made available for purposes of making employer contributions for such purpose and to the extent of the funds made available for that purpose.

3. Any employer contribution paid to the System pursuant to this subsection shall not be considered as salary, fringe benefit, or total compensation due to members for the purpose of meeting any legislative or contractual obligation of the employer.

B. For entities or institutions within The Oklahoma State System of Higher Education, the contributions to the System shall be made on regular annual compensation of a member who is an employee of such entity or institution not to exceed the maximum compensation level in effect for the member as prescribed by law.

C. Employers paying contributions to the System pursuant to subsection A or B of this section shall receive credit for that portion of the gross production tax on natural gas and/or casinghead gas apportioned to the System pursuant to subsection 2 of Section 1004 of Title 68 of the Oklahoma Statutes in meeting the total required employer contribution. On an annual basis, the Board of Trustees of the Teachers' Retirement System of Oklahoma shall estimate the net additional cost required to be paid by the contributing employers in order to meet the total employer contribution as provided in subsection A or B of this section. The Board of Trustees shall approve the amount of the additional

contribution required to be paid by contributing employers as a percentage of total member salaries and fringe benefits for each fiscal year ending June 30, no later than April 1 of the previous fiscal year. In no event shall the additional contribution required to be paid by the contributing employer under this subsection be less than the contribution required under this subsection in the prior year. In the event actual contributions do not equal the required total contribution as provided in subsection A or B of this section, the net difference between the actual contributions and the required total contributions shall be determined and shall be included in the amount of the additional contribution required to be paid by contributing employers for the next fiscal year. All contributing employers shall pay the same percentage of total member salaries and fringe benefits during each fiscal year. The provisions of this subsection shall terminate June 30, 1999.

D. Any school district, state college or university, State Board of Education, State Board of Career and Technology Education, or other state agency may, for and on behalf of any member of the System, pay all or any portion of the contribution required by Section 17-108 of this title. Provided, the contribution so paid by any school district, state college or university, State Board of Education, State Board of Career and Technology Education, or other state agency shall be and remain subject to the withdrawal provisions set forth under the System. Wherever the term "contribution" is used, it shall be deemed to include contributions paid for and on behalf of a member by a school district, state college or university, State Board of Education, State Board of Career and Technology Education, or other state agency.

E. All participating employers shall provide a complete record of the total compensation paid to each employee, including any person who is a retired member of the System, whether or not employer and employee contributions are made with respect to such compensation. The employer shall provide the report required by this subsection on a monthly basis on a form or using such method as the Teachers' Retirement System of Oklahoma may require and shall provide a comprehensive annual report showing the correct compensation, service credit and contributions for the prior fiscal year. Each participating employer shall provide reasonable access to its payroll records, records of contribution payments to the System and all other records relevant to the participation of its employees in the System, to the System, its employees or authorized agents. A participating employer shall cooperate with auditors retained by the System to audit its financial statements or otherwise audit the financial operations of the System.

Added by Laws 1976, c. 252, § 3, operative July 1, 1976; Laws 1978, c. 238, § 7, eff. July 1, 1978; Laws 1988, c. 165, § 25, operative July 1, 1988; Laws 1990, c. 340, § 28, eff. July 1, 1990; Laws 1992,

c. 376, § 9, eff. July 1, 1992; Laws 1994, c. 351, § 7, eff. July 1, 1994; Laws 1995, c. 333, § 1, eff. July 1, 1995; Laws 1996, c. 359, § 2, eff. July 1, 1996; Laws 1998, c. 317, § 6, eff. July 1, 1998; Laws 2001, c. 33, § 115, eff. July 1, 2001; Laws 2006, 2nd Ex.Sess., c. 46, § 4, eff. July 1, 2006; Laws 2007, c. 1, § 72, emerg. eff. Feb. 22, 2007; Laws 2007, c. 105, § 1, eff. Nov. 1, 2007; Laws 2007, c. 366, § 1, eff. Nov. 1, 2007; Laws 2016, c. 129, § 4, eff. Nov. 1, 2016.

NOTE: Laws 2006, c. 46, 2nd Ex. Sess., § 32 repealed by Laws 2007, c. 1, § 73, emerg. eff. Feb. 22, 2007.

§70-17-108.2. Picked up contributions.

A. Beginning July 1, 2019, and for each plan year thereafter, a person employed by any school district or employed by a technology center school district, who holds a valid certificate issued by the State Department of Education or the State Board of Career and Technology Education, and is employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, superintendent, counselor, librarian or certified or registered nurse shall have credited against the employee contribution amount, an annual amount based upon qualifying years of service as follows:

YEARS OF SERVICE	CREDIT AMOUNT
0	\$60.15
1	\$103.41
2	\$145.65
3	\$188.15
4	\$233.33
5	\$278.76
6	\$325.26
7	\$372.82
8	\$421.44
9	\$471.12
10	\$521.87
11	\$573.67
12	\$626.54
13	\$680.48
14	\$735.47
15	\$791.53
16	\$848.65
17	\$906.83
18	\$966.07
19	\$1,026.38
20	\$1,087.75
21	\$1,150.18
22	\$1,213.68
23	\$1,278.23
24	\$1,343.85

25 or more

\$1,410.53

B. The state shall pick up for tax purposes and pay the annual amount prescribed by subsection A of this section, based upon the conditions prescribed by subsection A of this section, to the Teachers' Retirement System. The annual amount prescribed by subsection A of this section shall be divided into monthly amounts as may be required in order to give full effect to the credit amount without the necessity of dividing the annual credit amount into twelve (12) equal installments.

C. If an eligible member under this section terminates service prior to June 30 of any applicable plan year, the amounts prescribed by subsection A of this section, and transferred to the Teachers' Retirement System from the State Board of Education and the State Board of Career and Technology Education shall be retained by the Teachers' Retirement System of Oklahoma and treated as an actuarial gain of the System.

D. If an employing school district has contractually committed to make payment of the employee contributions required by Section 17-116.2 of this title for a member who is eligible for the credit amount prescribed by subsection A of this section for the fiscal year, using funds available to the district and not by effecting the employee contribution through a deduction from the member's gross salary, the district shall pay additional compensation to each of its eligible teachers in an amount equal to the amount prescribed by subsection A of this section based upon the number of years of teaching experience of the eligible member.

E. If an eligible member is hired by a school district or a technology center school district and receives compensation for less than one hundred eighty (180) days of service, the district shall determine a pro rata amount of the annual credit amount and shall pay additional compensation to the member equal to the pro rata amount for each month during which the member is employed. The monthly credit amount for such member shall be added to the member's compensation beginning with the first full month during which the member is employed by the district.

F. The amount required to be added to the compensation of the eligible member pursuant to subsection D of this section shall be subject to any applicable federal or state taxes upon the additional income.

G. The amount required to be added to the compensation of the eligible member pursuant to subsection D of this section shall not be treated as regular annual compensation for purposes of Section 17-116.2 of this title or as salary or fringe benefits for purposes of determining any applicable statutory minimum salary requirements or for purposes of meeting the requirements of any locally adopted salary schedule.

H. The employing district shall prepare its payroll records to reflect that the total employee contribution amount, for the salary not in excess of the applicable minimum salary amount, has been paid pursuant to a combination of the payment from the funds of the employing district and the amount credited to the employee contribution account of the member pursuant to subsection A of this section.

I. If an employing school district has contractually committed to deduct employee contributions required by Section 17-116.2 of this title by effecting the employee contribution through a deduction from the member's gross salary, the district shall decrease the amount of the payroll deduction for such employee contribution by the amount as prescribed in subsection A of this section, based upon the number of years of teaching experience of the member. The amount required to be subtracted from the amount by which the employee's gross salary would otherwise be reduced pursuant to this subsection shall be subject to any applicable federal or state taxes. The employing district shall prepare its payroll records to reflect that the total employee contribution amount, for the salary not in excess of the applicable minimum salary amount, has been paid pursuant to a combination of the deduction from the member's salary and the amount credited to the employee contribution account of the member pursuant to subsection A of this section.

Added by Laws 1997, c. 300, § 1, eff. July 1, 1997. Amended by Laws 1998, c. 378, § 1, eff. July 1, 1998; Laws 2000, c. 418, § 82, eff. July 1, 2000; Laws 2001, c. 33, § 116, eff. July 1, 2001; Laws 2019, c. 268, § 3, eff. July 1, 2019.

§70-17-109. Exemption from legal process.

A. Except as otherwise provided by this section, the right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance itself, any optional benefit, or any other right accrued or accruing to any person under the provisions of this act, and the monies in the various funds created by this act, are hereby exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as in this act specifically provided.

Notwithstanding the foregoing, the Board of Trustees may approve any offset of a member's benefit to pay a judgment or settlement against a member for a crime involving the System, for a breach of the member's fiduciary duty to the System, or for funds or monies incorrectly paid to a member or a beneficiary by mistake, provided such offset is in accordance with the requirements of Section 401(a) (13) of the Internal Revenue Code of 1986.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or provision of support for a minor child or children and which creates or recognizes the existence of the right of an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the Retirement System.

3. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board of Trustees and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the Retirement System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the Retirement System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the Retirement System,
- b. does not require the Retirement System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the Retirement System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the Retirement System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Board of Trustees of the Teachers' Retirement System of Oklahoma shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board of Trustees pursuant to this subsection in order to continue receiving his or her benefit.

Added by Laws 1969, c. 157, § 9, operative Aug. 2, 1969. Amended by Laws 1971, c. 281, § 24-122, eff. July 2, 1971; Laws 1989, c. 249, § 43, eff. Jan. 1, 1989; Laws 1993, c. 322, § 17, emerg. eff. June 7, 1993; Laws 1998, c. 198, § 8, eff. Nov. 1, 1998; Laws 1999, c. 257, § 27, eff. July 1, 1999.

§70-17-109.1. Confidentiality of records.

All information, documents and copies thereof contained in a member's retirement file shall be given confidential treatment and shall not be made public by the System without the prior written consent of the member to which it pertains, but shall be subject to subpoena or court order with the exception of the member's name, age, amount of contributions paid in, benefits being paid, amount of credited service and any documents verifying credits, service, or benefits which shall not be subject to the confidentiality provisions of this section.

Added by Laws 1986, c. 259, § 62, operative July 1, 1986. Amended by Laws 1986, c. 260, § 1, operative July 1, 1986; Laws 2010, c. 357, § 5, eff. July 1, 2010.

NOTE: Sections 17-101 through 17-119 of this title were designated Article XVII of the Oklahoma School Code by Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-110. Fraud - Errors in record.

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified, any record or records of this retirement system in any attempt to defraud such system as a result of such act shall be guilty of a felony. Should any charge or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error, and so far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be

paid, and to take from the Interest Fund sufficient to reimburse the Fund where an overpayment had already been made, and any such overpayment recovered from the member shall be placed in the Interest Fund.

Added by Laws 1969, c. 157, § 10, operative Aug. 2, 1969. Amended by Laws 1971, c. 281, § 24-122, eff. July 2, 1971; Laws 1997, c. 133, § 575, eff. July 1, 1998.

§70-17-111. Official bonds.

The Treasurer of the State of Oklahoma shall upon becoming custodian of the Teachers' Retirement Fund, give a bond in the sum of Fifty Thousand Dollars (\$50,000.00); the Executive Director shall give bond in the sum of Twenty-five Thousand Dollars (\$25,000.00); and the Board of Trustees shall require any other employees and members of the Board of Trustees to give bond in such amounts as the Board may deem necessary, conditioned that said bonded persons will faithfully execute the duties of the respective offices. All bonds shall be made with a good and solvent surety company, authorized to do business in the State of Oklahoma; said bonds shall be made payable to the Board of Trustees and shall be approved by it and the Attorney General of Oklahoma. All expense necessary and incident to the execution of such bonds, including premiums thereon, shall be paid by the Board of Trustees from the Expense Fund.

Added by Laws 1969, c. 157, § 11, operative Aug. 2, 1969. Amended by Laws 2010, c. 357, § 6, eff. July 1, 2010.

NOTE: Sections 17-101 through 17-119 of this title were designated Article XVII of the Oklahoma School Code by Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-112. Audit of funds, accounts and assets.

It shall be the duty of the State Auditor and Inspector to audit annually the funds, accounts and assets of the Teachers' Retirement System.

Laws 1969, c. 157, § 12, operative Aug. 2, 1969; Laws 1971, c. 281, § 24-122, eff. July 2, 1971; Laws 1978, c. 238, § 8, eff. July 1, 1978.

§70-17-113. Time spent in military service - Limitations.

In determining annual increments for teacher salaries and in computing Foundation Aid, time spent in military service during a period of national emergency shall be counted, not to exceed five (5) years prior to the current year. No more than five (5) years of such military service shall be used in determining eligibility or benefits under the Teachers' Retirement System.

Laws 1969, c. 157, § 13, operative Aug. 2, 1969; Laws 1971, c. 281, § 24-122, eff. July 2, 1971.

§70-17-114. Repealed by Laws 2010, c. 392, § 6, emerg. eff. June 7, 2010.

§70-17-114.1. Repealed by Laws 1981, c. 340, § 28, eff. July 1, 1981.

§70-17-114.2. Unclassified positions.

A. The executive director, assistant executive director and secretary-treasurer of the system shall be unclassified positions. Twenty-two (22) full-time-equivalent employees of the system shall be unclassified administrative assistants.

B. Beginning on the effective date of this act, all offices, positions, and personnel of the Teachers' Retirement System of Oklahoma shall be in the unclassified service, except as provided in Section 840-4.2 of Title 74 of the Oklahoma Statutes. All future appointees to positions in the Teachers' Retirement System of Oklahoma shall be in the unclassified service.

Added by Laws 1982, c. 329, § 6, eff. July 1, 1982. Amended by Laws 1985, c. 180, § 5, eff. July 1, 1985; Laws 1987, c. 231, § 4, eff. July 1, 1987; Laws 2000, c. 299, § 2, eff. July 1, 2000; Laws 2010, c. 392, § 5, emerg. eff. June 7, 2010; Laws 2011, c. 1, § 43, emerg. eff. March 18, 2011.

NOTE: Laws 2010, c. 357, § 7 repealed by Laws 2011, c. 1, § 44, emerg. eff. March 18, 2011.

§70-17-115. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-17-116. Repealed by Laws 2019, c. 268, § 7, eff. July 1, 2019.

§70-17-116.1. Increase in retirement benefits.

A. Every annuitant receiving retirement benefits from the system as of June 30, 1986, shall receive, on July 1, 1986, a six percent (6%) increase in retirement benefits.

B. Any member who retires during the period beginning July 1, 1986, through October 1, 1986, shall receive a six percent (6%) increase in their monthly benefit as computed pursuant to the provisions of Sections 17-101 through 17-116 of this title and Section 17-116.2 of this title.

Amended by Laws 1985, c. 180, § 6, eff. July 1, 1985; Laws 1986, c. 283, § 4, operative July 1, 1986.

§70-17-116.2. Retirement allowance - Calculation - Contribution rates and benefits - Service credits.

A. 1. Beginning July 1, 1987, and prior to July 1, 1995, a member who retires on or after the member's normal retirement age or whose retirement is because of disability shall receive an annual

allowance for life, payable monthly, in an amount equal to two percent (2%) of the member's highest three-year average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service.

A classified member who retired prior to July 1, 1986, shall have the member's retirement allowance calculated on a minimum average salary of Eleven Thousand Five Hundred Dollars (\$11,500.00) or on the member's current minimum average salary plus Two Thousand Dollars (\$2,000.00), whichever is greater. Beginning July 1, 1994, a classified member who retired prior to July 1, 1993, shall have the member's retirement allowance calculated on the member's current minimum average salary plus Five Hundred Fifty Dollars (\$550.00). An unclassified member who retired prior to July 1, 1986, shall have the member's retirement allowance calculated on a minimum average salary of Nine Thousand Five Hundred Dollars (\$9,500.00) or on the member's current minimum average salary plus One Thousand Dollars (\$1,000.00), whichever is greater. Beginning July 1, 1994, an unclassified member who retired prior to July 1, 1993, shall have the member's retirement allowance calculated on the member's current minimum average salary plus Two Hundred Seventy-five Dollars (\$275.00). Those individuals receiving benefits pursuant to subsection (3) of Section 17-105 of this title whose benefits commenced prior to July 1, 1993, shall receive an increase in benefits of two and one-half percent (2 1/2%). No retirement benefit payments shall be made retroactively.

For those members retiring before normal retirement age, except for those members retiring because of a disability, the retirement allowance shall be subject to adjustment in accordance with the actuarial equivalent factors adopted by the Board of Trustees.

2. Beginning July 1, 1995, a member, who has no service performed on or after July 1, 1995, for an entity or institution within The Oklahoma State System of Higher Education, who retires on or after the member's normal retirement age or whose retirement is because of disability shall receive an annual allowance for life, payable monthly as follows:

- a. if the member becomes a member after June 30, 1995, and was not eligible to become a member prior to July 1, 1995, in an amount equal to two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service, or
- b. if the member became a member or is eligible to become a member prior to July 1, 1995, and elected to have a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00) pursuant to paragraph 1 of subsection C of this section or pursuant to subsection E of this section, or if the member's salary has never exceeded Twenty-five Thousand Dollars

(\$25,000.00) prior to July 1, 1995, in an amount equal to:

- (1) two percent (2%) of the member's average salary upon which member contributions were made not to exceed Forty Thousand Dollars (\$40,000.00), multiplied by the number of the member's years of credited service authorized and performed prior to July 1, 1995, plus any years of prior service authorized under this title, plus
- (2) two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of credited service authorized and performed after June 30, 1995, or

c. if the member became a member or is eligible to become a member prior to July 1, 1995, and was eligible to elect to have a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00) and did not elect or elected not to have a maximum compensation level of Forty Thousand Dollars (\$40,000.00) pursuant to paragraph 1 of subsection C of this section or pursuant to subsection E of this section, in an amount equal to:

- (1) two percent (2%) of the member's average salary upon which member contributions were made not to exceed Twenty-five Thousand Dollars (\$25,000.00), multiplied by the number of the member's years of credited service authorized and performed prior to July 1, 1995, plus any years of prior service authorized under this title, plus
- (2) two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of credited service authorized and performed after June 30, 1995.

B. Except as otherwise provided for in this section, the amount contributed by each member to the retirement system shall be:

1. Beginning July 1, 1992, through June 30, 1996, six percent (6%) of the regular annual compensation of such member not in excess of Twenty-five Thousand Dollars (\$25,000.00) and beginning July 1, 1995, through June 30, 1996, six percent (6%) of the maximum compensation level;

2. Beginning July 1, 1996, through June 30, 1997, six and one-half percent (6 1/2%) of the regular annual compensation of members, who are not employed by an entity or institution within The Oklahoma State System of Higher Education not in excess of Twenty-five Thousand Dollars (\$25,000.00) and beginning July 1, 1996, through

June 30, 1997, six and one-half percent (6 1/2%) of the regular annual compensation of members, who are employed by an entity or institution within The Oklahoma State System of Higher Education, not in excess of Twenty-five Thousand Dollars (\$25,000.00);

3. Beginning July 1, 1997, seven percent (7%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member; and

4. All public schools in this state shall treat the employee contributions as being picked up under the provisions of Section 414 (h) (2) of the Internal Revenue Code of 1986 in determining tax treatment.

Subject to Internal Revenue Service approval, paragraph 4 of this subsection shall not apply to a comprehensive university group established on or before July 1, 1998, whose employee contributions were consistently treated as not picked up as of July 1, 1998, and at all times thereafter.

C. 1. Prior to July 1, 1995, an active member of the System may elect to have a maximum compensation level of Forty Thousand Dollars (\$40,000.00). Such an election shall be made in writing and filed with the System. Members whose salaries are in excess of Twenty-five Thousand Dollars (\$25,000.00) on July 20, 1987, shall file the election with the System prior to January 1, 1988. Members whose salaries exceed Twenty-five Thousand Dollars (\$25,000.00) after July 20, 1987, shall file the election when the salary exceeds Twenty-five Thousand Dollars (\$25,000.00). If a member makes such an election, the member shall contribute the following amounts:

- a. beginning July 1, 1992, through June 30, 1993, eleven percent (11%) of the regular annual compensation of such member that is in excess of Twenty-five Thousand Dollars (\$25,000.00) and is not in excess of Forty Thousand Dollars (\$40,000.00),
- b. beginning July 1, 1993, through June 30, 1994, nine percent (9%) of the regular annual compensation of such member that is in excess of Twenty-five Thousand Dollars (\$25,000.00) and is not in excess of Forty Thousand Dollars (\$40,000.00), and
- c. beginning July 1, 1994, through June 30, 1995, eight percent (8%) of the regular annual compensation of such member that is in excess of Twenty-five Thousand Dollars (\$25,000.00) and is not in excess of Forty Thousand Dollars (\$40,000.00). Except as provided in subsection E of this section, any such election shall be irrevocable.

2. After June 30, 1995, in addition to the amount contributed by each member to the retirement system pursuant to subsection B of this section, the total amount contributed by each member to the retirement system shall include, beginning July 1, 1995, through June

30, 1997, seven percent (7%) of the regular annual compensation of each member, who is not employed by an entity or institution within The Oklahoma State System of Higher Education, that is in excess of Twenty-five Thousand Dollars (\$25,000.00) and beginning July 1, 1996, through June 30, 1997, seven percent (7%) of the regular annual compensation of each member who is employed by an entity or institution within The Oklahoma State System of Higher Education in excess of Twenty-five Thousand Dollars (\$25,000.00), but not in excess of any applicable maximum compensation level of the member.

D. 1. Any member who was a contributing member of the Retirement System between July 1, 1987, and June 30, 1995, who at the time the member was eligible to make an election to increase the maximum compensation level of the member, failed to make an election or chose not to increase the maximum compensation level of the member to Forty Thousand Dollars (\$40,000.00), may elect to make back contributions to the Retirement System. The member shall complete a new election form and file with the Board of Trustees, the form and a payment equaling the difference between the amount contributed at the twenty-five-thousand-dollar level and the appropriate contribution on compensation in excess of Twenty-five Thousand Dollars (\$25,000.00) up to a maximum of Forty Thousand Dollars (\$40,000.00) shall be made prior to the official retirement date of the member. The required payment shall include any contribution required by the employing school district, and shall include interest compounded annually at ten percent (10%) per annum of both employer and employee contributions.

2. Any changes made pursuant to this subsection shall be irrevocable.

E. 1. An individual who withdrew from the Teachers' Retirement System and whose salary was in excess of Seven Thousand Eight Hundred Dollars (\$7,800.00) and had elected to contribute only on Seven Thousand Eight Hundred Dollars (\$7,800.00) before his or her withdrawal shall contribute on the earning ceiling as provided for in this section on his or her reentry into membership in the Teachers' Retirement System.

2. An individual who elected to contribute on a maximum of Seven Thousand Eight Hundred Dollars (\$7,800.00) per annum shall, beginning July 1, 1979, contribute on his or her earning ceiling as provided for in this section.

3. Any member who elected to contribute on Seven Thousand Eight Hundred Dollars (\$7,800.00) prior to January 1, 1978, and whose salary was more than Seven Thousand Eight Hundred Dollars (\$7,800.00) during the school years 1974-75 through 1978-79 may elect to make back contributions to the retirement system by paying the five percent (5%) contributions on the difference between Seven Thousand Eight Hundred Dollars (\$7,800.00) and the actual salary of the member, not to exceed Ten Thousand Dollars (\$10,000.00) for each

applicable school year, plus interest compounded annually at ten percent (10%) per annum. Such payment shall be made prior to the official retirement date of the member.

F. Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period, the proper percentage of his or her earnable compensation as provided for in subsection B or subsection C of this section.

1. Deductions shall begin with the first payroll period of the school year. In determining the amount earnable by a member in a payroll period, the Board of Trustees shall consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full period, and to facilitate the making of deductions, it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percent ($1/10$ of 1%) of the annual compensation upon the basis of which such deduction is to be made. Prior to January 1, 1991, any active contributing member who joined the System subsequent to July 1, 1943, may pay the normal cost, which shall mean the single sum which would have been paid under existing statutes at the time the service was performed, plus interest, for years of teaching service in Oklahoma from the date of establishment of the System in 1943 to date of membership, in a lump sum, or in installments equal to establishing one (1) year of creditable service. Effective January 1, 1991, any active contributing member who joined the System subsequent to July 1, 1943, may pay the amount determined by the Board of Trustees pursuant to Section 17-116.8 of this title for years of teaching service in Oklahoma from the date of establishment of the System in 1943 to date of membership, in a lump sum, or in installments equal to establishing one (1) year of creditable service. For purposes of this option, teaching service in Oklahoma shall include the teaching of vocational agricultural courses within Oklahoma for the federal government. Years for which contributions are paid shall count as membership service under this plan. A member may receive credit for not more than five (5) years of teaching service rendered while in the Peace Corps or in the public schools of a territory of the United States or the public schools, American Military Dependent Schools or state colleges or state universities outside this state by paying his or her contributions, plus interest, and membership fees to the retirement system, subject to the regulations of the Board of Trustees, providing he or she is not receiving and is not eligible to receive retirement credit or benefits from said service in any other public retirement system of this state, or any other state or territory of the United States subject to the following provisions:

- a. the member is required to have two (2) years of employed service teaching earned in Oklahoma for each year of Peace Corps, territorial, out-of-state, noncovered in-state or military membership credit granted.
- b. prior to January 1, 1991, the out-of-state or noncovered in-state payment shall be the normal cost, which means the single sum which would have been paid under existing law at the time the service was performed, plus interest, on the basis of what his or her annual salary would have been in Oklahoma or out of state, whichever is greater, had he or she been employed as a teacher. Effective January 1, 1991, the Peace Corps, territorial, out-of-state or noncovered in-state payment shall be the amount determined by the Board of Trustees pursuant to Section 17-116.8 of this title.

2. In addition to the deductions hereinabove provided for, any member who becomes a member of the Armed Forces of the United States of America during any period of national emergency, including World War II, the Korean conflict, the Vietnam conflict or others as may be determined by the Board of Trustees, or whose entrance into or training for the teaching profession was interrupted by his or her entrance into the Armed Forces, and who was or shall have become a member of the Teachers' Retirement System shall be granted the privilege of making up his or her five percent (5%) contributions as provided for in this section until January 1, 1991, for not to exceed five (5) years of service in the Armed Forces by electing to pay said contributions on the basis of the rate of pay in his or her contract as a teacher at the time his or her service in the Armed Forces commenced or in the case of a teacher who was not teaching prior to entering the Armed Forces, on the basis of the salary of the first year of teaching after being honorably discharged from the Armed Forces. Effective January 1, 1991, the member will receive such service upon payment of the amount determined by the Board of Trustees pursuant to Section 17-116.8 of this title. Such contributions shall be credited in the regular manner, and the period for which said contributions were paid shall be counted as creditable years of service and allocated to the period during which the military service was rendered, except that the period for which contributions were paid must have been continuous and shall be credited in the aggregate, regardless of fiscal year limitations. Notwithstanding any provision herein to the contrary, contributions, benefits and service credit with respect to qualified military service as defined by Section 414(u) of the Internal Revenue Code of 1986 shall be provided in accordance with Section 414(u) of the Internal Revenue Code.

3. Retirement benefits for all service credits purchased pursuant to this subsection shall be determined in accordance with the provisions of paragraph 2 of this subsection.

G. Effective July 1, 2004, the total creditable service of a member who retires or terminates employment and elects a vested benefit shall include not to exceed one hundred twenty (120) days of unused sick leave accumulated subsequent to August 1, 1959. Twenty (20) days of unused sick leave shall equal one (1) month for purposes of creditable service credit. If the member becomes a member or was eligible to become a member prior to July 1, 1995, the year of credit received in this section shall be treated as service earned prior to July 1, 1995. This subsection shall apply to members retiring or vesting on or after the effective date of this act and shall not be retroactive.

H. Any member who:

1. Shall be absent from the teaching service because of election to the State Legislature or appointment to the executive branch in an education-related capacity shall be allowed thirty (30) days from the date as of which the person is officially elected or appointed to file an election with the Teachers' Retirement System to retain his or her membership in the Teachers' Retirement System upon payment of the contribution required of other members and employers of said members as provided for in this section and his or her service credits shall continue to be accumulated during such absence, provided he or she is not receiving retirement credits or benefits from said service beginning after July 1, 1992, in other public retirement systems; or

2. Became an employee of the Oklahoma Commission for Teacher Preparation on or subsequent to June 1, 2001, but prior to July 1, 2002, who was previously employed by a participating employer within the Teachers' Retirement System of Oklahoma, may elect to cancel any accumulated service credit accrued within the Oklahoma Public Employees Retirement System on or after June 1, 2001, but prior to July 1, 2002, by filing an election with the Oklahoma Public Employees Retirement System for the cancellation of such service credit. The election shall be irrevocable and shall require the Oklahoma Public Employees Retirement System to transfer all accumulated employer and employee contributions made on behalf of or by the person making such election to the Teachers' Retirement System for such period of time. The Teachers' Retirement System shall compute the employee contributions that would have been made to the System by such employee if the contributions had been computed pursuant to this section. In order to receive the full amount of creditable service for the period of time on or after June 1, 2001, but not later than June 30, 2002, the employee shall be required to pay any difference between the transferred employee contributions and the amount computed by the Teachers' Retirement System. The employee

may make payment of any required amount in the manner provided by and subject to the requirements of Section 17-116.8 of this title. After payment of all required employee contributions, the Teachers' Retirement System shall credit the period of time represented by the transferred employee contributions as creditable service within the meaning of Section 17-101 of this title. After the transfer of the employee contributions, the Oklahoma Public Employees Retirement System shall cancel any service credit previously accumulated for the period of time represented by such transferred employee contributions. Any person who makes the election provided for by this paragraph, and who continues employment with the Oklahoma Commission for Teacher Preparation on or after July 1, 2002, shall continue to accrue service credit in the Teachers' Retirement System of Oklahoma. The employer shall make employer contributions according to the requirements of Section 17-108.1 of this title and shall provide for the deduction of employee contributions as required by this section.

I. Any member who shall be absent from the teaching service because of election or appointment as a local, state or national education association officer, prior to January 1, 2011, shall be allowed to retain his or her membership in the Teachers' Retirement System upon payment of the contribution required of other members and employers of said members as provided for in this section and his or her service credits shall continue to be accumulated during such absence. Provided, however, any one such absence shall not exceed twelve (12) continuous years. No member who has less than ten (10) years of contributory service on July 1, 1994, may make this election after June 30, 1994. Members contributing to the System on July 1, 1994, may continue to contribute under this subsection until they have completed eight (8) years allowed by this subsection. The member may file for retirement when otherwise eligible for retirement as provided by Section 17-105 of this title.

J. A member may receive credit for those years of service accumulated by the member while employed by an entity which is a participating employer in 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, or the Oklahoma Public Employees Retirement System, if the member is not receiving or eligible to receive retirement credit or benefits from said service in any other public retirement system. A member also may receive credit for those years of service with the Department of Wildlife Conservation or with an employer that is a participating employer within one of the state retirement systems specifically referred to in this section when at the time of such service by the member the employer was not such a participating employer, if the member is not receiving or eligible to receive retirement credit or benefits from said service in any other

public retirement system. To receive the service credit provided in this subsection, the member shall pay the amount determined by the Board of Trustees pursuant to Section 17-116.8 of this title. For purposes of this subsection, creditable service transferred from the Oklahoma Public Employees Retirement System shall include service authorized under paragraph (f) of subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes as amended from time to time. Members who retire prior to July 1, 1993, shall have their monthly benefit adjusted to include all services accrued under paragraph (f) of subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes. Provided however, any adjustment of existing retirement benefits caused by reason of inclusion of such service authorized under paragraph (f) of subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes shall not affect any retirement benefit paid prior to July 1, 1993.

K. 1. An active member of the Teachers' Retirement System of Oklahoma may receive credit for those years of service accumulated by the member while a member of the Oklahoma Public Employees Retirement System if:

- a. the member is an active member of the Teachers' Retirement System of Oklahoma, and
- b. the member provides notice to the Oklahoma Public Employees Retirement System and the Teachers' Retirement System of Oklahoma of the member's election to transfer said service credit. The notice shall include a list of the years to be transferred, and
- c. the member is not receiving or eligible to receive retirement credit or benefits from said service in any other public retirement system, notwithstanding the years of service sought to be transferred under this subsection.

Members electing to take advantage of the transfer authorized by this subsection who are receiving or eligible to receive retirement credit or benefits from said service in any other public retirement system shall have all service credit with the Oklahoma Public Employees Retirement System canceled which is not transferred to the Teachers' Retirement System of Oklahoma or used as a cash offset in such a transfer pursuant to subparagraph d of paragraph 2 of this subsection. Service credit transferred to the Teachers' Retirement System of Oklahoma under this subsection shall also be canceled with the Oklahoma Public Employees Retirement System.

2. For purposes of this subsection, the "sending system" shall mean the Oklahoma Public Employees Retirement System. The "receiving system" shall mean the Teachers' Retirement System of Oklahoma.

- a. Within thirty (30) days notification of an intent to transfer is received by the sending system, the sending

system shall, according to its own rules and regulations:

- (1) for members who have accrued at least eight (8) years of credited service with the sending system, determine the present value of the member's earned benefits attributable to the years of service sought to be transferred, discounted according to the member's age at the time of transfer and computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest and mortality assumptions consistent with the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation, but shall not make any projections regarding future salary. For employees who have accrued at least eight (8) years of credited service, the sending system shall use the product of this calculation for purposes of determining the transfer fee to be paid by the employee under subparagraph c of this paragraph so long as it is greater than the product of the calculation in division (2) of this subparagraph, and
 - (2) determine the sum of the employee and employer contributions applicable to the years of service sought to be transferred plus interest consistent with the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation. For all nonvested members, and for members who have accrued at least eight (8) years of credited service, if the product of this calculation is greater than the product of the calculation in division (1) of this subparagraph, the sending system shall use the product of this calculation for purposes of determining the amount to be transferred by the sending system under subparagraph c of this paragraph and any transfer fee to be paid by the member under subparagraph d of this paragraph.
- b. Within thirty (30) days notification of an intent to transfer is received by the receiving system, the receiving system shall determine, according to the system's own rules and regulations, the present value of the member's incremental projected benefits discounted according to the member's age at the time of the transfer. Incremental projected benefits shall be

the difference between the projected benefit said member would receive without transferring the service credit and the projected benefit after transfer of service credit computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest, salary projections and mortality assumptions consistent with the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation.

- c. The sending system shall, within sixty (60) days from the date notification of an intent to transfer is received by the sending system, transfer to the receiving system the amount determined in subparagraph a of this paragraph. Except if the cost as calculated under subparagraph a of this paragraph is greater than the actuarial value of the incremental benefit in the receiving system, as established in subparagraph b of this paragraph, the sending system shall send the receiving system an amount equal to the actuarial value of the incremental projected benefit in the receiving system.
- d. In order to receive the credit provided for in paragraph 1 of this subsection, if the cost of the actuarial value of the incremental benefit to the receiving system is greater than the cost as calculated under subparagraph a of this paragraph for the same years of service to the sending system as established in subparagraphs a and b of this paragraph, the employee shall elect to:
 - (1) pay any difference to receive full credit for the years sought to be transferred, or
 - (2) receive prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection.Such an election shall be made in writing, filed with the System prior to receiving the credit provided for in paragraph 1 of this subsection, and shall be irrevocable.

3. Within sixty (60) days of successfully completing all of the requirements for transfer under this subsection, the sending system shall pay the receiving system any amount due under this subsection. Within sixty (60) days of successfully completing all of the requirements for transfer under this subsection, the member shall pay the receiving system any amount due under this subsection. In the event that the member is unable to pay the transfer fee provided for in this subsection by the due date, the Board of Trustees of the

receiving system shall permit the member to amortize the transfer fee over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the Board of Trustees permits an alternate payment source. The amortization shall include interest in an amount not to exceed the actuarially assumed interest rate adopted by the Board of Trustees for investment earnings each year. Any member who ceases to make payment, terminates, retires or dies before completing the payments provided for in this section shall receive prorated service credit for only those payments made, unless the unpaid balance is paid by said member, his or her estate or successor in interest within six (6) months after said member's death, termination of employment or retirement, provided no retirement benefits shall be payable until the unpaid balance is paid, unless said member or beneficiary affirmatively waives the additional six-month period in which to pay the unpaid balance.

4. Years of service transferred pursuant to this subsection shall be used both in determining the member's retirement benefit and in determining the years of service for retirement and/or vesting purposes. Years of service rendered as a member of the Oklahoma Public Employees Retirement System prior to July 1, 1992, if any, shall be deemed to be years of service rendered as a member of the Teachers' Retirement System of Oklahoma prior to July 1, 1992, and shall qualify such person as a member of the Teachers' Retirement System of Oklahoma before July 1, 1992.

5. Notwithstanding the requirements of subsection (5) of Section 917 of Title 74 of the Oklahoma Statutes, members electing to take advantage of the transfer authorized by this subsection who have withdrawn their contributions from the sending system shall remit to the sending system the amount of the accumulated contributions the member has withdrawn plus simple interest of ten percent (10%) per annum prior to making said election or the election shall be deemed invalid and the transfer shall be canceled. If such an election is deemed invalid and the transfer is canceled, the accumulated contribution remitted to the sending system by the member who originally withdrew their contributions shall be returned to the member. The member's rights and obligations regarding any service credit reestablished in the sending system due to a failure to satisfy the requirements of this subsection shall be determined by the sending system in accordance with Section 901 et seq. of Title 74 of the Oklahoma Statutes.

6. If any member fails for any reason to satisfy the requirements of this subsection, the election to transfer service credit shall be void and of no effect, and any service credited as a result of this transfer shall be canceled. If such service is canceled, the years of canceled service credit which were unsuccessfully transferred to the receiving system from the sending system shall be reestablished in the sending system. The member's

rights and obligations regarding any service credit reestablished in the sending system due to a failure to satisfy the requirements of this subsection shall be determined by the sending system in accordance with Section 901 et seq. of Title 74 of the Oklahoma Statutes.

7. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this subsection.

L. Any member whose regular annual compensation was not determined as provided for by law may pay the member contribution required pursuant to subsection B of this section on such amount not included in the member's regular annual compensation and receive credit for such amount in the calculation of the member's benefit. The employees must pay the employer contributions required pursuant to Section 17-108.1 of this title. Interest at the rate of ten percent (10%) per annum shall be charged to both employee and employer contributions. Provided that the employing district may pay all or any portion of the contributions and interest the member is required to pay. Any payment by the employing district for a prior year obligation shall be considered a current obligation of the employer.

M. Any active member who elected during the 1978-79 school year to pay the difference between five percent (5%) on actual salary not exceeding Ten Thousand Dollars (\$10,000.00) and six percent (6%) on actual salary not exceeding Fifteen Thousand Dollars (\$15,000.00) shall receive credit for one (1) year of credited service upon receipt and approval of a proper request by the Board of Trustees.

N. Effective July 1, 1988, any member who is employed by the Governor, the State Senate, the House of Representatives or the Legislative Service Bureau shall be allowed to elect to retain membership in the Retirement System upon payment of the accrued and current member contributions and employer contributions as provided in subsection B of this section and Section 17-108.1 of this title. Such contributions may be paid on behalf of the member by the employing entity. Upon payment of such contributions, service credits shall continue to be accumulated during such employment. Accrued contributions shall be paid to the Retirement System by August 1, 1989. Current contributions shall be paid to the Retirement System by the tenth of the following month beginning with the month of July 1989.

O. Notwithstanding any requirements of this title to restrict the payment of service purchases, the Board of Trustees shall promulgate such rules as necessary to allow active members of the System to make installment payments for the redeposit of withdrawn accounts or other payments due under the provisions of this title. The rules shall permit the member to amortize the balance due over a period not to exceed sixty (60) months, and shall include interest consistent with the actuarial assumptions adopted by the Board of

Trustees for purposes of preparing the annual actuarial evaluation. Further, the rules shall provide that all payments must be completed prior to the effective retirement date of the member.

P. 1. A member of the Oklahoma Public Employees Retirement System who becomes a member of the Teachers' Retirement System of Oklahoma because the member has become employed by an entity or institution within The Oklahoma State System of Higher Education, State Board of Education, State Board of Career and Technology Education, Oklahoma Department of Career and Technology Education, Oklahoma School of Science and Mathematics, Oklahoma Center for the Advancement of Science and Technology, State Department of Rehabilitation Services, Oklahoma State Regents for Higher Education, Department of Corrections, State Department of Education, Oklahoma Board of Private Vocational Schools, Board of Regents of Oklahoma Colleges, Oklahoma Student Loan Authority, or the Teachers' Retirement System of Oklahoma, may elect to receive credit in the Teachers' Retirement System of Oklahoma for those years of service accumulated by the member in the Oklahoma Public Employees Retirement System pursuant to this subsection. A member shall be eligible to elect to receive credit for such years of service if:

- a. the member is an active member of the Teachers' Retirement System of Oklahoma,
- b. the member provides notice to the Teachers' Retirement System of Oklahoma and the Oklahoma Public Employees Retirement System of the member's election to transfer such retirement credit. The notice shall include a list of the years to be transferred, and
- c. the member is not receiving or eligible to receive retirement credit or benefits from such service in any other public retirement system, notwithstanding the years of service sought to be transferred under this subsection.

Members electing to take advantage of the transfer authorized by this subsection shall have all service credit with the Oklahoma Public Employees Retirement System canceled which is transferred to the Teachers' Retirement System of Oklahoma.

2. For purposes of this subsection, the "sending system" shall mean the Oklahoma Public Employees Retirement System. The "receiving system" shall mean the Teachers' Retirement System of Oklahoma. Within thirty (30) days after notification of an intent to transfer is received by the sending system, the sending system shall, according to its own rules, send to the receiving system all employer and employee contributions made on behalf of the member which were made to the sending system plus an additional amount of earnings based on the actuarial assumed rate of the sending system. Upon receipt of these contributions by the receiving system, the receiving

system shall give credit to the transferring member in an amount equal to the years of service accrued in the sending system.

3. If the transferring member's normal retirement date calculation is based upon the sum of the member's age and number of years of credited service totaling eighty (80) in the sending system, then the member shall retain such calculation in the receiving system.

4. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this subsection.

Q. A former member of the Teachers' Retirement System of Oklahoma who withdrew his or her contributions from the System prior to January 1, 1983, and who had at least ten (10) years of service in the System and purchased that service in the Oklahoma Public Employees Retirement System, may elect to revoke that purchase from the Oklahoma Public Employees Retirement System and to repay the withdrawn contributions to the System in order to be eligible, once such member reaches the normal retirement age, to receive a retirement benefit that is based upon years of service and compensation at the time such member terminated employment. In addition, such former member may elect to transfer service credit accrued in the Oklahoma Public Employees Retirement System to the Teachers' Retirement System of Oklahoma pursuant to subsection K of this section. The election, pursuant to this subsection, shall be made prior to September 1, 2000. The election and the repayment shall be made according to rules promulgated by the Board.

Added by Laws 1978, c. 238, § 11, eff. July 1, 1978. Amended by Laws 1979, c. 286, § 5, eff. July 1, 1979; Laws 1980, c. 355, § 5, eff. July 1, 1980; Laws 1982, c. 329, § 7, eff. July 1, 1982; Laws 1984, c. 267, § 8, operative July 1, 1984; Laws 1985, c. 180, § 7, eff. July 1, 1985; Laws 1986, c. 108, § 1, emerg. eff. April 5, 1986; Laws 1986, c. 283, § 5, operative July 1, 1986; Laws 1987, c. 236, § 171, emerg. eff. July 20, 1987; Laws 1988, c. 165, § 26, operative July 1, 1988; Laws 1989, c. 327, § 2, eff. July 1, 1989; Laws 1990, c. 341, § 3, eff. July 1, 1990; Laws 1991, c. 335, § 27, emerg. eff. June 15, 1991; Laws 1992, c. 212, § 1, emerg. eff. May 15, 1992; Laws 1992, c. 376, § 10, eff. July 1, 1992; Laws 1993, c. 92, § 1, eff. July 1, 1993; Laws 1994, c. 60, § 1, eff. July 1, 1994; Laws 1994, c. 383, § 7, eff. July 1, 1994; Laws 1995, c. 1, § 27, emerg. eff. March 2, 1995; Laws 1995, c. 333, § 2, eff. July 1, 1995; Laws 1996, c. 3, § 17, emerg. eff. March 6, 1996; Laws 1996, c. 359, § 3, eff. July 1, 1996; Laws 1998, c. 360, § 2, eff. July 1, 1998; Laws 1999, c. 1, § 27, emerg. eff. Feb. 24, 1999; Laws 1999, c. 257, § 28, eff. July 1, 1999; Laws 2000, c. 377, § 10, eff. July 1, 2000; Laws 2001, c. 48, § 1, eff. July 1, 2001; Laws 2002, c. 459, § 1, eff. July 1, 2002; Laws 2003, c. 3, § 80, emerg. eff. March 19, 2003; Laws 2003, c. 486, § 3, eff. July 1, 2003; Laws 2004, c. 536, § 19, eff. July 1, 2004; Laws 2005, c. 1, § 122, emerg. eff. March 15, 2005; Laws 2011, c. 203, §

3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 22, emerg. eff. April 4, 2012; Laws 2013, c. 101, § 3, eff. Nov. 1, 2013; Laws 2015, c. 250, § 1.

NOTE: Laws 1986, c. 259, § 63 repealed by Laws 1987, c. 236, § 201, emerg. eff. July 20, 1987. Laws 1989, c. 101, § 2 repealed by Laws 1990, c. 341, § 6, eff. July 1, 1990. Laws 1990, c. 340, § 29, as amended by Laws 1990, c. 334, § 7 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1994, c. 370, § 2 and Laws 1994, c. 380, § 4 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1995, c. 295, § 2 and Laws 1995, c. 329, § 1 repealed by Laws 1996, c. 3, § 25, emerg. eff. March 6, 1996. Laws 1998, c. 317, § 7 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2002, c. 406, § 1 repealed by Laws 2003, c. 3, § 81, emerg. eff. March 19, 2003. Laws 2004, c. 315, § 3 repealed by Laws 2005, c. 1, § 123, emerg. eff. March 15, 2005. Laws 2011, c. 179, § 1 repealed by Laws 2012, c. 11, § 23, emerg. eff. April 4, 2012.

§70-17-116.2A. Oklahoma State System of Higher Education - Employees of entities or institutions - Retroactive election or removal of maximum compensation level.

A. Except as otherwise provided by this section, an active contributing member of the retirement system who performed membership service as an employee of a comprehensive university on or after July 1, 1995, but not later than June 30, 1996, may with respect to membership service performed between those dates, inclusive, elect to:

1. Retroactively impose a maximum compensation level of Thirty-two Thousand Five Hundred Dollars (\$32,500.00), if the member was subject to a maximum compensation level of Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) for service performed on or after July 1, 1995, but not later than June 30, 1996; or

2. Retroactively impose a maximum compensation level of Forty-nine Thousand Dollars (\$49,000.00), if the member was subject to a maximum compensation level of Forty-four Thousand Dollars (\$44,000.00) for service performed on or after July 1, 1995, but not later than June 30, 1996.

B. Except as otherwise provided by this section, an active contributing member of the retirement system who performed membership service as an employee of an entity or institution within The Oklahoma State System of Higher Education, other than a comprehensive university, on or after July 1, 1995, but not later than June 30, 1996, may with respect to membership service performed between those dates, inclusive, elect to retroactively remove the maximum compensation level applicable to the member's compensation for any service performed during that time period.

C. A member electing a maximum compensation level or removing a maximum compensation level pursuant to subsection A or subsection B

of this section shall be required to pay to the retirement system the full amount of employer contributions and employee contributions applicable for the period of service based upon the elections authorized by this section, less the amount of employer contributions and employee contributions made or credited for that period, plus ten percent (10%) interest from the date such contributions would have been made until the payment is made to the retirement system. The interest charged pursuant to this subsection shall be compounded annually. A member may pay the amount prescribed by this subsection at any time prior to the date as of which the member files the written application for retirement with the retirement system. An entity or institution within The Oklahoma State System of Higher Education may make payment to the retirement system for any part or all of the amount required by this subsection for an employee of that entity or institution in order for retirement benefits to be computed at the applicable maximum compensation level for membership service performed on or after July 1, 1995, but not later than June 30, 1996. Any amount paid by an employer pursuant to this subsection shall be deemed to be picked up by the employer pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended.

D. If a member who elects a retroactive maximum compensation level or who elects to retroactively remove a maximum compensation level pursuant to subsection A or subsection B of this section fails to pay the amount required to receive credit for compensation earned on or after July 1, 1995, but not later than June 30, 1996, the member shall receive retirement benefits for this period of service based upon compensation upon which both the required employer and employee contributions were actually made.

E. For purposes of computing the retirement allowance of a member authorized to make the election authorized by subsection A or subsection B of this section, no member electing a retroactive maximum compensation level or retroactively removing a maximum compensation level pursuant to subsection A or subsection B of this section may receive retirement benefits for the period of service based upon compensation in excess of the amount of compensation upon which employer and employee contributions were actually paid unless full payment to the retirement system is made as required by subsection C of this section.

F. No provision contained in this section shall be considered or construed to require payment of any sum by an entity or institution within The Oklahoma State System of Higher Education of amounts owed to the retirement system by a member who makes an election authorized by subsection A or subsection B of this section.

G. A member eligible to make the election authorized by subsection A or subsection B of this section shall:

1. Make the election in writing, upon a form to be prescribed by the Board of Trustees; and

2. File the election with the Board of Trustees not later than December 31, 1996.

H. All elections authorized by the provisions of subsection A or subsection B of this section shall be permitted once, and only once, for each employee authorized to make the election. Any election made pursuant to the provisions of this section shall be irrevocable and shall bind the employee, the employee's heirs, beneficiaries and other interested persons, with respect to the amount of compensation upon which contributions shall be made and the amount of retirement benefits resulting from the election so made. Any employee who is eligible to make an election pursuant to the provisions of this section, but who fails to do so, for whatever reason, shall forfeit any right or power by the employee to attempt to exercise the election at any later time. All elections made pursuant to this section shall be operative only for service performed and compensation received from an entity or institution within The Oklahoma State System of Higher Education and shall not have any effect with respect to compensation received from any other participating employer within the Teachers' Retirement System of Oklahoma.

Added by Laws 1996, c. 359, § 4, eff. July 1, 1996.

§70-17-116.2B. Oklahoma State System of Higher Education - Employees of entities or institutions - Amount of retirement benefits.

A. Beginning July 1, 2004, a member who has any creditable service as an employee of an entity or institution within The Oklahoma State System of Higher Education on or after July 1, 1995, who retires on or after the member's normal retirement age or whose retirement is because of disability shall receive an annual allowance for life, payable monthly, as follows:

1. If the member becomes a member after June 30, 1995, and was not eligible to become a member prior to July 1, 1995, in an amount equal to two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service;

2. If the member became a member or is eligible to become a member prior to July 1, 1995, and elected to have a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00) pursuant to paragraph 1 of subsection C of Section 17-116.2 of this title or pursuant to subsection E of Section 17-116.2 of this title, or if the member's salary never exceeded Twenty-five Thousand Dollars (\$25,000.00) prior to July 1, 1995, in an amount equal to:

- a. two percent (2%) of the member's average salary upon which member contributions were made, not to exceed Forty Thousand Dollars (\$40,000.00), multiplied by the number of the member's years of creditable service

authorized and performed prior to July 1, 1995, plus any years of prior service authorized under this title, plus

- b. two percent (2%) of the average of the member's maximum compensation level upon which member contributions were made for those years between July 1, 1995, and June 30, 2007, in which the member's regular annual compensation meets or exceeds the maximum compensation level in effect for the member for the period July 1, 1995, through June 30, 2007, multiplied by the number of the member's years of creditable service for the period July 1, 1995, through June 30, 2007, in which the member's regular annual compensation meets or exceeds the maximum compensation in effect for the member for the period July 1, 1995, through June 30, 2007, plus
- c. two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service authorized and performed for an employer other than a comprehensive university or for service performed for an employer other than an entity or institution within The Oklahoma State System of Higher Education on or after July 1, 1995, but not later than June 30, 2007, plus
- d. two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service in which contributions were made that did not meet or exceed the member's maximum compensation level in effect for the member for the period July 1, 1995, through June 30, 2007, and the number of the member's years of creditable service authorized and performed after June 30, 2007;

3. If the member became a member or is eligible to become a member prior to July 1, 1995, and was eligible to elect to have a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00) and did not elect or elected not to have a maximum compensation level of Forty Thousand Dollars (\$40,000.00) pursuant to paragraph 1 of subsection C of Section 17-116.2 of this title or pursuant to subsection E of Section 17-116.2 of this title, in an amount equal to:

- a. two percent (2%) of the member's average salary upon which member contributions were made, not to exceed Twenty-five Thousand Dollars (\$25,000.00), multiplied by the number of the member's years of creditable service authorized and performed prior to July 1, 1995,

plus any years of prior service authorized under this title, plus

- b. two percent (2%) of the average of the member's maximum compensation level upon which member contributions were made for those years of service between July 1, 1995, and June 30, 2007, in which the member's regular annual compensation meets or exceeds the maximum compensation level in effect for the member for the period July 1, 1995, through June 30, 2007, multiplied by the number of the member's years of creditable service for the period July 1, 1995, through June 30, 2007, in which the member's regular annual compensation meets or exceeds the maximum compensation in effect for the member for the period July 1, 1995, through June 30, 2007, plus
- c. two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service authorized and performed for an employer other than a comprehensive university or for service performed for an employer other than an entity or institution within The Oklahoma State System of Higher Education on or after July 1, 1995, but not later than June 30, 2007, plus
- d. two percent (2%) of the member's average salary upon which member contributions were made, multiplied by the number of the member's years of creditable service in which contributions were made that did not meet or exceed the member's maximum compensation level in effect for the member for the period July 1, 1995, through June 30, 2007, and the number of the member's years of creditable service authorized and performed after June 30, 2007;

4. Any member who retired on or after July 1, 1995, shall be eligible to have the benefits recalculated in accordance with the terms and provisions of paragraphs 2 and 3 of this section. In the event such calculation results in an increase in benefits, such benefits will be adjusted commencing January 1, 2005, and thereafter. No such recalculation shall be applied in a retroactive manner to result in any increase in benefits which have been paid between July 1, 1995, and December 31, 2004;

5. For purposes of this section, the term "average of the member's maximum compensation level" means an average of the annual salary on which the maximum contributions were made to the Teachers' Retirement System of Oklahoma for the period between July 1, 1995, and June 30, 2007. The average for each member will be applied in accordance with paragraph (15) of Section 17-101 of this title;

6. In the event there are insufficient number of years for the time period between July 1, 1995, and June 30, 2007, to reach the high three (3) or high consecutive five (5) years in accordance with paragraph (15) of Section 17-101 of this title, the member's maximum compensation level shall be determined by an average of the salary on which maximum contributions were made. In no case shall the member's maximum compensation level exceed the average salary as determined by paragraph (15) of Section 17-101 of this title; and

7. Beginning July 1, 2018, an active member of the Teachers' Retirement System of Oklahoma who is employed and participating with an entity or institution within The Oklahoma State System of Higher Education may purchase not to exceed two (2) years of incentive credit if:

- a. the member has reached his or her normal retirement date or is within two (2) years of reaching the member's normal retirement date as authorized in Section 17-105 of this title, or
- b. the member is eligible for or is within two (2) years of being eligible for early retirement pursuant to paragraph 1 of subsection A of Section 17-116.2 of this title.

B. Purchased incentive credit may only be used as participation service to qualify the member for normal or early retirement.

C. To receive the incentive credit, the member shall pay the amount determined by the Board pursuant to Section 17-116.8 of this title.

Added by Laws 1996, c. 359, § 5, eff. July 1, 1996. Amended by Laws 1999, c. 105, § 2, eff. July 1, 1999; Laws 2004, c. 385, § 11, eff. July 1, 2004; Laws 2018, c. 44, § 2, eff. Nov. 1, 2018.

§70-17-116.2C. Definitions - Computation of retirement benefits - Pre-cap removal service - Payment of contribution deficit amount.

A. As used in this section:

1. "Contribution deficit" means the amount of money computed for an eligible employee by multiplying the employee contribution rate in effect for any period of service performed on or after July 1, 1987, through June 30, 1995, multiplied by the amount of salary earned by the member in excess of the applicable maximum compensation level of the member for such period with interest at the rate of ten percent (10%) per year compounded annually; provided, that for the designated fiscal years prescribed by subparagraphs a and b of this paragraph, the contribution deficit payment shall be adjusted to:

- a. fifty percent (50%) of the total amount of the computation otherwise prescribed by this paragraph for the fiscal year ending June 30, 2007,

- b. seventy-five percent (75%) of the total amount of the computation otherwise prescribed by this paragraph for the fiscal year ending June 30, 2008, and
- c. one hundred percent (100%) of the total amount of the computation otherwise prescribed by this paragraph for the fiscal year ending June 30, 2009, and for each fiscal year thereafter;

2. "Eligible employee" means a member of the System who has not retired prior to the effective date of this act and who has performed service at any time prior to June 30, 1995, and who fulfills the requirements of this act with respect to inclusion of pre-cap removal years of service in a retirement benefit computation and:

- a. who has already reached a normal retirement age prior to the effective date of this act and has not retired prior to the effective date of this act,
- b. who reaches a normal retirement age on or after the effective date of this act, and
- c. who is employed by an institution within The Oklahoma State System of Higher Education that is not a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher Education;

3. "Maximum average salary amount", subject to the requirements of this paragraph related to the funding level for employer contribution rates, means:

- a. Sixty Thousand Dollars (\$60,000.00) regardless of any otherwise applicable maximum compensation level for the fiscal year ending June 30, 2007,
- b. Eighty Thousand Dollars (\$80,000.00) regardless of any otherwise applicable maximum compensation level for the fiscal year ending June 30, 2008, and
- c. the full amount of the average salary without any limitation for the fiscal year ending June 30, 2009, and or each fiscal year thereafter.

The maximum final average salary amount otherwise authorized pursuant to subparagraph b or subparagraph c of this paragraph shall be contingent upon the participating employer in whose employment the member is active upon the date the member retires receiving, for the fiscal year during which the member's retirement will begin, the amount of funds required pursuant to subparagraph (A) (1) of Section 17-108.1 of this title in order to allow the employer contribution rates prescribed by subparagraph (A) (1) of Section 17-108.1 of this title to be effective as law. If a member is employed by an employer that does not receive the funding required by subparagraph (A) (1) of Section 17-108.1 of this title for the fiscal year during which the member's retirement will begin, the member shall not be authorized to

use the maximum final average salary otherwise authorized by this paragraph to compute retirement benefits;

4. "Maximum compensation level" means either:

- a. Twenty-five Thousand Dollars (\$25,000.00) if a member did not elect to make employee contributions on a higher salary amount for any pre-cap removal years of service, or
- b. Forty Thousand Dollars (\$40,000.00) if a member did elect to make employee contributions upon actual salary not in excess of such amount for any pre-cap removal years of service;

5. "Pre-cap removal service" means any service performed by an active member prior to June 30, 1995; and

6. "System" means the Teachers' Retirement System of Oklahoma;

B. Unless otherwise expressly provided by this section, any definition contained in Section 17-101 of this title otherwise applicable to computation of benefits for retired members of the Teachers' Retirement System of Oklahoma shall have the same meaning for purposes of this section.

C. Effective July 1, 2006, any eligible member of the Teachers' Retirement System of Oklahoma, who, as of July 1, 2006, has already reached a normal retirement age or who on or after July 1, 2006, reaches a normal retirement age as defined by paragraph 24 of Section 17-101 of this title, shall be eligible to have a retirement benefit computed as provided by this section. If a member is eligible for the benefit computation authorized by this section, the average salary used to compute the retirement benefit of the member shall be governed by the provisions of this section and such provisions shall govern in the event of conflict between this section and the provisions of Section 17-116.2 of this title.

D. An eligible employee who performs service in the manner prescribed by subsection E of this section and who makes payment of the applicable contribution deficit amount may have a retirement benefit computed as otherwise authorized by Section 17-105 of this title, but shall have such benefit computed without regard to any maximum compensation level that would otherwise be applicable to the compensation of the member for any period of pre-cap removal service.

E. In order to have retirement benefits computed as authorized by subsection C of this section, and in addition to the payment of the contribution deficit amount required by this section, in order to have any pre-cap removal service included in the retirement benefit computation of the member using the average salary earned during such period of participating service subject to the maximum average salary amount, the member shall be required to perform one (1) year of participating service on or after the date as of which the member reaches a normal retirement age, for each two (2) years of service performed prior to July 1, 1995. For purposes of this section, any

year of service performed prior to the effective date of this act after a member reached a normal retirement age shall qualify for purposes of the retirement benefit computation authorized by this section.

F. One (1) year of participating service performed by an eligible member who, prior to the effective date of this act has reached a normal retirement age or, who on or after July 1, 2006, reaches a normal retirement age, shall result in the inclusion of the two (2) years of participating service immediately preceding July 1, 1995, in a retirement benefit computation using the average salary of the member, subject to the maximum average salary amount. For each additional year of participating service performed by the eligible member thereafter, whether such service has been performed prior to the effective date of this act or whether such service is performed on or after the effective date of this act, the two (2) next succeeding years of pre-cap removal service performed prior to the end of the preceding two-year period may be included in the benefit computation without regard to the maximum compensation level of the member that would otherwise be applicable to such pre-cap removal service.

G. The eligible member shall be required to make payment to the Teachers' Retirement System of Oklahoma of the contribution deficit amount for any year of service performed on or after July 1, 1987, but not later than June 30, 1995, as prescribed by subsections H through K of this section in order to have any years of pre-cap removal service included in the retirement benefit computation using the average salary of the member subject to the maximum average salary amount.

H. In order to have years of service included in the benefit computation using average salary subject to the maximum average salary amount, the member shall be required to make payment of the contribution deficit for the following years of service and in the sequence prescribed by subsection I of this section according to the adjustments required by subparagraphs a and b of paragraph 1 of subsection A of this section:

1. July 1, 1987, through June 30, 1988;
2. July 1, 1988, through June 30, 1989;
3. July 1, 1989, through June 30, 1990;
4. July 1, 1990, through June 30, 1991;
5. July 1, 1991, through June 30, 1992;
6. July 1, 1992, through June 30, 1993;
7. July 1, 1993, through June 30, 1994; and
8. July 1, 1994, through June 30, 1995.

I. For each year of service performed by the eligible member prior to the effective date of this act and after having reached a normal retirement age, or for each year of service performed by the member after reaching a normal retirement age on or after the

effective date of this act, the member shall be required to make payment of the contribution deficit amount for each year of service beginning with the years described in paragraphs 7 and 8 of subsection H of this section. For each additional year of service performed by the eligible member after the normal retirement age of the member, the member shall make payment of the contribution deficit amount for each of the next two (2) years of service as described in:

1. Paragraphs 5 and 6 of subsection H of this section;
2. Paragraphs 3 and 4 of subsection H of this section; and
3. Paragraphs 1 and 2 of subsection H of this section.

J. After making payment of all required contribution deficit amounts for all periods of service described in paragraphs 1 through 8 of subsection H of this section, an eligible member who has performed any additional years of service after having reached a normal retirement age, or for each year of service performed by the member after reaching a normal retirement age on or after the effective date of this act, the member may then include any additional two-year period of service performed prior to July 1, 1987, using the average salary of the member, subject to the maximum average salary amount, in the retirement benefit computation for such years of service by performing one (1) additional year of service.

K. No contribution deficit payments shall be required of the eligible member with respect to years of service performed prior to July 1, 1987, if such years of service are included in the retirement benefit computation of the member using average salary as otherwise authorized by this section, subject to the maximum average salary amount.

L. An eligible member may make the payment of the contribution deficit amount required by this section at any time prior to the retirement of the member from the System; however, no years of pre-cap removal service for which full payment of the required contribution deficit has not been made pursuant to the requirements of this section may be included in the retirement benefit computation of the otherwise eligible member using the average salary of the member for such period, subject to the maximum average salary amount.

M. Any pre-cap removal years of service for which the required contribution deficit payment has not been made to the System shall only be included in a retirement benefit computation using the maximum compensation level in effect for the member at the time such years of service were performed.

N. All payments to the System for pre-cap removal service shall be made prior to the date as of which a member retires. No payments to the System for pre-cap removal service otherwise authorized by this section shall be made after a member retires from the System and begins to receive benefits.

O. Any eligible member who, prior to the effective date of this act, has not previously made an election for payment of employee

contributions on a maximum compensation level of Twenty-five Thousand Dollars (\$25,000.00) for pre-cap removal service may file an election with the System to make payment of the required contribution deficit amount pursuant to this section. Such an election shall be irrevocable.

P. No participating employer of the System shall make payment of any required contribution deficit amount on behalf of any otherwise eligible member, whether directly or indirectly, in order for the member to have retirement benefits computed according to the provisions of this section.

Q. No member of the System who has retired prior to July 1, 2006, shall be eligible to make any payments of the contribution deficit amount and no such member shall have the ability to have a retirement benefit recomputed as a result of the provisions of this section.

R. The additional retirement benefit attributable to the provisions of this section may be computed for members who retire on or after July 1, 2006, but prior to January 1, 2007, but the additional retirement benefit attributable to the provisions of this section shall not be payable until January 1, 2007. On and after January 1, 2007, the additional retirement benefit attributable to the provisions of this section shall be added to the retirement benefit amount of any member who retires on or after July 1, 2006, and prior to January 1, 2007, and such increased benefit amount shall be payable to the member or any beneficiary of the member as otherwise provided pursuant to the provisions of Section 17-101 of this title in the same manner as other retirement benefits are payable.

Added by Laws 2006, 2nd Ex. Sess., c. 46, § 2, eff. July 1, 2006.
Amended by Laws 2007, c. 186, § 4, eff. July 1, 2007; Laws 2018, c. 248, § 3; Laws 2019, c. 268, § 4, eff. July 1, 2019.

§70-17-116.2D. Forfeiture of retirement benefits.

A. Any member of the System upon final conviction of, or pleading guilty or nolo contendere to, a felony in a state or federal court of competent jurisdiction shall forfeit all retirement benefits provided by law; however, the forfeiture of retirement benefits shall not occur if any such member of the System received a deferred sentence, but retirement benefits shall not commence prior to completion of the deferred sentence. The forfeiture of retirement benefits required by this subsection shall not include such member's contributions to the retirement system or retirement benefits that are vested on the effective date of this act.

B. The forfeiture of retirement benefits as provided by subsection A of this section shall also apply to any member of the System who, after leaving active contributory employment, is convicted of, or pleads guilty or nolo contendere to, in a state or

federal court of competent jurisdiction, a felony committed while in such employment, where the felony is for bribery, corruption, forgery or perjury or any other crime related to the duties of his or her employment, or related to campaign contributions or campaign financing for that or any other office.

C. Any claims for payment of retirement benefits to any such member of the System suspended from or forfeiting his or her retirement benefits shall be rejected by the System.

D. Such suspension or forfeiture shall continue until such time as the conviction or guilty plea is reversed by the highest appellate court to which the member may appeal.

E. The attorney responsible for prosecuting such members of the System shall notify the System of the forfeiture of such member's retirement benefits. Upon receipt of the notice of forfeiture, the System shall immediately suspend all benefits of the member, and notify the member of his or her right to a hearing to review whether the conviction or plea qualifies for forfeiture of benefits under this section. If the conviction or plea occurs in federal court or the notice of forfeiture is not forthcoming from the state prosecutor, the System may investigate and gather court documents and contact prosecutors to determine whether the conviction or plea qualifies under this section. Upon obtaining sufficient documentation of the conviction or plea, the retirement system shall immediately suspend all benefits of the member, and notify the member of his or her right to a hearing to review whether the conviction or plea qualifies for forfeiture of benefits under this section.

Added by Laws 2012, c. 46, § 1, eff. Nov. 1, 2012.

§70-17-116.3. Repealed by Laws 1979, c. 286, § 6, eff. July 1, 1979.

§70-17-116.4. Repealed by Laws 1979, c. 286, § 6, eff. July 1, 1979.

§70-17-116.5. Repealed by Laws 1982, c. 329, § 9, eff. July 1, 1982.

§70-17-116.6. Teachers' Retirement Reserve Fund.

There is hereby created in the State Treasury a special fund which shall be designated the "Teachers' Retirement Reserve Fund". Said fund shall consist of such monies as the Legislature may transfer to such fund. The monies in said fund shall only be used to support or benefit public pension programs and shall be paid out pursuant to direction of the Legislature.

Added by Laws 1985, c. 335, § 9, emerg. eff. July 30, 1985. Renumbered from Title 74, § 934 by Laws 1986, c. 283, § 7, operative July 1, 1986.

§70-17-116.7. Supplemental pension benefits - Audits - Reports.

A. After the effective date of this act, before entering into any type of contract that creates an unfunded liability and is for the purpose of enhancing pension benefits for employees beyond the provisions of the Teachers' Retirement System of Oklahoma, a state institution of higher education, technology center school district, or public school district, unless otherwise provided by law, shall forward to the Office of the Attorney General a copy of the contract and a copy of an actuarial report indicating the amount of unfunded liability that would be created pursuant to the contract. The Attorney General shall review the contract to ensure that the contract conforms to state law. No such contract shall be signed by the education entity until the Attorney General approves the contract. Any such contract entered into without complying with the requirements of this section shall be void.

B. In order to make the Legislature and Governor more aware of the effect of unfunded pension benefits and other post-employment benefits on state finances, annual audits conducted pursuant to law on state institutions of higher education, technology center school districts, and school districts shall be prepared in accordance with appropriate accounting standards pertaining to unfunded pension benefits and other post-employment benefits. The State Regents for Higher Education, the State Board of Career and Technology Education and the State Board of Education, jointly, shall have the information pertaining to benefits compiled into an annual report that shall be distributed to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. Added by Laws 1990, c. 237, § 1, emerg. eff. May 21, 1990. Amended by Laws 2001, c. 33, § 117, eff. July 1, 2001.

§70-17-116.8. Service credit - Computation of purchase price.

A. The Board of Trustees shall adopt rules for computation of the purchase price for service credit. These rules shall base the purchase price for each year purchased on the actuarial cost of the incremental projected benefits to be purchased. The purchase price shall represent the present value of the incremental projected benefits discounted according to the member's age at the time of purchase. Incremental projected benefits shall be the difference between the projected benefit said member would receive without purchasing the service credit and the projected benefit after purchase of the service credit computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest and mortality assumptions consistent with the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation.

B. In the event that the member is unable to pay the purchase price provided for in this section by the due date, the Board of

Trustees shall permit the members to amortize the purchase price over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the Board of Trustees permits an alternate payment source. The amortization shall include interest in an amount not to exceed the actuarially assumed interest rate adopted by the Board of Trustees for investment earnings each year. Any member who ceases to make payment, terminates, retires or dies before completing the payments provided for in this section shall receive prorated service credit for only those payments made, unless the unpaid balance is paid by said member, his or her estate or successor in interest within six (6) months after said member's death, termination of employment or retirement, provided no retirement benefits shall be payable until the unpaid balance is paid, unless said member or beneficiary affirmatively waives the additional six-month period in which to pay the unpaid balance. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this subsection.

Added by Laws 1990, c. 340, § 30, eff. July 1, 1990. Amended by Laws 1990, c. 334, § 8, operative July 1, 1990; Laws 1993, c. 322, § 18, emerg. eff. June 7, 1993.

§70-17-116.9. Prior teaching service credit - Back contributions.

Any member of the Teachers' Retirement System of Oklahoma, who taught kindergarten on public school property prior to the state-supported kindergarten, and who subsequently taught in the public schools and has met the necessary qualifications, may receive credit in the System for such teaching service by, prior to January 1, 1991, making back contributions of ten percent (10%) of salary plus ten percent (10%) interest to the System as required by the Board of Trustees. Effective January 1, 1991, to receive the credit in the System for such teaching service, the member shall pay the amount determined by the Board of Trustees pursuant to Section 17-116.8 of this title.

Added by Laws 1990, c. 340, § 31, eff. July 1, 1990. Amended by Laws 2019, c. 268, § 5, eff. July 1, 2019.

§70-17-116.10. Postretirement employment - Eligibility for continued benefits.

A. Subject to the requirements of Section 6-101.2 of this title and any other applicable requirements of law, a member may enter into postretirement employment with a public school of Oklahoma and still receive monthly retirement benefits subject to the following limitations:

1. A retired member is not eligible to be employed by the public schools of Oklahoma, in any capacity, for sixty (60) calendar days between the retiree's last day of preretirement public education employment and any postretirement public education employment. For

purposes of this section, the term "last day of preretirement employment" shall mean the last day the employee is required to be physically present on the job to complete the terms of the employment contract or agreement. An employee on paid leave is still considered to be employed for purposes of this section. Employment under any conditions during this time, volunteer services for the purpose of obtaining a paid position at a later date, or payment at a later time for services performed during this time period shall cause the forfeiture of all retirement benefits received during the period;

2. Unless otherwise provided in paragraph 3 of this subsection, earnings from the public schools may not exceed one-half (1/2) of the member's final average salary used in computing retirement benefits, or the Earnings Limitation for employees allowed by the Social Security Administration, whichever is less. For retired members under the age of sixty-two (62) years, the limit on allowed earnings from the public schools of Oklahoma for employment for the performance of duties ordinarily performed by classified or nonclassified personnel shall be the lesser of Fifteen Thousand Dollars (\$15,000.00) or one-half (1/2) of the member's final average salary used in computing retirement benefits unless the earnings limitation allowed by the Social Security Administration would be greater than Fifteen Thousand Dollars (\$15,000.00). For retired members sixty-two (62) years of age or older the limit on allowed earnings from the public schools of Oklahoma for the performance of duties ordinarily performed by classified or nonclassified personnel shall be the lesser of Thirty Thousand Dollars (\$30,000.00) or one-half (1/2) of the member's final average salary used in computing retirement benefits. For purposes of this paragraph, the following shall apply:

- a. earnings shall mean "regular annual compensation" as defined in paragraph (25) of Section 17-101 of this title, and shall include any payment by a public school for services rendered by a retired member who is employed for any purpose whatsoever. Supplemental retirement payments paid by a former public school employer pursuant to subsection 9 of Section 17-105 of this title or other state law shall not be considered as earnings,
- b. the Earnings Limitation for employees allowed by the Social Security Administration to workers between the age of sixty-two (62) years and sixty-five (65) years shall apply to retired members below the age of sixty-two (62) years,
- c. the limit on allowed earnings from the public schools shall be automatically adjusted effective the first day of January of each year to reflect the current Earnings

- Limitation for employees as determined from time to time by the Social Security Administration,
- d. the earnings limit for the calendar year in which a member retires shall be one-twelfth (1/12) of the annual limit multiplied by the number of months the member is eligible to work and receive payments from the public schools of Oklahoma,
 - e. earnings in excess of the maximum limit on allowed earnings from public schools of Oklahoma shall result in a loss of future retirement benefits for the year the postretirement employment was performed of One Dollar (\$1.00) for each One Dollar (\$1.00) earned over the maximum allowed earnings amount,
 - f. for those members age seventy (70) years and over, the earnings in excess of the maximum limit allowed earnings from public schools of Oklahoma shall be one-half (1/2) the member's final average salary used in computing retirement benefits. However, any retired member receiving benefits from the Retirement System who reached age seventy (70) years prior to July 1, 1991, shall not be restricted by the earnings limits pursuant to this subparagraph until January 1, 1994. To qualify for the provisions of this subparagraph, the member must be employed less than one-half (1/2) time compared to other full-time employees in similar positions;

3. Notwithstanding paragraph 2 of this subsection, a retired classified or nonclassified member who has been retired for thirty-six (36) or more months and who is employed by a public school to perform duties ordinarily performed by classified or nonclassified personnel shall be able to receive annualized earnings from the public school with no reduction in retirement benefits regardless of the amount of annualized earnings. For a period of three (3) years beginning July 1, 2017, members who have retired as of July 1, 2017, as active classroom teachers, who have been retired and receiving a benefit for at least one (1) year, and who have not been employed by any public school during that one-year period, shall be eligible to be reemployed as an active classroom teacher in common or career tech school districts, with no limitations on earnings. The one-year period starts with the retiree's last day of preretirement public education employment. Members returning under this section shall not be subject to any earning limitations following the end of the three-year period described in this paragraph. Members returning under this section shall only be employed pursuant to a temporary contract; and

4. A member shall be considered to be employed by a school district to perform the duties ordinarily performed by classified or

nonclassified personnel if the member is hired by the school district in the member's individual capacity to perform the duties or if the member performs the duties through employment with a proprietorship, partnership, corporation, limited liability company or partnership, or any other business structure that has agreed or contracted to provide the services to the school district.

B. A public school district that employs a retired member shall be required to make contributions to the System for the retired member in an amount as required in Section 17-108.1 and in paragraph 3 of subsection B of Section 17-116.2 of this title.

C. For purposes of this section, postretirement employment of less than one thousand (1,000) hours per year with the Governor, the State Senate, the House of Representatives or the Legislative Service Bureau shall not be considered as postretirement employment with a public school of Oklahoma.

D. The Board of Trustees of the Teachers' Retirement System of Oklahoma shall promulgate such rules as are necessary to implement the provisions of this section.

E. A member who has entered into postretirement employment with a participating employer of the Teachers' Retirement System of Oklahoma must fully comply with all the provisions of the rules promulgated by the Board of Trustees pursuant to this section in order to continue receiving his or her monthly retirement benefit. Added by Laws 1993, c. 290, § 1, eff. July 1, 1993. Amended by Laws 1994, c. 319, § 4, eff. Sept. 1, 1994; Laws 1995, c. 295, § 3, eff. July 1, 1995; Laws 1997, c. 185, § 1, eff. July 1, 1997; Laws 1999, c. 411, § 1, eff. July 1, 1999; Laws 2002, c. 180, § 1, eff. July 1, 2002; Laws 2003, c. 198, § 1; Laws 2004, c. 315, § 4, eff. July 1, 2004; Laws 2008, c. 270, § 1, eff. July 1, 2008; Laws 2011, c. 271, § 1, eff. July 1, 2012; Laws 2013, c. 101, § 4, eff. Nov. 1, 2013; Laws 2017, c. 270, § 2, eff. July 1, 2017.

§70-17-116.11. Repealed by Laws 1998, c. 256, § 11, eff. July 1, 1998.

§70-17-116.12. Reduction-in-force termination credit.

A. A member of the Teachers' Retirement System of Oklahoma who has ten (10) or more years of full-time-equivalent employment with a participating employer, and who is terminated by a state agency or other state governmental entity because the member's position is eliminated through a reduction-in-force after July 1, 1998, and is within three (3) years of retirement as prescribed in Section 17-105 of Title 70 of the Oklahoma Statutes, may purchase termination credit of a period not to exceed the lesser of three (3) years or the number of years or months or both years and months required in order for the member to reach normal retirement date in the same period of time and

with the same service credit which would have otherwise accrued if the termination had not occurred.

B. In order to receive the termination credit authorized by this section, the member shall be required to file an election with the System indicating an intent to purchase the credit. The member shall have a period of six (6) months from the date the member is terminated as described in subsection A of this section within which to file the election.

C. To purchase the termination credit, the member shall be required to make payment to the System of an amount equal to both the employer and employee contributions which would have been paid to the System based upon the maximum compensation level as defined in subsection (28) of Section 17-101 of Title 70 of the Oklahoma Statutes, which was received by the member in the last full month that the member was employed by the state agency or other state governmental entity multiplied by the number of months required in order for the combination of the participating service and member's age to equal the amount required for the member to reach normal retirement date with an unreduced benefit as if the member had not been terminated.

D. The member must make full payment to the System of all required contribution amounts within sixty (60) days of filing the election to purchase the credit. The member must vest his or her benefits with a declared future retirement date as of the first month the member is eligible for normal retirement. Failure to make the full payment to the System of the required contribution amounts, for any reason, within the time prescribed, shall result in cancellation of the election provided pursuant to this section, and return of the purchase amount tendered, without interest.

E. Purchased termination credit may only be used as service credit to qualify the member for normal retirement.

F. If the member chooses to retire at any time prior to the member's normal retirement date or returns to employment with a participating employer of the System at any time prior to retirement, the purchase of termination credit pursuant to this section shall be void, and the System will return the purchase amount tendered, without interest.

G. In the event of the death of the member prior to retirement, the member's spouse, if otherwise eligible for benefits pursuant to Section 17-105 of Title 70 of the Oklahoma Statutes, may elect to receive benefits which include the termination credit on the member's declared future retirement date, or may elect to receive a return of the purchase amount tendered, without interest.

Added by Laws 1998, c. 256, § 9, eff. July 1, 1998.

§70-17-116.13. Calculation of retirement allowance - Increase in benefits.

A. Beginning July 1, 1998, a classified member who retired prior to July 1, 1997, shall have the member's retirement allowance calculated on the member's current average salary plus One Thousand Four Hundred Dollars (\$1,400.00).

B. Beginning July 1, 1998, a nonclassified member who retired prior to July 1, 1997, shall have the member's retirement allowance calculated on the member's current average salary plus Seven Hundred Dollars (\$700.00).

C. Beginning July 1, 1998, those individuals receiving benefits pursuant to subsection (3) of Section 17-105 of this title whose benefits commenced prior to July 1, 1997, shall receive an increase in benefits of five and four-tenths percent (5.4%).

Added by Laws 1998, c. 317, § 8, eff. July 1, 1998. Amended by Laws 1998, c. 363, § 1, eff. July 1, 1998; Laws 1999, c. 151, § 1, eff. July 1, 1999.

NOTE: Editorially renumbered from § 17-116.12 of this title to avoid a duplication in numbering.

§70-17-116.14. Repealed by Laws 1999, c. 254, § 11, emerg. eff. June 30, 1999.

§70-17-116.15. Transferred employees of George Nigh Rehabilitation Institute - Election to become members of Teachers' Retirement System of Oklahoma.

A. An employee transferred pursuant to the provisions of Section 3 of this act may elect to become a member of the Teachers' Retirement System of Oklahoma pursuant to the election authorized by subsection A of Section 3 of this act. If the employee makes an election to become a member of the Teachers' Retirement System of Oklahoma, the employee may acquire service credit in the Teachers' Retirement System pursuant to the provisions of Section 17-116.2 of Title 70 of the Oklahoma Statutes.

B. On and after the date that an employee makes an election to become a member of the Teachers' Retirement System pursuant to subsection A of Section 3 of this act, the employer to which the employee is transferred shall make required contributions pursuant to Section 17-108.1 of Title 70 of the Oklahoma Statutes and the employee shall make required contributions imposed pursuant to Section 17-116.2 of Title 70 of the Oklahoma Statutes.

C. On and after the date that an employee files the election to become a member of the Teachers' Retirement System, the employer to which the employee is transferred and the employee making the election shall be subject to all requirements of the provisions of Sections 17-101 et seq. of Title 70 of the Oklahoma Statutes governing the Teachers' Retirement System of Oklahoma.

Added by Laws 1999, c. 347, § 5, eff. July 1, 1999.

§70-17-116.16. Credit for employment in adjunct position.

Effective July 1, 2000, a member of the Teachers' Retirement System of Oklahoma who was employed in an adjunct position in an institution under The Oklahoma State System of Higher Education prior to becoming a member of the System, may purchase a maximum of five (5) years of credit for such employment, pursuant to this section. One (1) year of service credit may be purchased for any school year in which the member worked eighteen (18) credit hours or more in such an adjunct position. The purchase of service credit shall be made pursuant to Section 17-116.8 of Title 70 of the Oklahoma Statutes and shall be considered contributing service for purposes of vesting and retirement. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2000, c. 182, § 1, eff. July 1, 2000.

§70-17-116.17. Benefit calculations and increase.

A. Beginning July 1, 2000, a classified member who retired prior to July 1, 1999, who continues to receive benefits on or after July 1, 2000, shall have the member's retirement allowance calculated on the member's current average salary plus Five Hundred Dollars (\$500.00).

B. Beginning July 1, 2000, a nonclassified member who retired prior to July 1, 1999, who continues to receive benefits on or after July 1, 2000, shall have the member's retirement allowance calculated on the member's current average salary plus Two Hundred Fifty Dollars (\$250.00).

C. Beginning July 1, 2000, those individuals receiving benefits pursuant to subsection (3) of Section 17-105 of Title 70 of the Oklahoma Statutes whose benefits commenced prior to July 1, 1999, shall receive an increase in benefits of one and eight-tenths percent (1.8%).

Added by Laws 2000, c. 377, § 11, eff. July 1, 2000.

NOTE: Editorially renumbered from § 17-116.4 of this title to avoid a duplication in numbering.

§70-17-116.18. Increase in benefits.

A. Any person receiving retirement benefits from the Teachers' Retirement System of Oklahoma as of June 30, 2001, who continues to receive benefits on or after July 1, 2002, shall, beginning in July 2002, receive an increase in retirement benefits equal to three percent (3%).

B. Such persons who are otherwise eligible for the benefit increase in subsection A of this section, who retired from the system with thirty (30) years of credited service, shall receive, in lieu of the benefit increase in subsection A of this section, an increase in retirement benefits equal to four percent (4%) beginning in July 2002.

Added by Laws 2002, c. 479, § 1, eff. July 1, 2002.

§70-17-116.19. Teacher's Retirement System - Increase in benefits.

A. Beginning July 1, 2004, any person receiving benefits from the Teacher's Retirement System of Oklahoma as of June 30, 2003, who continues to receive benefits on or after July 1, 2004, shall receive a percentage increase in said benefits on July 1, 2004, as follows:

Years of Service of the Retired Member	Monthly Benefit as of June 30, 2004	Benefit Increase
20 years or more	Less than \$1,500.00	4.5%
	\$1,500.00 to \$2,500.00	4.0%
	Over \$2,500.00	3.5%
15 to 19 years	Less than \$1,000.00	4.0%
	\$1,000.00 to \$2,000.00	3.5%
	Greater than \$2,000.00	3.0%
Less than 15 years	Less than \$801.00	3.5%
	\$801.00 to \$1,499.99	3.0%
	\$1,500.00 or greater	2.5%

B. Beginning in July 2004, those individuals receiving benefits pursuant to subsection (3) of Section 17-105 of Title 70 of the Oklahoma Statutes whose benefits commenced prior to July 1, 2003, shall receive an increase in benefits of four percent (4%).

Added by Laws 2004, c. 536, § 20, eff. July 1, 2004.

§70-17-116.20. Increase in benefits - July 1, 2006.

A. Any person receiving benefits from the Teachers' Retirement System of Oklahoma as of June 30, 2005, other than those benefits specified in subsection B of this section, who continues to receive benefits on or after July 1, 2006, shall receive a two-percent increase in said benefits beginning in July 2006.

B. Any person receiving benefits pursuant to subsection (3) of Section 17-105 of Title 70 of the Oklahoma Statutes whose benefits commenced prior to July 1, 2005, and who continues to receive benefits on or after July 1, 2006, shall receive a two-percent increase in said benefits beginning in July 2006.

Added by Laws 2006, 2nd Ex. Sess., c. 46, § 9, eff. July 1, 2006.

§70-17-116.21. Increase in benefits - July 1, 2008.

A. Any person receiving benefits from the Teachers' Retirement System of Oklahoma as of June 30, 2007, other than those benefits specified in subsection B of this section, who continues to receive benefits on or after July 1, 2008, shall receive a two-percent increase in said benefits beginning in July 2008.

B. Any person receiving benefits pursuant to subsection (3) of Section 17-105 of Title 70 of the Oklahoma Statutes whose benefits commenced prior to July 1, 2007, and who continues to receive

benefits on or after July 1, 2008, shall receive a two-percent increase in said benefits beginning in July 2008.

Added by Laws 2008, c. 415, § 5, eff. July 1, 2008.

§70-17-117. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-17-118. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-17-119. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§70-17-120. Submission of contributions.

The employer of each member shall submit all required school reports and all employer and employee contributions of each member due the Retirement System for payroll periods ending during the calendar month within ten (10) days of the last day of each calendar month. Any required school reports and employer and employee contribution amounts not submitted to the Retirement System after thirty (30) days from the end of the payroll month shall be subject to a monthly late charge of one and one-half percent (1 1/2%) of the unpaid balance to be paid by the employer to the Retirement System compounding monthly for each month payment is not received. The System may waive late fees for good cause shown.

Added by Laws 1992, c. 376, § 11, eff. July 1, 1992. Amended by Laws 2011, c. 290, § 2; Laws 2016, c. 129, § 5, eff. Nov. 1, 2016; Laws 2019, c. 268, § 6, eff. July 1, 2019.

§70-17-121. Oklahoma Teachers' Deferred Savings Incentive Plan.

A. Effective July 1, 1999, for each active contributing member of the Teachers' Retirement System of Oklahoma, who is making contributions of at least Twenty-five Dollars (\$25.00) per month to a plan account maintained by the Teachers' Retirement System of Oklahoma pursuant to Section 403(b) of Title 26 of the United States Code, 26 U.S.C. Section 403(b), the Teachers' Retirement System shall pay each month from funds appropriated to the Oklahoma Teachers' Deferred Savings Incentive Plan Fund created pursuant to this section the sum of Twenty-five Dollars (\$25.00) to a plan established pursuant to the Internal Revenue Code, Section 401(a), for the benefit of the participant.

B. If monies in the Oklahoma Teachers' Deferred Savings Incentive Plan Fund are insufficient to fully fund the contributions in any month, payments shall be suspended until such time as sufficient monies are available.

C. The Teachers' Retirement System shall be responsible for establishing rules and plan documents for administration of the

contributions authorized by this section. Funds so credited shall be held and invested in the same manner as funds managed in accounts of members contributing to an account established pursuant to Section 403(b) of the Internal Revenue Code of 1986, as amended.

D. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Teachers' Deferred Savings Incentive Plan Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies the Legislature may appropriate or transfer to the fund and any monies contributed for the fund from any other sources, public or private. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Teachers' Retirement System of Oklahoma for the matching of deferred compensation contributions pursuant to this section and in accordance with rules promulgated by the Teachers' Retirement System of Oklahoma. Expenditures from the fund shall be made by 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.

Added by Laws 1999, c. 179, § 1, eff. July 1, 1999. Amended by Laws 2012, c. 304, § 607.

§70-17-122. Participation in retired teachers' organization.

When a member of the Teachers' Retirement System of Oklahoma makes an application to retire, the System shall provide to such member an application to participate in a retired teachers' organization along with a form allowing the member to elect to have annual membership dues in a retired teachers' organization prorated and authorizing the System to withhold such dues monthly from the member's retirement benefits. Any retired teachers' organization which wants to participate, pursuant to this section, or to participate in a general mailing to all retired educators, with the approval of the Board of Trustees of the Teachers' Retirement System, shall provide to the System and pay for the cost, including postage costs if required by the Teachers' Retirement System, of printed materials and of the applications to be a member of the organization and the forms authorizing the System to withhold membership dues of the organization. The Board of Trustees shall approve the format and content of the authorization to make sure it complies with all relevant legal requirements. The System shall not be held responsible or liable for not providing the application to be a member of a participating retired teachers' organization or the authorization form if such organization does not timely provide to the System such materials and applications and approved authorization forms in sufficient quantities to meet the retirement application demands of the retiring members.

Added by Laws 2003, c. 243, § 1, eff. July 1, 2003.

§70-17-122.1. Qualification as retired teachers' organization.

To qualify as a retired teachers' organization pursuant to Section 17-122 of this title, the organization shall be primarily organized for the purpose of representing the interests of retired teachers in this state and providing member benefits.

Added by Laws 2003, c. 243, § 2, eff. July 1, 2003. Amended by Laws 2009, c. 34, § 1, eff. Nov. 1, 2009.

§70-17-201. Alternate Retirement Plan for Comprehensive Universities Act - Short title.

Sections 1 through 8 of this act shall be known and may be cited as the "Alternate Retirement Plan for Comprehensive Universities Act".

Added by Laws 2004, c. 385, § 1, eff. July 1, 2004.

§70-17-202. Definitions.

The following words and phrases as used in this act shall have the following meanings unless a different meaning is clearly required by the context:

1. "Participating institution" means only the entities that comprise a comprehensive university pursuant to Section 17-101 of this title and which:

- a. maintain an alternate retirement plan pursuant to the provisions of this act, and
- b. employ eligible employees;

2. "Alternate retirement plan" means any employee retirement plan that is created solely to provide benefits for eligible employees, as defined in this section, for periods of service on or after July 1, 2004. Such retirement plan shall be a plan meeting the requirements of Section 401(a) of the Internal Revenue Code of 1986, as amended, operated pursuant to the provisions of this act;

3. "Board of regents" means the board or body designated by the Oklahoma Constitution or by this title as the board of regents or governing board of a comprehensive university that is a participating institution;

4. "Eligible employee" means any employee of a participating institution who (a) was initially appointed or hired after June 30, 2004, and (b) meets the eligibility requirements of the alternate retirement plan of the participating institution that employs the eligible employee. However, the term "eligible employee" does not include a person whose employment is incidental to his or her educational program or whose employment is not continuous. Such eligible employees shall be eligible to participate in the alternate retirement plan if they make a one-time irrevocable written election pursuant to this act; and

5. "One-time irrevocable written election" means a one-time election made pursuant to this act by an eligible employee that shall be in writing and irrevocable and shall cover all future service with a participating institution regardless of a break in service. Added by Laws 2004, c. 385, § 2, eff. July 1, 2004. Amended by Laws 2017, c. 285, § 1, eff. Nov. 1, 2017.

§70-17-203. Alternative retirement plans authorized - Permitted investments.

Alternate retirement plans for eligible employees are hereby authorized at participating institutions in lieu of the retirement plan offered by the Teachers' Retirement System of Oklahoma. Alternate retirement plans shall, for eligible employees, provide retirement and death benefits to such employees through the purchase of annuity contracts, qualified retirement trusts or custodial accounts, fixed or variable in nature, or a combination thereof, at the option of the participating institution. Added by Laws 2004, c. 385, § 3, eff. July 1, 2004. Amended by Laws 2017, c. 285, § 2, eff. Nov. 1, 2017.

§70-17-204. Board of regents - Establishment and administration of alternative retirement plan.

A. On or before June 30, 2005, the Board of Regents of a participating institution may establish an alternate retirement plan pursuant to the provisions of this act, for the entities under the jurisdiction of such Board of Regents, for eligible employees in lieu of membership in the Teachers' Retirement System of Oklahoma. The Board of Regents of the applicable participating institution shall determine the terms and conditions of the alternate retirement plan including, by example, terms for eligibility, contributions, vesting and the amount of benefits, and provide for the administration of such an alternate retirement plan and perform or authorize the performance of such functions as may be necessary for such purpose in accordance with this act.

B. The Board of Regents shall select the company or companies that shall administer the qualified retirement trust, custodial accounts or from which annuity contracts are to be purchased under the alternate retirement plan and shall approve the form and content of all agreements governing such trusts, accounts or contracts.

C. The Board of Regents of the participating institutions may delegate certain responsibilities for administering the alternate retirement plan with respect to each institution's own employees. Added by Laws 2004, c. 385, § 4, eff. July 1, 2004. Amended by Laws 2017, c. 285, § 3, eff. Nov. 1, 2017.

§70-17-205. Designation of one or more companies to provide for funding of alternative retirement plan.

Each Board of Regents which establishes an alternate retirement plan shall designate one or more companies to provide for the funding of alternate retirement plan benefits through the purchase of annuity contracts, qualified retirement trusts or custodial accounts. Added by Laws 2004, c. 385, § 5, eff. July 1, 2004.

§70-17-206. Election to participate in alternative retirement plan or Teachers Retirement Plan System of Oklahoma.

A. An eligible employee shall have thirty (30) days from such eligible employee's initial date of hire or the date the alternate retirement plan is adopted by the participating institution, whichever is later, to make a one-time irrevocable written election to participate in the alternate retirement plan or the Teachers' Retirement System of Oklahoma. If an eligible employee fails to make an election within the thirty-day period such eligible employee shall participate in the Teachers' Retirement System of Oklahoma. If an eligible employee makes the election to participate in the alternate retirement plan such eligible employee shall not participate in the Teachers' Retirement System of Oklahoma nor make employee contributions to the Teachers' Retirement System of Oklahoma and the participating institution shall not make employer contributions to the Teachers' Retirement System of Oklahoma except as otherwise required by Section 17-201 et seq. of this title. If an eligible employee elects to participate in the Teachers' Retirement System of Oklahoma, then the eligible employee shall make employee contributions to the Teachers' Retirement System of Oklahoma and the participating institution shall pay the employer contributions of such eligible employee to the Teachers' Retirement System of Oklahoma for the month that the eligible employee was hired through the month that the election is made and as long as the eligible employee participates in the Teachers' Retirement System of Oklahoma.

B. An eligible employee who elects to participate in the alternate retirement plan shall be ineligible for participation in the Teachers' Retirement System of Oklahoma. Ineligibility to participate in the Teachers' Retirement System of Oklahoma shall continue so long as such eligible employee remains employed by a participating institution. If such eligible employee assumes a different position, which is governed by a state retirement system other than the alternate retirement plan authorized in Section 17-201 et seq. of this title, the eligible employee shall be subject to the retirement system rules applicable to that new position. However, such eligible employee shall not be eligible for service credit in the Teachers' Retirement System of Oklahoma for service performed while participating in an alternate retirement plan.

Added by Laws 2004, c. 385, § 6, eff. July 1, 2004. Amended by Laws 2017, c. 285, § 4, eff. Nov. 1, 2017.

§70-17-207. Initial and additional funding surcharges - Benefits not considered salary, fringe benefits or compensation - Allocation of assets - Calculation of liability.

A. Participating institutions establishing an alternate retirement plan pursuant to this act shall pay an initial funding surcharge, and if applicable an additional funding surcharge to the Teachers' Retirement System of Oklahoma in an amount to amortize the unfunded accrued liability of the members of the participating institutions in the System.

B. The initial funding surcharge is intended to ensure amortization of the unfunded accrued liability of the participating institutions over a period of thirty (30) years or the amortization period of the System. The initial funding surcharge shall equal two and one-half percent (2.5%) of the regular annual compensation of the electing employees and the eligible employees, who are not participating in the System but who would have been mandated to participate in the System under the laws and rules applicable to the System in effect on June 30, 2004. The initial funding surcharge but not the additional funding surcharge, if any, shall remain in effect until the earlier of June 30, 2034, or the June 30th of the year in which the unfunded accrued liability of the participating institutions is reduced to zero.

C. In addition to the initial funding surcharge described above, the participating institutions shall pay to the System an additional funding surcharge, if required, in an amount necessary to provide for amortization of the unfunded accrued liability of the participating institutions over the applicable amortization period of thirty (30) years, or the amortization period of the System, if longer. The additional funding surcharge shall be reviewed and adjusted in subsequent years based on changes in the assets and liabilities of the membership in the System of the participating institutions. The additional funding surcharge shall be determined by the Board of Trustees of the System and the participating institutions pursuant to the separate agreement of understanding provided in subsection H of this section. Any change in the additional funding surcharge indicated to be necessary by the annual actuarial valuation shall be adopted by the Board of Trustees of the System provided that such change shall become effective on July 1 of the year following such annual valuation and the participating institutions shall be notified by the System no later than January 1 of such year. Provided, the additional funding surcharge determined for any year shall not be greater than an additional funding surcharge determined under the separate agreement of understanding but using the "individual entry age normal cost method" as described in Revenue Procedure 2000-40, Approval 8, to determine the normal cost/normal cost percentage of the participating institutions.

D. Any payments made to the Teachers' Retirement System of Oklahoma pursuant to this section shall not be considered as salary, fringe benefits or compensation due to the eligible employee or electing employee for the purpose of meeting any legislative or contractual obligation of the employer of such person.

E. To determine the amount of assets of the participating institutions at any point in time after June 30, 2003, the participating institutions shall have allocated to such institutions Five Hundred Ninety-two Million Nine Hundred Seventy-four Thousand Two Hundred Sixty-four Dollars (\$592,974,264.00) of the assets of the Teachers' Retirement System of Oklahoma which reflects their portion of assets in the System as of June 30, 2003, plus future employer and employee contributions including service purchases attributable to the participating institutions and its members, nine and forty-one hundredths percent (9.41%) of all federal and state funding received by the System during the applicable year and other assets contributed to the System allocable to the participating institutions subject to the limitations in this subsection, earnings on investments less distributions and expenses allocable to the participating institutions. Provided, the allocation of nine and forty-one hundredths percent (9.41%) of federal and state funding received by the System to the participating institutions shall not exceed the unfunded accrued liability and shall remain in effect until the earlier of June 30, 2034, or when the unfunded accrued liability of the participating institutions is reduced to zero. However, if for any applicable year during the thirty-year amortization period commencing July 1, 2004, there is any unfunded accrued liability allocable to the participating institutions in the System, then the allocable percentage of federal and state funding shall be nine and forty-one hundredths percent (9.41%) but not exceed the unfunded accrued liability. Provided further, after the expiration of such thirty-year amortization period, the allocation of federal and state funding to the participating institutions for any year shall equal the percentage of all such federal and state funding received by the System determined by dividing the actuarial accrued liability of the participating institutions by the actuarial accrued liability of the System, and such methodology to determine such allocation shall be made for all years thereafter.

F. After June 30, 2004, the liabilities associated with the members of the participating institutions participating in the Teachers' Retirement System of Oklahoma shall be determined on a separate basis, reflecting the level of benefits based on the actuarial methods and assumptions used by the System as applied to the participating institutions under this act.

G. The actuarial methods and assumptions applicable to the participating institutions in determining an allocable share of

assets, liabilities and associated costs as provided in this act shall be reviewed at least every five (5) years.

H. The Board of Trustees of the Teachers' Retirement System of Oklahoma and the participating institutions shall enter into a separate agreement of understanding which details the procedures to be applied to implement the required review and subsequent adjustments to the assets, liabilities and the additional funding surcharge attributable to the participating institutions or the actuarial methods or assumptions applied to determine the appropriate share of assets and liabilities applicable to the participating institutions. Except as otherwise provided in this act, the Board of Trustees of the System shall be the final authority to determine all actuarial methods or assumptions to be used by the System and all such actuarial methods or assumptions shall be applied on a sound actuarial basis and on a uniform, fair and consistent basis which methods and assumptions reflect the actual experience of the members of the participating institutions.

Added by Laws 2004, c. 385, § 7, eff. July 1, 2004.

§70-17-208. Written acknowledgement that benefits payable under alternate plan not obligation of state or Teachers' Retirement System of Oklahoma - Responsibility for payment of benefits.

All eligible employees participating in the alternate retirement plan shall acknowledge in writing that benefits payable pursuant to such alternate retirement plan are not the obligations of the State of Oklahoma or the Teachers' Retirement System of Oklahoma. The alternate retirement plan shall be solely responsible for payment of retirement, death or other benefits earned under the alternate retirement plan and such benefits shall be paid to the participants or their beneficiaries pursuant to the terms of the alternate retirement plan.

Added by Laws 2004, c. 385, § 8, eff. July 1, 2004. Amended by Laws 2017, c. 285, § 5, eff. Nov. 1, 2017.

§70-18-1. Repealed by Laws 1965, c. 397, § 21.

§70-18-1A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-2. Repealed by Laws 1965, c. 397, § 21.

§70-18-2A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-3. Repealed by Laws 1965, c. 397, § 21.

§70-18-3A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-4. Repealed by Laws 1965, c. 397, § 21.

§70-18-4a. Repealed by Laws 1965, c. 397, § 21.

§70-18-5. Repealed by Laws 1965, c. 397, § 21.

§70-18-5A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-6. Repealed by Laws 1965, c. 397, § 21.

§70-18-6A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-7. Repealed by Laws 1965, c. 397, § 21.

§70-18-7A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-8. Repealed by Laws 1951, p. 235, § 34.

§70-18-8A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-9. Repealed by Laws 1965, c. 397, § 21.

§70-18-9A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-10. Repealed by Laws 1965, c. 397, § 21.

§70-18-10A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-11. Repealed by Laws 1965, c. 397, § 21.

§70-18-11A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-12. Repealed by Laws 1965, c. 397, § 21.

§70-18-12A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-13A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-14A. Repealed by Laws 1971, c. 305, § 24, emerg. eff. June 17, 1971.

§70-18-15A. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

NOTE: This section was not specifically repealed; however, identical provisions were enacted in the Oklahoma School Code of 1971. See section 4-103 of Title 70.

§70-18-101. Declaration of legislative intent, policies and principles.

The Legislature hereby declares that this act is passed for the general improvement of the public schools in the State of Oklahoma; to provide the best possible educational opportunities for every child in Oklahoma; and to have a more beneficial use of public funds expended for education; and this act shall be liberally construed to attain these goals within the purview of the following principles and policies:

1. The education of our children is more than the performance of a duty or act of love. It is these things and also the highest expression of enlightened self-interest by the people of Oklahoma. Education is our finest investment.

2. The system of public schools should be designed to strengthen and encourage local responsibility for control of public education. Local school districts should be so organized, financed and directed that they can provide full educational opportunities for all children. The maximum public autonomy and responsibility for public education should remain with the local school districts and the patrons of such districts.

3. It is the responsibility of the state on behalf of the people of Oklahoma to establish, maintain, and continually improve the public schools of Oklahoma. In furtherance of this responsibility, the people of Oklahoma through the state have the responsibility to support financially the public schools.

4. Effective local control requires that local school districts contribute to the support of school budgets in proportion to their respective abilities.

5. The system of public school support should assure that state and local funds are adequate for the support of a realistic foundation program. It is unrealistic and unfair to the children of the less wealthy districts to provide less state support than is necessary for full educational opportunities.

6. The system of public school support should encourage local school districts to provide and support improved educational programs.

7. The system of public school support should make provisions for the apportionment of state funds to local school districts on a strictly objective basis that can be computed as well by the local districts as by the state.

8. The system of public school support should effect a partnership between the state and each local district, with each participating in accordance with its relative ability. The respective abilities should be combined to provide a financial plan between the state and the local school district that will assure full educational opportunities for every child in Oklahoma.

9. State support should be extended to all local districts regardless of wealth, for this not only develops a sense of broader responsibility, but also creates flexibility taxwise permitting the exercise of local initiative. State support should, to assure equal educational opportunity, provide for as large a measure of equalization as possible among districts. The taxing power of the state should be utilized to raise the level of educational opportunity in the financially weakest districts of the state.

10. The system of public school support should provide for an equitable system of state and local sharing in the foundation program. The degree of local sharing should be based, as nearly as possible, on the true ability of the local district, so that each may contribute uniformly to the foundation program.

Added by Laws 1971, c. 305, § 1, emerg. eff. June 17, 1971.

§70-18-102. Repealed by Laws 1998, c. 140, § 1, eff. Nov. 1, 1998.

§70-18-103. Appropriations.

There shall be apportioned and disbursed annually by the State Board of Education, from appropriations made by the Legislature for this purpose and from funds derived from other sources provided by law for this purpose, to the several school districts of the state, such sums of money as each school district may be qualified to receive under the provisions of this article. The methods of apportionment and disbursements contained herein shall remain in force until the same are amended or repealed by the Legislature. The State Board of Education will furnish the Legislature each year the recommended use of any new educational funds, listing priorities and percentage of new funds recommended for each priority item listed.

Added by Laws 1971, c. 305, § 3, emerg. eff. June 17, 1971.

§70-18-103.1. Repealed by Laws 2003, c. 415, § 46, eff. July 1, 2003.

§70-18-104. Purpose of funds - Federal funds.

A. The funds apportioned and disbursed to the several school districts of the state shall be for the purpose of aiding each school district receiving the same to finance its school budget for each fiscal year. The State Board of Education shall notify the county clerk, the board of education, superintendent of each school district and the school district treasurer of the tentative amount said district is to receive from the funds apportioned under the provisions of this article and disbursed according to the provisions hereof. After such allocation of State Aid has been made by the State Board of Education and certified to the treasurer of the school district and district superintendent of schools, such aid may be included as probable income by the board of education in its Estimate of Needs and Financial Statement as submitted to the county excise board, and said excise board shall include such amount in the approved appropriations, and in addition thereto any federal aid certified or allocated by the State Board of Education shall be included in the appropriation made by the excise board if requested by the board of education; provided, no such federal aid estimate shall be used in any way to reduce the State Foundation Aid or Incentive Aid for such school district or sustain a protest for the reduction of a tax levy. If such allocation of aid is not included in the board of education's estimate of needs, it shall be added by the county clerk to the items of appropriation designated by the board of education of the school district. Funds received under the provisions of this article shall be deposited in the general fund of such school district. Provided, funds received from the federal government for current expense purposes shall likewise be added to the appropriation of the general fund if so designated by the board of education of such school district. Provided, further, that the board of education of a school district may enter into agreements with federal agencies for educational projects and programs to be maintained in such districts; and federal funds received by the district in pursuance thereof shall, consistent with the agreement and requirements of the federal agency, be kept, administered and disbursed in such manner as may be prescribed by rules and regulations of the board of education.

B. If the State Board of Education should ascertain that allocation of State Aid to any school district has so changed as to reduce its State Aid, then the State Board of Education shall forthwith notify the district superintendent, the clerk of the board of education, and the treasurer thereof, as to the amount of reduction in the allocation of State Aid. If there has been an overpayment the same shall be returned to the State Treasurer and credited to a refund account which shall be available for further payment of State Aid. Whenever it becomes necessary for a school district to refund any overpayment of monies previously received, the

school district shall issue such warrant against a properly approved encumbrance in the manner provided by law. Such claim or encumbrance shall be coded as a refund of prior revenue and paid from the current expense appropriation of the general fund or such other fund or account from which such refund may properly be paid by the school district.

Added by Laws 1971, c. 305, § 4, emerg. eff. June 17, 1971. Amended by Laws 1988, c. 90, § 22, operative July 1, 1988; Laws 1993, c. 239, § 47, eff. July 1, 1993; Laws 2003, c. 434, § 15; Laws 2004, c. 447, § 19, emerg. eff. June 4, 2004.

§70-18-105. Director of the Office of Management and Enterprise Services - Copy of apportionments.

The State Board of Education shall furnish the Director of the Office of Management and Enterprise Services with a copy of the apportionments made from the funds appropriated for each fiscal year to each of the several school districts of the state, and warrants shall be drawn by the State Treasurer against appropriations for each fiscal year in accordance with such apportionments only upon the order of the State Board of Education through the Director of the Office of Management and Enterprise Services. The warrants for the payments to the several school districts of any county shall be forwarded by the State Board of Education through the Director of the Office of Management and Enterprise Services directly to the treasurer of each school district.

Added by Laws 1971, c. 305, § 5, emerg. eff. June 17, 1971. Amended by Laws 1979, c. 47, § 75, emerg. eff. April 9, 1979; Laws 2012, c. 304, § 608.

§70-18-106. Repealed by Laws 1983, c. 330, § 45, operative July 1, 1983.

§70-18-107. Definitions.

As used in this title:

1. "Average Daily Attendance" (ADA) means the legal average number of pupils, early childhood education programs through grade twelve, in a school district during a school year as determined pursuant to the provisions of Section 18-111 of this title. A day of school for early childhood education programs and kindergarten shall be at least two and one-half (2 1/2) hours and, for early childhood education, may be six (6) hours.

2. "Average Daily Membership" (ADM) means the average number of pupils present and absent in a school district during a school year. Average Daily Membership shall be calculated by dividing the sum of the pupil's total days present and total days absent by the number of days taught. Provided, a pupil who has been absent without excuse ten (10) consecutive days shall be taken off the roll beginning the

eleventh day and thereafter shall not be considered in a district's average daily membership calculation until the pupil is placed on the roll in the district. For the purpose of this paragraph, consecutive days means days for which enrollment is recorded.

3. "Total Adjusted Assessed Valuation" means the sum of public service property assessed valuation, personal property assessed valuation and real property assessed valuation as adjusted pursuant to the provisions of Section 18-109.1 of this title.

4. "Eighty-five percent (85%) of maximum allowable", for the purpose of assessing class size penalty pursuant to Sections 18-113.1 and 18-113.2 of this title, means eighty-five percent (85%) of ten percent (10%) of the preceding year's net assessed valuation of a school district. The calculation of indebtedness as provided for in paragraph a of subsection G of Section 18-113.1 and subparagraph a of paragraph 4 of subsection A of Section 18-113.2 of this title shall include the outstanding principal amount of bonds issued by the school district plus the principal amount of any bonds authorized by a vote of the people for issuance but not yet issued by the school district.

Added by Laws 1971, c. 305, § 7, emerg. eff. June 17, 1971. Amended by Laws 1981, c. 347, § 14, emerg. eff. July 1, 1981; Laws 1983, c. 330, § 11, operative July 1, 1983; Laws 1992, c. 111, § 3, eff. July 1, 1992; Laws 1996, c. 215, § 1, eff. July 1, 1996; Laws 1998, c. 204, § 3, eff. July 1, 1998.

§70-18-107.1. Determining financial support to school districts through State Aid Formula - Property included in assessed valuation.

Except as provided for in subsection D of Section 18-200 of this title, for the purpose of determining the financial support to school districts through the State Aid Formula, the assessed valuation of a school district shall include the total valuation of property exempt from taxation by virtue of Section 6B of Article X of the Oklahoma Constitution as approved for reimbursement by the Oklahoma Tax Commission pursuant to the provisions of Section 193 of Title 62 of the Oklahoma Statutes.

Added by Laws 1992, c. 334, § 43, eff. July 1, 1992.

§70-18-108. Free public kindergarten - School district transfer alternative - Exemption.

A. It is the intent of the Legislature to provide a free public kindergarten for every five-year-old child in this state.

B. Each day during which a child attends a kindergarten for two and one-half (2 1/2) hours or more shall be counted as one hundred percent (100%) of one (1) day of average daily attendance. Each day a kindergarten student is on the membership roll in a school district shall be counted as one hundred percent (100%) of one (1) day of average daily membership.

C. It shall be the duty of every school district in this state to provide and offer kindergarten free of tuition for every child residing in the district who attains the age of five (5) years on or before the first day of September during the school year such kindergarten is offered. The duty to provide and offer kindergarten may be satisfied by transferring kindergarten children to other school districts which accept them and provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based upon selection criteria established by the district.

D. A kindergarten program may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title.

E. Beginning with the 2013-2014 school year, it shall be the duty of every school district in this state to provide and offer a full six-hour day of kindergarten free of tuition for every child residing in the district who attains the age of five (5) years on or before the first day of September during the school year kindergarten is offered. The duty to provide and offer kindergarten may be satisfied by intra-district transfer to a school offering full-day kindergarten, by transferring kindergarten children to other school districts which will accept them and can provide kindergarten for such children, or by contracting for classroom space with a licensed public or licensed private child care provider based upon selection criteria established by the district. A school district shall be exempt from the provisions of this subsection if the school district has voted indebtedness through the issuance of bonds or approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable, pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution, at any time within the previous five (5) years.

F. The requirement to attend kindergarten provided in Section 10-105 of this title may be satisfied by attendance in either a half-day or full-day program. Membership in a kindergarten for either two and one-half (2 1/2) hours or six (6) hours per school day shall be counted as one (1) day for average daily membership purposes. For purposes of State Aid, the pupil grade level weight for a two-and-one-half-hour day of kindergarten shall be 1.3, and for a six-hour full day of kindergarten shall be 1.5.

Added by Laws 1971, c. 305, § 8, emerg. eff. June 17, 1971. Amended by Laws 1974, c. 20, § 1, emerg. eff. April 8, 1974; Laws 1981, c. 347, § 22, eff. July 1, 1981; Laws 1994, c. 220, § 3, eff. July 1, 1995; Laws 1999, c. 355, § 1, eff. July 1, 1999; Laws 2000, c. 6, § 19, emerg. eff. March 20, 2000; Laws 2001, c. 201, § 4; Laws 2003, c. 434, § 24; Laws 2005, c. 432, § 9, eff. July 1, 2005; Laws 2011, c. 345, § 1.

NOTE: Laws 1999, c. 320, § 53 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2001, c. 5, § 64 repealed by Laws 2001, c. 414, § 15, eff. Aug. 23, 2001.

§70-18-109. Repealed by Laws 1981, c. 347, § 50, emerg. eff. July 1, 1981.

§70-18-109.1. State Aid Formula - Procedure.

The Legislature hereby declares, for the purpose of financial support to school districts through the State Aid Formula, that greater equalization of State Aid to school districts will be attained by the following procedure:

1. For the 1989-90 school year, the real property portion of the valuations for those school districts in counties having an assessment ratio in excess of twelve percent (12%) shall be computed at a twelve percent (12%) assessment ratio to determine chargeable valuations. Beginning with the 1990-91 school year, the real property portion of the valuations for those school districts in counties having an assessment ratio in excess of eleven percent (11%) shall be computed at an eleven percent (11%) assessment ratio to determine chargeable valuations. Beginning with the 1991-92 school year, the commercial personal and agricultural personal property portion of the valuations for those school districts in counties having an assessment ratio in excess of eleven percent (11%) shall be computed at an eleven percent (11%) assessment ratio to determine chargeable valuations. The Oklahoma Tax Commission shall supply to the State Department of Education the information necessary to carry out the provisions of this paragraph.

2. The real property portions of the valuations for those school districts in counties having an actual assessment ratio of less than twelve percent (12%) shall be computed at the actual assessment ratio in effect for the county as determined by the Oklahoma Tax Commission in order to determine chargeable valuations for calculating State Aid to such district if such ratio is at least nine percent (9%) and the county is certified by the Oklahoma Tax Commission to have a verifiable revaluation program using property identification cards for the applicable assessment year.

3. The real property portion of the valuations for those school districts in counties which have an actual assessment ratio of less than twelve percent (12%) and which are not certified by the Oklahoma Tax Commission to have a verifiable revaluation program using property identification cards shall be computed at a twelve percent (12%) assessment ratio to determine chargeable valuations. For each school year, the actual assessment ratio shall be the assessment ratio recommended by the Oklahoma Tax Commission and certified by the State Board of Equalization for the applicable assessment year.

4. The Oklahoma Tax Commission shall certify by October 1, for each applicable assessment year, to the State Superintendent of Public Instruction those counties which have revaluation programs using property identification cards. The Oklahoma Tax Commission shall, as soon as practicable, certify to the State Superintendent of Public Instruction and the district attorney for the applicable county the date as of which a county implements a verifiable revaluation program using property identification cards after October 1 of any year.

5. Any county assessor who fails to have an approved revaluation program using property identification cards shall pay a penalty in the amount of One Hundred Dollars (\$100.00) for each calendar day beyond October 1 of any year that the county does not have a verifiable revaluation program using property identification cards. The penalty shall be imposed for each calendar day on and after October 2 of each year until the county implements a verifiable revaluation program using property identification cards; provided, that such penalty shall be collected from any county assessor of a county which did not have a verifiable revaluation program using property identification cards as of October 1, 1985, for each day from and after July 1, 1986, that the applicable county does not have a verifiable revaluation program using property identification cards.

6. Upon receipt of certification by the Oklahoma Tax Commission of the counties having approved revaluation programs, the State Superintendent of Public Instruction shall cause notice to be mailed by return receipt mail to the county assessor, the district attorney, the county treasurer and the superintendent of each school district of any county not included in the certification.

7. The district attorney, upon receipt of the notice provided for in paragraph 6 of this section, shall immediately institute an action to collect the One Hundred Dollar (\$100.00) penalty for each day that the county does not have a verifiable revaluation program using property identification cards. The district attorney shall be authorized to institute a single action in district court pursuant to which any amount of penalty may be collected for any day the assessor fails to implement the revaluation program using property identification cards. Any amount of such fine collected shall be deposited in a special account within the county general fund. Such amounts shall be apportioned to the school districts of the county on the basis of the preceding year's average daily attendance.

8. The district attorney shall initiate action for removal of the county assessor from office for malfeasance if the county assessor has not instituted a verifiable revaluation program using property identification cards within thirty (30) days after the district attorney receives notice from the State Superintendent of Public Instruction. Initiation of an action for the removal of the county assessor for malfeasance as required by this section is a

mandatory duty of the office of the district attorney. If the district attorney fails to initiate an action within forty (40) days after receipt of the notice from the State Superintendent of Public Instruction, and the county assessor has not implemented a verifiable revaluation program using property identification cards, the district attorney shall pay a penalty of One Hundred Dollars (\$100.00) for each day that an action could have been filed for the removal of the county assessor and such action has not been filed or until the county assessor implements the revaluation program using property identification cards. The Attorney General shall initiate an action to collect the penalty from the district attorney pursuant to the authority of Section 18b of Title 74 of the Oklahoma Statutes. All penalties collected pursuant to the provisions of this paragraph shall be deposited in the special account within the county general fund and apportioned to the school districts of the county on the basis of the preceding year's average daily attendance.

9. The notice to the superintendents of the various school districts from the State Superintendent of Public Instruction shall state that the State Aid formula funds computed for such districts based upon the actual assessment ratio valuations in excess of the amount computed upon twelve percent (12%) assessment ratio valuations shall be withheld from distribution to the school district until the office of the county assessor has complied with the requirement of a verifiable revaluation program using property identification cards. Amended by Laws 1982, c. 287, § 7, operative July 1, 1982; Laws 1982, c. 369, § 2, emerg. eff. July 14, 1982; Laws 1983, c. 330, § 12, operative July 1, 1983; Laws 1984, c. 296, § 6, operative July 1, 1984; Laws 1986, c. 259, § 12, operative July 1, 1986; Laws 1989, c. 315, § 49, operative July 1, 1989; Laws 1990, c. 263, § 62, operative July 1, 1990.

§70-18-109.2. Repealed by Laws 1989, 1st Ex.Sess., c. 2, § 121, operative July 1, 1990.

§70-18-109.3. Repealed by Laws 1989, 1st Ex. Sess., c. 2, § 121, operative July 1, 1990.

§70-18-109.4. Repealed by Laws 1989, 1st Ex. Sess., c. 2, § 121, operative July 1, 1990.

§70-18-109.5. Definitions.

A. As used in Section 18-201.1 of this title:

1. "Visual impairment" means an impairment in vision that, even with correction, adversely affects a child's educational performance. This includes both partial sight and blindness;

2. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding

or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance or of environmental, cultural or economic disadvantage;

3. "Deafness" means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches;

5. "Intellectual disability" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the development period, that adversely affects a child's educational performance;

6. "Emotional disturbance" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- a. an inability to learn which cannot be explained by intellectual, sensory or health factors,
- b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,
- c. inappropriate types of behavior or feelings under normal circumstances,
- d. a general pervasive mood of unhappiness or depression, or
- e. a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of this title;

8. "Hearing impairment" means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of "deafness";

9. "Multiple disabilities" means concomitant impairments, such as intellectual disability - blindness or intellectual disability - orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness;

10. "Orthopedic impairment" means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease such as poliomyelitis and bone tuberculosis, and impairments from other causes such as cerebral palsy, amputations and fractures or burns that cause contractures;

11. "Other health impairment" means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that adversely affects a child's educational performance and is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia and Tourette syndrome;

12. "Speech or language impairment" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance;

13. "Deaf-blindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for children with deafness or children with blindness;

14. "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3), that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in this subsection;

15. "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma;

16. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the

dominant language as reported on the current year application for accreditation;

17. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such special education summer programs shall provide services as provided in Section 13-101 of this title; and

18. "Optional Extended School Year Program" means the program defined in Section 1-109.1 of this title.

B. The State Board of Education is hereby authorized to modify and redefine by rule the definitions set out in this section whenever such modification is required to receive federal assistance therefor. Added by Laws 1981, c. 347, § 18, emerg. eff. July 1, 1981. Amended by Laws 1982, c. 287, § 10, operative July 1, 1982; Laws 1989, 1st Ex. Sess., c. 2, § 109, emerg. eff. April 25, 1990; Laws 1998, c. 246, § 33, eff. Nov. 1, 1998; Laws 2000, c. 308, § 3, eff. July 1, 2000; Laws 2018, c. 228, § 1, eff. July 1, 2018.

§70-18-109.6. Pupil grade level weights - Midterm supplements - Review and recommendations - Report.

A. The State Board of Education shall review the pupil grade level weights, district weights and pupil category weights which form a part of the school funding formula using the results of the educational cost accounting system now in place and shall make recommendations for revisions to such weights to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate on or before April 1, 1991.

B. The recommendations of the State Board of Education required by subsection A of this section shall take into consideration the findings and recommendations of the report of the Special Joint Committee on School Finance, created pursuant to Section 45 of Enrolled House Bill No. 1035 of the 1st Session of the 40th Oklahoma Legislature, in addition to any other information the Board determines relevant to such review. The Board is directed to pay particular attention to a review of the pupil category weights, and should determine whether the creation of other weights is warranted.

C. In addition to the review and recommendations required by subsection A of this section, the State Board of Education shall review that part of the State Aid formula which provides for a midterm supplement in State Aid to school districts. The Board shall make recommendations in a report regarding revisions to or elimination of the provisions for such supplement to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate on or before September 1, 1990. On or before

September 1, 1990, the Board shall send a copy of the report to the administrator of each school site in the state.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 60, emerg. eff. April 25, 1990. Amended by Laws 1990, c. 263, § 73, operative July 1, 1990.

§70-18-109.7. Common School Fund.

A. Pursuant to Section 12a of Article X of the Oklahoma Constitution, there is hereby created in the State Treasury a fund to be designated as the "Common School Fund". Monies from this fund shall be apportioned by the State Treasurer for distribution as provided for by the Legislature through the State Aid Formula for the benefit of the common schools of this state.

B. Beginning January 1, 1991, taxes collected on public service corporation property for the benefit of the common schools pursuant to paragraph 2 of subsection B of Section 12a of Article X of the Oklahoma Constitution, except that portion of such taxes collected for the benefit of school districts in this state pursuant to Section 26 of Article X of the Oklahoma Constitution and that portion of such taxes collected for purposes of raising money for a building fund for a school district pursuant to Section 9 of Article X of the Oklahoma Constitution, and taxes collected on locally assessed commercial/industrial real and personal property for the benefit of the common schools pursuant to paragraph 2 of subsection C of Section 12a of Article X of the Oklahoma Constitution, except that portion of such taxes collected for the benefit of school districts in this state pursuant to Section 26 of Article X of the Oklahoma Constitution and that portion of such taxes collected for purposes of raising money for a building fund for a school district pursuant to Section 9 of Article X of the Oklahoma Constitution, together with any revenues accruing to it pursuant to law and any money appropriated to it by the Legislature shall be paid to the State Treasurer to be placed in the Common School Fund.

C. Beginning July 1, 1991, gross production taxes collected on oil and gas which are apportioned for common school purposes pursuant to the provisions of Section 1004 of Title 68 of the Oklahoma Statutes, motor vehicle taxes and fees collected pursuant to the Oklahoma Vehicle License and Registration Act which are apportioned for common school purposes pursuant to the provisions of Section 1104 of Title 47 of the Oklahoma Statutes and taxes levied upon rural electric cooperative corporations which are apportioned for common school purposes pursuant to the provisions of Section 1806 of Title 68 of the Oklahoma Statutes together with any revenues accruing to it pursuant to law and any money appropriated to it by the Legislature shall be paid to the State Treasurer to be placed in the Common School Fund.

D. The provisions of this section shall not have the force and effect of law unless and until the voters of the State of Oklahoma

approve amendments to Section 12a of Article X of the Oklahoma Constitution contained in Enrolled House Joint Resolution No. 1005 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature. Added by Laws 1989, 1st Ex.Sess., c. 2, § 93, operative Jan. 1, 1991.

§70-18-110. Adjustments and limitations.

A. If any district, or a part of a district, becomes a part of another district by consolidation, annexation, or otherwise, the following procedure shall be followed, except as otherwise provided by law, in calculating aid to the new district or districts so formed:

1. If the action occurs after budgets have been approved by the county excise board and the tax levies approved, the State Aid for the current year shall be calculated for each district as it existed prior to the annexation and prorated to the annexing district or districts on the basis of average daily attendance.

2. If the action occurs prior to approval of the school district budgets by the county excise board, the annexed district shall be merged with the annexing district or districts and State Aid shall be calculated according to the formula provided by this title.

B. Any school district that does not maintain school for a full term pursuant to Section 1-109 of this title shall have its State Aid reduced proportionately unless it has received written approval to maintain school for less than a full term from the State Board of Education. The State Board of Education shall not approve any request to maintain school for less than a full term unless such request meets the requirements of Section 1-109 of this title.

C. 1. If a school district operates a school located in a state institution, as described in subsection E of Section 1-113 of this title, for the pupils of school age residing in such institution, the membership of such children shall be included in the membership of such school district for the purpose of calculating State Aid of the district.

2. If a school district provides education to children in out-of-home placements who are not residents of the school district in which an entity is located pursuant to the provisions of subsections D and F of Section 1-113 of this title, the membership and out-of-home placement pupil weight for such student shall be included in the membership of the district providing the education for the purposes of calculating State Aid.

D. Upon determination by the Finance Division of the State Department of Education that a legal residence for a child placed in an out-of-home placement cannot be identified, the district in which the placement is located shall be the district of residence and the average daily membership of such child shall be credited to such district.

E. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education and related services for a child with disabilities, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of this title, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education and related services, to transfer to any adjacent or nearby school district which will accept the child with disabilities and provide the special education and related services which such child is entitled to receive. Notwithstanding the provisions of the Education Open Transfer Act, a school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this subsection. Provided the average daily membership of such child shall be credited to the resident district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education and related services of such child with disabilities based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such child with disabilities transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee, notwithstanding the provisions of the Education Open Transfer Act:

- a. whenever a student who resides in the district is transferred to another school district for purposes other than to acquire special education,
- b. the student is subsequently found to require such special education and related services,
- c. the student is determined to be eligible by the Special Education Division of the State Department of Education, and
- d. the student is placed in an appropriate special education program by the receiving school district.

For purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this subsection, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program. The receiving district shall notify the sending district immediately upon finding that the student requires special education and related services and the sending district shall participate in planning the student's Individualized Education Program (IEP) and in subsequent reviews of the program in accordance with the Individuals with Disabilities Education Act (IDEA).

Added by Laws 1971, c. 305, § 10, emerg. eff. June 17, 1971. Amended by Laws 1978, c. 28, § 1; Laws 1981, c. 81, § 2, emerg. eff. April 20, 1981; Laws 1982, c. 287, § 11, operative July 1, 1982; Laws 1984, c. 182, § 2, emerg. eff. May 7, 1984; Laws 1985, c. 336, § 2, operative July 1, 1985; Laws 1989, c. 315, § 53, operative July 1, 1989; Laws 1994, c. 168, § 3, eff. July 1, 1994; Laws 1996, c. 319, § 3, eff. July 1, 1996; Laws 1997, c. 343, § 4, eff. July 1, 1997; Laws 1998, c. 362, § 3, eff. July 1, 1998; Laws 1999, c. 320, § 29, eff. July 1, 1999.

§70-18-111. Average daily membership - Legally resident pupils.

No pupil shall be counted in the average daily membership of any district for the purpose set out in this article unless said pupil is a legal resident of said district as provided for in Section 1-113 of this title or has been transferred to said district. A pupil moving from a school district during a school term shall be entitled to attend such school for the remainder of that school term. School districts shall not include out-of-state pupils in their average daily membership for the purpose set out in this article. The following pupils shall not be counted: Those who have attained twenty-one (21) years of age by September 1 of that school year, or who have completed the twelfth grade, except as elsewhere provided for by law for veterans of World War II, the Korean War, or the Vietnam Conflict, and those who have not attained four (4) years of age by September 1 of that school year. In determining the ages of pupils for State Aid purposes, birth certificates shall be presented, if obtainable, as proof of age. Underage pupils in kindergarten and first grade who have been in legal school attendance in a public or private school in another state or in a Department of Defense School for military dependents may be legally enrolled and attend an Oklahoma school.

Added by Laws 1971, c. 305, § 11, emerg. eff. June 17, 1971. Amended by Laws 1981, c. 131, § 1, emerg. eff. May 4, 1981; Laws 1983, c. 150, § 2, operative July 1, 1983; Laws 1984, c. 296, § 29, operative July 1, 1984; Laws 1998, c. 204, § 4, eff. July 1, 1998.

§70-18-112. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §121, operative July 1, 1990.

§70-18-112.1. Repealed by Laws 1984, c. 296, § 41, operative July 1, 1984.

§70-18-112.2. Supplemental State Aid.

A. For the 1987-88 school year and for each school year thereafter, each school district which, pursuant to the provisions of Section 18-112 of Title 70 of the Oklahoma Statutes, received funding for the 1986-87 school year in excess of the sum of Foundation Aid, Salary Incentive Aid, and Transportation Supplement otherwise authorized pursuant to Section 18-109.2 of Title 70 of the Oklahoma Statutes shall receive a Supplement in State Aid: For the 1987-88 school year, said Supplement shall be equal to sixty-seven percent (67%) of the amount of said excess funding, less the amount by which the sum of Foundation Aid, Salary Incentive Aid, and Transportation Supplement exceeds said sum for the preceding school year; for the 1988-89 school year and thereafter, the Supplement in State Aid shall be an amount equal to the previous year's Supplement less the amount by which the sum of Foundation Aid, Salary Incentive Aid, and Transportation Supplement for the school year being considered exceeds said sum for the preceding school year. No school district shall receive for any school year subsequent to the 1987-88 school year a Supplement in State Aid larger than said Supplement received for the year preceding the subsequent year. Districts must levy thirty-five (35) General Fund mills to receive this Supplement.

B. Eligibility of a district for a Supplement in State Aid shall not cause the district to be exempt from penalties required by the provisions of Section 18-113.1 of Title 70 of the Oklahoma Statutes. Calculation of the Supplement in State Aid shall be based on use of unreduced average daily attendance for determination of the sum of Foundation Aid, Salary Incentive Aid, and Transportation Supplement. The actual amount of Foundation Aid, Salary Incentive Aid, and Transportation Supplement to be paid, however, shall be subject to the provisions of Section 18-113.1 of Title 70 of the Oklahoma Statutes.

Added by Laws 1987, c. 204, § 83, operative July 1, 1987.

§70-18-113. Repealed by Laws 1985, c. 329, § 29, emerg. eff. July 30, 1985.

§70-18-113.1. Class size limitation - Penalties - Exemptions.

A. The provisions of this subsection shall apply only to grades one through three.

1. Except as otherwise provided for in this section, no child shall be included in the average daily membership of a school

district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes more than twenty (20) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if:

- a. the creation of an additional class would cause a class to have fewer than ten (10) students; and
- b. a teacher's assistant, as defined in Section 6-127 of this title, is employed to serve with each teacher in a class that exceeds the class size limitation provided for in this subsection.

3. No school district shall be penalized for exceeding class size limitations set forth in this subsection if the limitations are exceeded beginning after the first nine (9) weeks of the school year.

Any school district found to be in violation of the provisions of this subsection shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:

- a. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Base Foundation Support Level for the current school year, and
- b. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Incentive Aid guarantee for the current school year times twenty (20), and
- c. Sum the products of subparagraphs a and b of this paragraph.

B. The provisions of this subsection shall apply only to grades four through six.

1. Except as otherwise provided for in this section, no child shall be included in the average daily membership of a school district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes more than twenty (20) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if the creation of an additional class would cause a class to have fewer than sixteen (16) students.

3. No school district shall be penalized for exceeding class size limitations set forth in this subsection if the limitations are exceeded beginning after the first nine (9) weeks of the school year.

4. Any school district found to be in violation of the provisions of this subsection shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:

- a. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the

grade level weight and by the Base Foundation Support Level for the current school year, and

- b. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Incentive Aid guarantee for the current school year times twenty (20), and
- c. Sum the products of subparagraphs a and b of this paragraph.

C. Classes in the following subjects shall not be subject to the class size limitations provided for in subsections A and B of this section:

1. Physical education; and
2. Chorus, band, orchestra and similar music classes.

D. If a school district groups its grades as grades one through five, grades six through eight, and grades nine through twelve, then as to such district the provisions of subsection B of this section shall apply to grades four and five rather than grades four through six, and the provisions of Section 18-113.3 of this title shall apply to grades six through twelve.

E. Any violations of the provisions of this section shall result in denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

F. Any school district which at the beginning of the school year does not have sufficient classrooms to meet the class size limitation provided for in this section as determined by guidelines established by the State Board of Education shall not be penalized for failure to meet the class size limitations provided for in this section if:

- a. the school district has voted indebtedness, at any time within the five (5) years preceding the year the district exceeds the class size limitations or during the year the district exceeds the class size limitations, through the issuance of bonds or approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Equalization Board for the current school year and certifications by the Attorney General prior to February 1 of the current school year; and
- b. on the date of filing of the school district budget with the State Equalization Board, the school district is voting the maximum millage allowable for the support, maintenance and construction of schools as provided for in subsections (a), (c), (d) and (d-1) of Section 9 of Article X of the Oklahoma Constitution and Section 10 of Article X of the Oklahoma Constitution.

G. Any school district which exceeds the class size limitations as set forth in this section shall submit a written report to the State Board of Education, on or before July 1 of each year, setting forth the procedures that the district will follow in order to comply with this section.

H. School districts which receive state-appropriated funds pursuant to the provisions of Section 18-112.2 of this title and do not comply with the provisions of this section shall be subject to loss of State Aid for each child in excess of the class size limitations specified in this section.

Added by Laws 1985, c. 329, § 3, emerg. eff. July 30, 1985. Amended by Laws 1986, c. 259, § 19, operative July 1, 1986; Laws 1987, c. 204, § 84, operative July 1, 1987; Laws 1988, c. 207, § 3, operative July 1, 1988; Laws 1989, c. 214, § 1, emerg. eff. May 9, 1989; Laws 1989, 1st Ex.Sess., c. 2, § 28, operative July 1, 1990; Laws 1990, c. 263, § 69, operative July 1, 1990; Laws 1991, c. 280, § 71, eff. July 1, 1991; Laws 1992, c. 324, § 15, eff. July 1, 1992; Laws 1996, c. 314, § 1, eff. July 1, 1996.

§70-18-113.2. Class size limitations - Kindergarten - Penalties - Exemptions.

A. The provisions of this section shall apply only to kindergarten.

1. No child shall be included in the average daily membership of a school district for the purpose of computing and paying state-appropriated funds if that child is regularly assigned to a teacher or to a class that includes more than twenty (20) students.

2. If a class or classes in a grade exceed the class size limitation provided for in this subsection, the class size limitation and penalty shall not apply if:

- a. the creation of an additional class would cause a class to have fewer than ten (10) students; and
- b. a teacher's assistant, as defined in Section 6-127 of this title, is employed to serve with each teacher in a class that exceeds the class size limitation provided for in this subsection.

3. No school district shall be penalized for exceeding class size limitations set forth in this section if the limitations are exceeded beginning after the first nine (9) weeks of the school year.

4. Any school district which at the beginning of the school year does not have sufficient classrooms to meet the class size limitation provided for in this section as determined by guidelines established by the State Board of Education shall not be penalized for failure to meet the class size limitations provided for in this section if:

- a. the school district has voted indebtedness, at any time within the five (5) years preceding the year the district exceeds the class size limitations or during

the year the district exceeds the class size limitations, through the issuance of bonds or approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Equalization Board for the current school year and certifications by the Attorney General prior to February 1 of the current school year; and

- b. on the date of filing of the school district budget with the State Equalization Board, the school district is voting the maximum millage allowable for the support, maintenance and construction of schools as provided for in subsections (a), (c), (d) and (d-1) of Section 9 of Article X of the Oklahoma Constitution and Section 10 of Article X of the Oklahoma Constitution.

5. Any school district found to be in violation of the provisions of this subsection shall receive a penalty in the State Aid formula as a reduction to State Aid to be determined as follows:

- a. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Base Foundation Support Level for the current school year, and
- b. Multiply each pupil in excess of the class size membership limit as provided in this subsection by the grade level weight and by the Incentive Aid guarantee for the current school year times twenty (20), and
- c. Sum the products of subparagraphs a and b of this paragraph.

B. Any violations of the provisions of this section shall result in denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

C. School districts which receive state-appropriated funds pursuant to the provisions of Section 18-112.2 of this title and do not comply with the provisions of this section shall be subject to loss of State Aid for each child in excess of the class size limitations specified in this section.

Added by Laws 1989, c. 214, § 2, emerg. eff. May 9, 1989. Amended by Laws 1989, 1st Ex.Sess., c. 2, § 29, operative July 1, 1990; Laws 1990, c. 263, § 70, operative July 1, 1990; Laws 1991, c. 280, § 72, eff. July 1, 1991; Laws 1996, c. 314, § 2, eff. July 1, 1996.

§70-18-113.3. Class size - Computation - Number of students teacher may instruct during school day - Penalties - Exemptions.

A. Class size, as used in Section 18-113.1 and Section 18-113.2 of this title, shall be determined by the average daily membership

divided by the full-time equivalency of the instructional staff assigned to each grade level by site. Full-time equivalency of special education teachers, Chapter 1 teachers, and teachers of classes not subject to class size limitations and the average daily membership of self-contained special education classes shall not be counted in class size computation.

B. As used in this section, self-contained special education classes are those classes whose students attend the same class for three (3) or more class periods and who have individualized education plans.

C. Beginning with the 1996-97 school year and each school year thereafter, no teacher who is counted in class size count for grades seven through twelve shall be responsible for the instruction of more than one hundred forty (140) students on any given six-hour school day. Class size count shall be taken during the month of October of each school year on a date set by the State Board of Education. If the class size count is in excess of the limits set forth in this subsection, the school district shall be subject to the penalties provided for in this section.

D. Students within a class which is not subject to class size limitations pursuant to subsection D of Section 18-113.1 of this title shall not be counted for purposes of the limitations set forth in subsection C of this section.

E. No school district shall be penalized for exceeding class size limitations set forth in this section if the limitations are exceeded beginning after the first nine (9) weeks of the school year.

F. The first year that a school district exceeds the class size membership limitation as established and computed in subsection C of this section, the district shall receive as a penalty a reduction in the State Aid for the district. For each child in excess of the class size limitation, the reduction in State Aid to the district shall be determined as follows:

1. Multiply the averaged number of the October class size count of pupils which is in excess of the class size membership limit as provided for in subsection C of this section by the grade weight and by the Base Foundation Support Level for the current school year;

2. Multiply the averaged number of the October class size count of pupils which is in excess of the class size membership limit as provided for in subsection C of this section by the grade level weight and by the Incentive Aid guarantee for the current school year times twenty (20); and

3. Sum the products of paragraphs 1 and 2 of this subsection.

G. If a school district exceeds the class size membership limitation as established and computed in subsection C of this section for two (2) consecutive years, the district shall receive as a penalty denial of accreditation in accordance with the requirements of Section 3-104.4 of this title.

H. For the purpose of determining whether a penalty for exceeding class size limitations shall apply, a federally funded bilingual assistant shall not qualify as a teacher's assistant.

I. Any school district which at the beginning of the school year does not have sufficient classrooms to meet the class size limitation provided for in this section as determined by guidelines established by the State Board of Education shall not be penalized for failure to meet the class size limitations provided for in this section if:

1. The school district has voted indebtedness, at any time within the five (5) years preceding the year the district exceeds the class size limitations or during the year the district exceeds the class size limitations, through the issuance of bonds or approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Equalization Board for the current school year and certifications by the Attorney General prior to February 1 of the current school year; and

2. On the date of filing of the school district budget with the State Equalization Board, the school district is voting the maximum millage allowable for the support, maintenance and construction of schools as provided for in subsections (a), (c), (d) and (d-1) of Section 9 of Article X of the Oklahoma Constitution and Section 10 of Article X of the Oklahoma Constitution.

J. Any school district which exceeds the class size limitations as set forth in this section shall submit a written report to the State Board of Education, on or before July 1 of each year, setting forth the procedures that the district will follow in order to comply with this section.

K. School districts which receive state-appropriated funds pursuant to the provisions of Section 18-112.2 of this title and do not comply with the provisions of this section shall be subject to loss of State Aid for each child in excess of the class size limitations as specified in this section.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 30, operative July 1, 1990. Amended by Laws 1990, c. 263, § 71, operative July 1, 1990; Laws 1993, c. 361, § 7, eff. July 1, 1993; Laws 1996, c. 314, § 3, eff. July 1, 1996; Laws 1996, c. 350, § 3, eff. July 1, 1996.

§70-18-113.4. Class size limitations - Penalties - Exemptions.

A. Beginning with the 1997-98 school year, the penalties for exceeding class size limitations established in Sections 18-113.1, 18-113.2 and 18-113.3 of this title shall not apply if the class size limitations, as set forth in said sections, are exceeded beginning after the first nine (9) weeks of the school year. If the class size limitations are exceeded during the first nine (9) weeks, the penalties shall apply.

B. For the purposes of calculating class size penalties established in Sections 18-113.1, 18-113.2 and 18-113.3 of this title, school districts shall use only the full-time-equivalency of the instructional staff who are under contract to work the full school year in question.

C. Beginning July 1, 2003, school districts that participate in consolidation or annexation pursuant to the provisions of the Oklahoma School Voluntary Consolidation and Annexation Act shall be exempt from the provisions of Sections 18-113.1, 18-113.2 and 18-113.3 of this title for the year in which the consolidation or annexation occurs and for the next five (5) fiscal years. Added by Laws 1996, c. 215, § 2, eff. July 1, 1996. Amended by Laws 1997, c. 355, § 6, eff. July 1, 1997; Laws 2003, c. 296, § 5, eff. July 1, 2003.

§70-18-113.5. Schools maintained in state reformatories - Exemption from class size limitations.

Any school maintained in the state reformatories under the administrative authority of the Department of Corrections shall not be subject to the provisions of Section 18-113.3 of Title 70 of the Oklahoma Statutes. The State Board of Education shall not assess any penalties that would be imposed upon or sanctions that could result in denial of accreditation of a school pursuant to Section 18-113.3 of Title 70 of the Oklahoma Statutes for any school maintained in the state reformatories.

Added by Laws 2003, c. 69, § 1, emerg. eff. April 10, 2003.

§70-18-114. Repealed by Laws 2014, c. 205, § 1, eff. Nov. 1, 2014.

§70-18-114.1. Salary schedule and increments in excess of minimums.

Boards of education of all school districts may adopt a salary schedule and increments in excess of the minimums provided in this act.

Added by Laws 1973, c. 211, § 24, emerg. eff. May 22, 1973.

§70-18-114.2. Tradesmen or technicians - Qualification for increment.

To qualify for the yearly One Hundred Dollars (\$100.00) increment as provided by the Oklahoma Statutes a tradesman or technician not having a college degree who is employed as an instructor in an approved vocational trade and industrial program shall complete eight (8) college hours each year until graduation or such other training courses as may be approved by the Oklahoma State Board for Vocational Education.

Added by Laws 1973, c. 211, § 25, emerg. eff. May 22, 1973.

§70-18-114.3. Juris Doctorate Degree - Recognition in salary determination.

Provided that, all school districts in the State of Oklahoma, employing certified personnel who have earned Juris Doctorate Degree, granted by an institution of higher learning with membership in a recognized accrediting association are required to accord to and grant to aforesaid degrees equal recognition for salary in contract determination.

Laws 1974, c. 234, § 23, emerg. eff. May 17, 1974.

§70-18-114.4. Repealed by Laws 2014, c. 205, § 1, eff. Nov. 1, 2014.

§70-18-114.5. Repealed by Laws 2014, c. 205, § 1, eff. Nov. 1, 2014.

§70-18-114.6. Repealed by Laws 2014, c. 205, § 1, eff. Nov. 1, 2014.

§70-18-114.7. Repealed by Laws 2014, c. 205, § 1, eff. Nov. 1, 2014.

§70-18-114.8. Expiration of collective bargaining agreement - Prohibition of reduction of wages, hours, fringe benefits or other benefits in agreement - Exceptions to prohibition.

During the twelve-month period following the expiration of a collective bargaining agreement, no district board of education may reduce the wages, hours, fringe benefits or other terms and conditions of employment for any category of employees that were agreed to in the expired collective bargaining agreement, except pursuant to a subsequent collective bargaining agreement or pursuant to implementation of the plan filed by the district board of education with the State Superintendent of Public Instruction following exhaustion of the negotiations impasse process as provided in Section 509.7 of Title 70 of the Oklahoma Statutes.

Added by Laws 1994, c. 332, § 1, eff. July 1, 1994.

§70-18-114.9. Reduction of teacher's salary and fringe benefit level from one school year to the next - Violation - Forfeiture and withholding of State Aid - Filing of complaints.

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

B. Subject to the provisions of this section, any school district that willfully reduces or has in years previous to enactment of this section willfully reduced the compensation of a teacher in

violation of subsection A of this section shall forfeit as a penalty a portion of its State Aid equal to the total amount that the teacher was underpaid. If the teacher was underpaid for more than one (1) school year, the amount forfeited shall equal the cumulative amount that the teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid payment following confirmation of the underpayment by the State Department of Education.

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

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

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

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

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

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

Added by Laws 2003, c. 434, § 18. Amended by Laws 2004, c. 119, § 3, eff. July 1, 2004; Laws 2004, c. 248, § 2, eff. July 1, 2004; Laws 2015, c. 56, § 1, eff. Nov. 1, 2015; Laws 2017, c. 333, § 1, eff. July 1, 2017.

§70-18-114.10. Repealed by Laws 2004, c. 119, § 5, eff. July 1, 2004.

§70-18-114.11. Repealed by Laws 2015, c. 78, § 1, eff. Nov. 1, 2015.

§70-18-114.12. Repealed by Laws 2013, c. 394, § 4.

§70-18-114.13. Appropriation of certified or support personnel salary increases.

State appropriated funding for certified or support personnel salary increases that is not appropriated through the State Aid formula provided in Section 18-200.1 of Title 70 of the Oklahoma Statutes shall be added to the state appropriation for the State Aid formula in the next fiscal year following the year the increase became effective, and each year thereafter. For the purposes of this section, state appropriated funding for certified or support personnel salary increases shall not include funding for the following items for education employees: health benefit allowances, Academic Achievement Awards, Mentor Teacher Stipends, Education Leadership Oklahoma bonuses, and the Oklahoma Ambassador of Teaching. Added by Laws 2006, 2nd Ex.Sess., c. 49, § 3, eff. July 1, 2006.

§70-18-114.14. Minimum salary and benefits.

A. Beginning with the 2018-2019 school year, certified personnel, as defined in Section 26-103 of this title, in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	National Board Certification	Master's Degree	Doctor's Degree
0	\$36,601	\$37,759	\$37,991	\$39,381
1	\$37,035	\$38,193	\$38,425	\$39,815
2	\$37,469	\$38,628	\$38,859	\$40,249
3	\$37,904	\$39,062	\$39,294	\$40,684
4	\$38,338	\$39,496	\$39,728	\$41,118
5	\$38,810	\$39,968	\$40,200	\$41,590
6	\$39,273	\$40,432	\$40,663	\$42,054
7	\$39,737	\$40,895	\$41,127	\$42,517
8	\$40,200	\$41,358	\$41,590	\$42,980
9	\$40,663	\$41,822	\$42,054	\$43,444
10	\$41,684	\$42,844	\$43,568	\$45,945
11	\$42,177	\$43,336	\$44,061	\$46,438
12	\$42,670	\$43,829	\$44,554	\$46,931
13	\$43,162	\$44,322	\$45,047	\$47,424
14	\$43,655	\$44,815	\$45,539	\$47,916
15	\$44,167	\$45,327	\$46,052	\$48,430
16	\$44,660	\$45,820	\$46,545	\$48,923
17	\$45,153	\$46,313	\$47,038	\$49,416
18	\$45,646	\$46,806	\$47,531	\$49,909
19	\$46,139	\$47,299	\$48,024	\$50,402
20	\$46,652	\$47,813	\$48,538	\$50,917

21	\$47,145	\$48,306	\$49,031	\$51,410
22	\$47,639	\$48,799	\$49,524	\$51,903
23	\$48,132	\$49,292	\$50,018	\$52,397
24	\$48,625	\$49,785	\$50,511	\$52,890
25	\$50,049	\$51,232	\$51,971	\$54,395

Master's Degree +
Years of National Board
Experience Certification

0	\$39,149
1	\$39,583
2	\$40,018
3	\$40,452
4	\$40,886
5	\$41,358
6	\$41,822
7	\$42,285
8	\$42,749
9	\$43,212
10	\$44,728
11	\$45,221
12	\$45,713
13	\$46,206
14	\$46,699
15	\$47,212
16	\$47,705
17	\$48,198
18	\$48,691
19	\$49,184
20	\$49,698
21	\$50,192
22	\$50,685
23	\$51,178
24	\$51,671
25	\$53,153

B. 1. When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of this title and the flexible benefit allowance pursuant to Section 26-105 of this title from the flexible benefit allowance funds disbursed by the State Board of Education and the State Board of Career and Technology Education pursuant to Section 26-104 of this title.

2. If a school district intends to provide retirement benefits to a teacher such that the teacher's salary would be less than the amounts set forth in the minimum salary schedule specified in subsection A of this section, the district shall be required to provide written notification to the teacher prior to his or her

employment or, if already employed by the district, no later than thirty (30) days prior to the date the district elects to provide retirement benefits such that the teacher's salary would be less than the minimum salary schedule.

C. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The Board shall accept teaching experience from out-of-state school districts that are accredited by the state board of education or appropriate state accrediting agency for the districts. The Board shall accept teaching experience from out-of-country schools that are accredited or otherwise endorsed by the appropriate national or regional accrediting or endorsement authority. Out-of-country certification documentation in a language other than English shall be analyzed by an educational credential evaluation service in accordance with industry standards and guidelines and approved by the State Department of Education. The person seeking to have credit granted for out-of-country teaching experience shall be responsible for all costs of the analysis by a credential evaluation service. The Board shall accept teaching experience from primary and secondary schools that are operated by the United States Department of Defense or are affiliated with the United States Department of State.

D. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years of active duty in the military service or out-of-state or out-of-country teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on district salary schedules than those allowed for state purposes.

E. The State Board of Education shall recognize, for purposes of certification and salary increments, all the years of experience of a:

1. Certified teacher who teaches in the educational program of the Department of Corrections, beginning with fiscal year 1981;
2. Vocational rehabilitation counselor under the Department of Human Services if the counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board of Career and Technology Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968;
3. Vocational rehabilitation counselor which were completed while employed by the Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma;
4. Certified teacher which were completed while employed by the Department of Human Services Child Study Center at University Hospital, if the teacher was certified as a teacher in Oklahoma; and

5. Certified school psychologist or psychometrist which were completed while employed as a doctoral intern, psychological assistant, or psychologist with any agency of the State of Oklahoma if the experience primarily involved work with persons of school- or preschool-age and if the person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

F. The provisions of this section shall not apply to teachers who have entered into postretirement employment with a public school in Oklahoma and are still receiving a monthly retirement benefit.

G. If a person employed as certified personnel, as defined in Section 26-103 of this title, by a school district during the 2017-2018 school year was receiving a salary above the step level indicated by the State Minimum Salary Schedule for the 2017-2018 school year, the person shall receive a salary increase amount equal to the amount indicated in subsection A for the step level indicated for the person, provided they remain employed by the same district, unless the hours or the duties of the certified personnel are reduced proportionately.

Added by Laws 2013, c. 394, § 3. Amended by Laws 2016, c. 322, § 2, eff. July 1, 2016; Laws 2017, c. 59, § 1, eff. July 1, 2017; Laws 2018, 2nd Ex. Sess., c. 10, § 1, eff. Aug. 1, 2018.

NOTE: Laws 2017, c. 26, § 1 repealed by Laws 2018, 2nd Ex. Sess., c. 10, § 2, eff. Aug. 1, 2018.

§70-18-115. Annual budget can include increased aid.

In the preparation of their budgets and estimates of income for the school years 1971-1972 and thereafter, the school districts of this state may include the increased amounts of state aid provided by this act.

Laws 1971, c. 305, § 15, emerg. eff. June 17, 1971.

§70-18-116. Forfeiture of State Aid.

A. Any school district which willfully operates school buses contrary to the rules and regulations prescribed by the State Board of Education shall forfeit its State Aid for the time of noncompliance. All State Aid funds shall be withheld from any school district that does not comply with the standards of the State Board of Education for accrediting.

B. Any school district that willfully pays a teacher less than the minimum salary required by law including the five percent (5%) increments for special education or alternative education shall forfeit a portion of its State Aid equal to the amount that the teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid payment following confirmation of the underpayment by the State Department of Education.

C. 1. No more than fifty percent (50%) of the funds apportioned to school districts under the provisions of this article shall be paid by the state unless and until there has been filed with the State Board of Education on forms prescribed by such Board an itemized sworn account of the expenditures and revenues of the school district during the next preceding fiscal year and a teacher personnel report for the current year.

2. All State Aid paid to a district whose district budget, as filed with the State Auditor and Inspector, shows that the appropriations of the district, plus the State Aid and other cash funds for which the district qualifies, will not enable it to maintain a full term of school as defined by this article, shall be credited against the State Aid of the district or districts to which the first district shall be annexed, if annexation is required. It is intended that the balance of any unexpended State Aid or other revenue originally allocated to an annexed district shall be paid to the receiving district.

D. School districts receiving State Aid shall not spend any of these funds except by regularly issued warrants. The warrants shall be issued against properly approved encumbrances in the manner provided by law. All encumbrances shall be approved by the board of education of the school district at a regular meeting or a special meeting called for that purpose. All original copies of encumbrances as represented by purchase orders, shall be filed in either numerical or alphabetical order, with the original paid invoice or invoices attached, accompanied by a signed and dated receiving copy verifying receipt of goods or services. It shall be unlawful to register or pay the warrant unless such warrant conforms to the statutes regulating the allowance and issuance thereof. Said treasurer shall purchase, by treasurer's check, all warrants issued.

E. All board of education members, employees, or other officials of school districts required to make reports to the State Board of Education or other agencies under the provisions of this article, and all persons lawfully charged with the duty of making records of original entry, such as teachers' registers, transportation records, and financial records, which form the basis, in whole or in part, of said reports, shall exercise the highest degree of diligence, accuracy, and good faith in making said records and reports reflect the truth. Teachers' registers shall be marked daily in ink, by the teacher or principal in charge of rooms or groups of pupils. Provided, the State Board of Education may authorize alternate systems of accounting for pupils' attendance in districts using data processing methods.

F. The State Board of Education shall revoke the certificate of any teacher, principal, or superintendent who knowingly or willfully violates any of the provisions of this article.

G. Any official involved in the execution of this article who shall fail or refuse to carry out any of the provisions thereof shall be liable on his official bond, if any, for the monetary damages resulting from said failure to act, and in addition thereto shall be subject to removal from office for neglect of duty under the provisions of law relating to the removal of public officials.

H. Any person or firm who shall knowingly or willfully violate any of the provisions of this article shall be guilty of a misdemeanor. Any public official or public employee violating any of the provisions of this article shall be subject to the penalties for a misdemeanor and in addition thereto shall forfeit his position or office. Any officer or employee of the State Board of Education who knowingly or willfully apportioned or disburses any monies appropriated by this article contrary to the provisions of this article shall be subject to the penalties for a misdemeanor and in addition shall forfeit his office or position.

I. The State Board of Education shall prescribe the form of all records, reports and applications for State Aid necessary to the proper administration of this article, and it shall be the duty of all, school district superintendents, and boards of education of school districts to make such reports fully and completely at the time and in the manner prescribed by the State Board of Education. The State Board of Education shall also have authority and it shall be its duty to promulgate rules and regulations, not inconsistent with the provisions hereof, relative to the distribution of funds and for the administration of this article. Such regulations and rules shall apply alike to all school districts.

J. Any school district that is not in compliance with the standards and requirements established by the State Board of Education related to the state student record system as provided in Section 3-160 of this title shall forfeit its State Aid for the time of noncompliance.

Added by Laws 1971, c. 305, § 16, emerg. eff. June 17, 1971. Amended by Laws 1979, c. 30, § 50, emerg. eff. April 6, 1979; Laws 1988, c. 90, § 23, operative July 1, 1988; Laws 1988, c. 330, § 14; Laws 1990, c. 221, § 11, operative July 1, 1990; Laws 2000, c. 308, § 4, eff. July 1, 2000; Laws 2010, c. 203, § 1.

§70-18-117. State Aid - Apportionment.

All apportionments of State Aid to school districts shall be made by the State Board of Education through its Director of Finance, who shall not knowingly make any apportionment or disbursement of State Aid funds which is not authorized by law. Any State Aid funds illegally disbursed by the Director of Finance shall be returned to the State Treasurer by the school district receiving such funds, or legal action shall be instituted in the name of the state against such school district or on the bond of the Director of Finance.

Laws 1971, c. 305, § 18, emerg. eff. June 17, 1971; Laws 1980, c. 159, § 21, emerg. eff. April 2, 1980.

§70-18-118. Audit of state monies received by public school districts - Withholding from subsequent allocations.

A. The State Auditor and Inspector shall approve auditors who shall audit the funds of the public school districts and the use made of the monies thereof, and shall make such other audits as may be required by the State Auditor and Inspector.

B. School districts and officers and employees thereof who divert any monies received by a district from the purpose for which the monies were apportioned to the district shall be jointly and severally liable for any such diversion.

C. If audits disclose that state monies have been illegally apportioned to, or illegally disbursed or expended by, a school district or any of its officers or employees, the State Board of Education shall make demand that the monies be returned to the State Treasurer by such school district. If the monies are not returned, the State Board of Education shall withhold the unreturned amount from subsequent allocations of state funds otherwise due the district. The State Board of Education shall cause suit to be instituted to recover for the state any monies illegally disbursed or expended, if not otherwise recovered as provided herein.

Added by Laws 1971, c. 305, § 19, emerg. eff. June 17, 1971. Amended by Laws 1990, c. 221, § 12, operative July 1, 1990; Laws 2010, c. 477, § 1, eff. July 1, 2010.

§70-18-118.1. Bond forfeited due to illegal activity - Assessment on persons convicted of certain crimes - School Investigative Audit Revolving Fund.

A. When a bond is forfeited due to illegal activity of a school district officer or employee and an audit performed by the Office of the State Auditor and Inspector reported the illegal activity, the school district shall forward ten percent (10%) of the amount of the forfeited bond to the State Board of Education for deposit to the School Investigative Audit Revolving Fund.

B. 1. Every person convicted of the crime of theft, embezzlement, conversion, or misappropriation of school district funds shall be assessed an amount equivalent to ten percent (10%) of any court-ordered restitution costs.

2. The assessment shall be mandatory and in addition to and not in lieu of any fines, restitution costs, other assessments, or forfeitures authorized or required by law for the offense. The assessment required by this subsection shall not be subject to any order of suspension. The court shall order either a lump-sum payment or establish a payment schedule.

3. Willful failure of the offender to comply with the payment schedule shall be considered contempt of court.

4. For purposes of collection, the assessment order shall not expire until paid in full, nor shall the assessment order be limited by the term of imprisonment prescribed by law for the offense, nor by any term of imprisonment imposed against the offender, whether suspended or actually served.

5. The assessment provided for in this subsection shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to court order, the funds shall be forwarded to the State Board of Education for deposit into the School Investigative Audit Revolving Fund created by this section.

C. 1. There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "School Investigative Audit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies paid to and received by the State Board of Education from school districts, officers, or employees for the performance of audits, for the forfeiture of bonds, or for assessments ordered in addition to court-ordered restitution costs, and monies appropriated or transferred to the fund by the Legislature.

2. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to reimburse the Office of the State Auditor and Inspector for costs incurred in the performance of special audits conducted pursuant to the provisions of Section 213 of Title 74 of the Oklahoma Statutes.

3. Prior to approval of any payment from this fund, the State Board of Education shall determine that a school district that is liable for expenses incurred due to the performance of an audit is unable to pay such expenses. Payments from this fund shall only be made to the extent that monies are available in the fund. 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.

Added by Laws 2008, c. 435, § 1, eff. July 1, 2008. Amended by Laws 2012, c. 304, § 609.

§70-18-119. Repealed by Laws 1991, c. 3, § 21, eff. July 1, 1991.

§70-18-120. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-18-121. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§70-18-122. Provisions superceded.

70 O.S. 1961, Sections 3-1 through 3-7, 35a, 35b, and 35c, and Sections 1 and 2, Chapter 434, O.S.L. 1965 (70 O.S.Supp. 1970, Sections 3-4.1 and 3-4.2), insofar only as same are in conflict with Sections 21 and 22 hereof, are hereby specifically superceded. Added by Laws 1971, c. 305, § 23, emerg. eff. June 17, 1971.

§70-18-123. Loss of average attendance - Dismissal of teachers.

Teachers may be dismissed if a school district has a loss of average daily attendance over the prior year which would reduce state aid to the extent that such district was unable to finance the contract salaries of teachers employed by school districts under the continuing contract law.

Added by Laws 1973, c. 211, § 26, emerg. eff. May 22, 1973.

§70-18-124. Withholding certain expenditures from Foundation and Salary Incentive Aid.

A. Any school district with an average daily attendance (ADA) of more than one thousand five hundred (1,500) students for the preceding year which expends for administrative services in the 2005-06 school year or any school year thereafter, less expenditures for legal services, more than five percent (5%) of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the five percent (5%) withheld the following year from the Foundation and Salary Incentive Aid for the school district.

B. Any school district with an average daily attendance (ADA) of more than five hundred (500) students but not more than one thousand five hundred (1,500) students for the preceding year which expends for administrative services in the 2005-06 school year or any school year thereafter, less expenditures for legal services, more than seven percent (7%) of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the seven percent (7%) withheld the following year from the Foundation and Salary Incentive Aid for the school district.

C. Any school district with an average daily attendance (ADA) of five hundred (500) or fewer students for the preceding year which expends for administrative services in the 2005-06 school year or any school year thereafter, less expenditures for legal services, more than eight percent (8%) of the amount it expends for total expenditures, less expenditures for legal services, shall have the amount which exceeds the eight percent (8%) withheld the following year from the Foundation and Salary Incentive Aid for the school district.

D. For purposes of this section, "administrative services" means costs associated with:

1. Staff for the board of education;

2. The secretary/clerk for the board of education;
3. Staff relations;
4. Negotiations staff;
5. Immediate staff of the superintendent, any elementary superintendent or any assistant superintendent;
6. Any superintendent, elementary superintendent, or assistant superintendent;
7. Any employee of a school district employed as a director, coordinator, supervisor, or who has responsibility for administrative functions of a school district; and
8. Any consultant hired by the school district.

E. If an employee of a school district is employed in a position where part of the employee's time is spent as an administrator and part of the time is spent in nonadministrative functions, the percentage of time spent as an administrator shall be included as administrative services. A superintendent who spends part of the time performing exempted nonadministrative services such as teaching in the classroom, serving as a principal, counselor, or library media specialist, can code up to forty percent (40%) of their salary to other nonadministrative functions. The total amount of time a superintendent of a school district spends performing services for a school district shall be included as administrative services even if part of the time the superintendent is performing nonexempted nonadministrative service functions. The total amount received by a superintendent from the school district as salary, for the performance of administrative and nonexempted nonadministrative services, shall be recorded under the code for superintendent salary as provided for in the Oklahoma Cost Accounting System.

F. Each school site within a school district shall take steps to ensure that the administrative costs for the school comply with the expenditure limits established for school districts in this section.

G. Funds withheld pursuant to the provisions of this section shall be distributed through the State Aid formula to the districts not so penalized.

H. For the 2003-04 and 2004-05 school year, school districts shall report to the State Department of Education the costs associated with administrative services for the school district as defined in subsection D of this section.

Added by Laws 1985, c. 329, § 26, emerg. eff. July 30, 1985. Amended by Laws 1987, c. 204, § 115, operative July 1, 1987; Laws 1999, c. 320, § 32, eff. July 1, 1999; Laws 2003, c. 434, § 16; Laws 2011, c. 86, § 1, eff. July 1, 2011; Laws 2011, c. 155, § 1.

§70-18-125. Incentive grants for small school district to fund cooperative programs.

Recognizing the needs small school districts have to meet increased high school graduation and college admission requirements,

and the difficulty such districts may experience in offering the necessary academic courses, the Legislature hereby states its intent to assist such districts through the creation of incentive grants to fund cooperative programs. Such grants shall be allocated by the State Board of Education on a competitive basis to school districts with an average daily attendance of eight hundred (800) or less, or to any school district participating in the East Central Educational Support Center, to enter into an agreement with one or more districts of any size or an accredited institution of higher education to provide classes in mathematics, science, a foreign language, computer education, visual arts or music to elementary or secondary students. In allocating incentive grants to fund cooperative programs, the State Department of Education shall give priority to those programs that emphasize classes required for high school graduation and college admission. Funding provided in the grants shall be expended for instruction-related personnel, equipment, transportation, materials and telecommunications, including but not limited to telecommunication equipment, instruction and other materials. Funding provided for grants for telecommunication shall not exceed fifty percent (50%) of the funds provided for all grants specified in this section. No funds provided shall be used for construction of buildings.

Added by Laws 1985, c. 329, § 14, emerg. eff. July 30, 1985. Amended by Laws 1987, c. 204, § 119, operative July 1, 1987; Laws 1993, c. 361, § 8, eff. July 1, 1993; Laws 1999, c. 246, § 31, eff. July 1, 1999.

§70-18-151. Short title.

This act shall be cited as the "Common School Capital Improvement Act".

Added by Laws 1982, c. 334, § 1, eff. Jan. 1, 1983.

§70-18-152. Intent of Legislature.

It is hereby declared to be the intent of the Legislature to assure that students in the public schools of this state occupy facilities which are designed for adaptability to program offerings. Such facilities should be structurally safe, well maintained and contain adequate space to meet the instructional needs of each student. It is further declared to be the intent of the Legislature that these facility standards be implemented through the Common School Capital Improvement Act.

Added by Laws 1982, c. 334, § 2, eff. Jan. 1, 1983.

§70-18-153. Development and adoption of four-year capital improvement plan.

A. Each local school district shall develop and adopt a four-year capital improvement plan for the public schools in the district.

Each local school district shall review and update their plans annually. Capital improvement plans shall be based upon guidelines developed by the State Department of Education.

B. The State Department of Education shall develop and the State Board of Education shall adopt a statewide four-year capital improvement master plan for the public common schools of this state. The master plan shall be subject to the provisions of Section 308 of Title 75 of the Oklahoma Statutes.

Added by Laws 1982, c. 334, § 3, eff. Jan. 1, 1983. Amended by Laws 1987, c. 186, § 4, eff. Nov. 1, 1987; Laws 2012, c. 354, § 7.

§70-18-154. Repealed by Laws 2007, c. 93, § 11, eff. Nov. 1, 2007.

§70-18-161. State Schools Facilities Program - Rules and regulations.

The State Board of Education shall have the authority to establish and promulgate rules and regulations for a State Schools Facilities Program.

Added by Laws 1987, c. 204, § 124, operative July 1, 1987.

§70-18-162. Schools Capital Improvements Budget.

No later than the first day of October of each year, the State Board of Education shall submit with the itemized budget request and estimates for the ensuing fiscal year, a Schools Capital Improvements Budget. Such Schools Capital Improvements Budget shall be submitted to the Director of the Office of Management and Enterprise Services, the Director of the Legislative Service Bureau and the Oklahoma Development Finance Authority.

Added by Laws 1987, c. 204, § 125, operative July 1, 1987. Amended by Laws 2012, c. 304, § 610.

§70-18-200. Repealed by Laws 1998, c. 274, § 10, emerg. eff. May 27, 1998.

§70-18-200.1. State Aid formula - 1997-98 and thereafter.

A. Beginning with the 1997-98 school year, and each school year thereafter, each school district shall have its initial allocation of State Aid calculated based on the state dedicated revenues actually collected during the preceding fiscal year, the adjusted assessed valuation of the preceding year and the highest weighted average daily membership for the school district of the two (2) preceding school years; however, the weighted membership of nonresident, transferred pupils enrolled in online courses shall be based on the weighted average daily membership of the preceding school year. Each school district shall submit the following data based on the first nine (9) weeks, to be used in the calculation of the average daily membership of the school district:

1. Student enrollment by grade level;
2. Pupil category counts; and
3. Transportation supplement data.

On or before December 30, the State Department of Education shall determine each school district's current year allocation pursuant to subsection D of this section. The State Department of Education shall complete an audit, using procedures established by the Department, of the student enrollment by grade level data, pupil category counts and transportation supplement data to be used in the State Aid Formula pursuant to subsection D of this section by December 1 and by January 15 shall notify each school district of the district's final State Aid allocation for the current school year. The January payment of State Aid and each subsequent payment for the remainder of the school year shall be based on the final State Aid allocation as calculated in subsection D of this section. Except for reductions made due to the assessment of penalties by the State Department of Education according to law, the January payment of State Aid and each subsequent payment for the remainder of the school year shall not decrease by an amount more than the amount that the current chargeable revenue increases for that district.

B. The State Department of Education shall retain not less than one and one-half percent (1 1/2%) of the total funds appropriated for financial support of schools, to be used to make midyear adjustments in State Aid and which shall be reflected in the final allocations. If the amount of appropriated funds, including the one and one-half percent (1 1/2%) retained, remaining after January 1 of each year is not sufficient to fully fund the final allocations, the Department shall recalculate each school district's remaining allocation pursuant to subsection D of this section using the reduced amount of appropriated funds.

C. On and after July 1, 1997, the amount of State Aid each district shall receive shall be the sum of the Foundation Aid, the Salary Incentive Aid and the Transportation Supplement, as adjusted pursuant to the provisions of subsection G of this section and Section 18-112.2 of this title; provided, no district having per pupil revenue in excess of three hundred percent (300%) of the average per pupil revenue of all districts shall receive any State Aid or Supplement in State Aid.

The July calculation of per pupil revenue shall be determined by dividing the district's second preceding year's total weighted average daily membership (ADM) into the district's second preceding year's total revenues excluding federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and less the amount of any transfer fees paid in that year.

The December calculation of per pupil revenue shall be determined by dividing the district's preceding year's total weighted average

daily membership (ADM) into the district's preceding year's total revenues excluding federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and less the amount of any transfer fees paid in that year.

D. For the 1997-98 school year, and each school year thereafter, Foundation Aid, the Transportation Supplement and Salary Incentive Aid shall be calculated as follows:

1. Foundation Aid shall be determined by subtracting the amount of the Foundation Program Income from the cost of the Foundation Program and adding to this difference the Transportation Supplement.

a. The Foundation Program shall be a district's highest weighted average daily membership based on the first nine (9) weeks of the current school year, the preceding school year or the second preceding school year of a school district, as determined by the provisions of subsection A of Section 18-201.1 of this title and paragraphs 1, 2, 3 and 4 of subsection B of Section 18-201.1 of this title, multiplied by the Base Foundation Support Level. However, for the portion of weighted membership derived from nonresident, transferred pupils enrolled in online courses, the Foundation Program shall be a district's weighted average daily membership of the preceding school year or the first nine (9) weeks of the current school year, whichever is greater, as determined by the provisions of subsection A of Section 18-201.1 of this title and paragraphs 1, 2, 3 and 4 of subsection B of Section 18-201.1 of this title, multiplied by the Base Foundation Support Level.

b. The Foundation Program Income shall be the sum of the following:

(1) The adjusted assessed valuation of the current school year of the school district, minus the previous year protested ad valorem tax revenues held as prescribed in Section 2884 of Title 68 of the Oklahoma Statutes, multiplied by the mills levied pursuant to subsection (c) of Section 9 of Article X of the Oklahoma Constitution, if applicable, as adjusted in subsection (c) of Section 8A of Article X of the Oklahoma Constitution. For purposes of this subsection, the "adjusted assessed valuation of the current school year" shall be the adjusted assessed valuation on which tax revenues are collected during the current school year, and

- (2) Seventy-five percent (75%) of the amount received by the school district from the proceeds of the county levy during the preceding fiscal year, as levied pursuant to subsection (b) of Section 9 of Article X of the Oklahoma Constitution, and
- (3) Motor Vehicle Collections, and
- (4) Gross Production Tax, and
- (5) State Apportionment, and
- (6) R.E.A. Tax.

The items listed in divisions (3), (4), (5), and (6) of this subparagraph shall consist of the amounts actually collected from such sources during the preceding fiscal year calculated on a per capita basis on the unit provided for by law for the distribution of each such revenue.

2. The Transportation Supplement shall be equal to the average daily haul times the per capita allowance times the appropriate transportation factor.

- a. The average daily haul shall be the number of children in a district who are legally transported and who live one and one-half (1 1/2) miles or more from school.
- b. The per capita allowance shall be determined using the following chart:

DENSITY FIGURE	PER CAPITA ALLOWANCE	DENSITY FIGURE	PER CAPITA ALLOWANCE
.3000 - .3083	\$167.00	.9334 - .9599	\$99.00
.3084 - .3249	\$165.00	.9600 - .9866	\$97.00
.3250 - .3416	\$163.00	.9867 - 1.1071	\$95.00
.3417 - .3583	\$161.00	1.1072 - 1.3214	\$92.00
.3584 - .3749	\$158.00	1.3215 - 1.5357	\$90.00
.3750 - .3916	\$156.00	1.5358 - 1.7499	\$88.00
.3917 - .4083	\$154.00	1.7500 - 1.9642	\$86.00
.4084 - .4249	\$152.00	1.9643 - 2.1785	\$84.00
.4250 - .4416	\$150.00	2.1786 - 2.3928	\$81.00
.4417 - .4583	\$147.00	2.3929 - 2.6249	\$79.00
.4584 - .4749	\$145.00	2.6250 - 2.8749	\$77.00
.4750 - .4916	\$143.00	2.8750 - 3.1249	\$75.00
.4917 - .5083	\$141.00	3.1250 - 3.3749	\$73.00
.5084 - .5249	\$139.00	3.3750 - 3.6666	\$70.00
.5250 - .5416	\$136.00	3.6667 - 3.9999	\$68.00
.5417 - .5583	\$134.00	4.0000 - 4.3333	\$66.00
.5584 - .5749	\$132.00	4.3334 - 4.6666	\$64.00
.5750 - .5916	\$130.00	4.6667 - 4.9999	\$62.00
.5917 - .6133	\$128.00	5.0000 - 5.5000	\$59.00
.6134 - .6399	\$125.00	5.5001 - 6.0000	\$57.00
.6400 - .6666	\$123.00	6.0001 - 6.5000	\$55.00
.6667 - .6933	\$121.00	6.5001 - 7.0000	\$53.00

.6934 - .7199	\$119.00	7.0001 - 7.3333	\$51.00
.7200 - .7466	\$117.00	7.3334 - 7.6667	\$48.00
.7467 - .7733	\$114.00	7.6668 - 8.0000	\$46.00
.7734 - .7999	\$112.00	8.0001 - 8.3333	\$44.00
.8000 - .8266	\$110.00	8.3334 - 8.6667	\$42.00
.8267 - .8533	\$108.00	8.6668 - 9.0000	\$40.00
.8534 - .8799	\$106.00	9.0001 - 9.3333	\$37.00
.8800 - .9066	\$103.00	9.3334 - 9.6667	\$35.00
.9067 - .9333	\$101.00	9.6668 or more	\$33.00

c. The formula transportation factor shall be 1.39.

3. Salary Incentive Aid shall be determined as follows:

- a. Multiply the Incentive Aid guarantee by the district's highest weighted average daily membership based on the first nine (9) weeks of the current school year, the preceding school year or the second preceding school year of a school district, as determined by the provisions of subsection A of Section 18-201.1 of this title and paragraphs 1, 2, 3 and 4 of subsection B of Section 18-201.1 of this title.
- b. Divide the district's adjusted assessed valuation of the current school year minus the previous year's protested ad valorem tax revenues held as prescribed in Section 2884 of Title 68 of the Oklahoma Statutes, by one thousand (1,000) and subtract the quotient from the product of subparagraph a of this paragraph. The remainder shall not be less than zero (0).
- c. Multiply the number of mills levied for general fund purposes above the fifteen (15) mills required to support Foundation Aid pursuant to division (1) of subparagraph b of paragraph 1 of this subsection, not including the county four-mill levy, by the remainder of subparagraph b of this paragraph. The product shall be the Salary Incentive Aid of the district.

E. By June 30, 1998, the State Department of Education shall develop and the Department and all school districts shall have implemented a student identification system which is consistent with the provisions of subsections C and D of Section 3111 of Title 74 of the Oklahoma Statutes. The student identification system shall be used specifically for the purpose of reporting enrollment data by school sites and by school districts, the administration of the Oklahoma School Testing Program Act, the collection of appropriate and necessary data pursuant to the Oklahoma Educational Indicators Program, determining student enrollment, establishing a student mobility rate, allocation of the State Aid Formula and mid-year adjustments in funding for student growth. This enrollment data shall be submitted to the State Department of Education in accordance with rules promulgated by the State Board of Education. Funding for

the development, implementation, personnel training and maintenance of the student identification system shall be set out in a separate line item in the allocation section of the appropriation bill for the State Board of Education for each year.

F. 1. In the event that ad valorem taxes of a school district are determined to be uncollectible because of bankruptcy, clerical error, or a successful tax protest, and the amount of such taxes deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or an amount greater than twenty-five percent (25%) of ad valorem taxes per tax year, or the valuation of a district is lowered by order of the State Board of Equalization, the school district's State Aid, for the school year that such ad valorem taxes are calculated in the State Aid Formula, shall be determined by subtracting the net assessed valuation of the property upon which taxes were deemed uncollectible from the assessed valuation of the school district and the state. Upon request of the local board of education, it shall be the duty of the county assessor to certify to the Director of Finance of the State Department of Education the net assessed valuation of the property upon which taxes were determined uncollectible.

2. In the event that the amount of funds a school district receives for reimbursement from the Ad Valorem Reimbursement Fund is less than the amount of funds claimed for reimbursement by the school district due to insufficiency of funds as provided in Section 193 of Title 62 of the Oklahoma Statutes, then the school district's assessed valuation for the school year that such ad valorem reimbursement is calculated in the State Aid Formula shall be adjusted accordingly.

G. 1. Notwithstanding the provisions of Section 18-112.2 of this title, a school district shall have its State Aid reduced by an amount equal to the amount of carryover in the general fund of the district as of June 30 of the preceding fiscal year, that is in excess of the following standards for two (2) consecutive years:

Total Amount of General Fund Collections, Excluding Previous Year Cash Surplus as of June 30	Amount of General Fund Balance Allowable
Less than \$1,000,000	40%
\$1,000,000 - \$2,999,999	35%
\$3,000,000 - \$3,999,999	30%
\$4,000,000 - \$4,999,999	25%
\$5,000,000 - \$5,999,999	20%
\$6,000,000 - \$7,999,999	18%
\$8,000,000 - \$9,999,999	16%
\$10,000,000 or more	14%

2. By February 1 the State Department of Education shall send by certified mail, with return receipt requested, to each School District Superintendent, Auditor and Regional Accreditation Officer a

notice of and calculation sheet reflecting the general fund balance penalty to be assessed against that school district. Calculation of the general fund balance penalty shall not include federal revenue. Within thirty (30) days of receipt of this written notice the school district shall submit to the Department a written reply either accepting or protesting the penalty to be assessed against the district. If protesting, the school district shall submit with its reply the reasons for rejecting the calculations and documentation supporting those reasons. The Department shall review all school district penalty protest documentation and notify each district by March 15 of its finding and the final penalty to be assessed to each district. General fund balance penalties shall be assessed to all school districts by April 1.

3. Any school district which receives proceeds from a tax settlement or a Federal Emergency Management Agency settlement during the last two (2) months of the preceding fiscal year shall be exempt from the penalties assessed in this subsection, if the penalty would occur solely as a result of receiving funds from the tax settlement.

4. Any school district which receives an increase in State Aid because of a change in Foundation and/or Salary Incentive Aid factors during the last two (2) months of the preceding fiscal year shall be exempt from the penalties assessed in this subsection, if the penalty would occur solely as a result of receiving funds from the increase in State Aid.

5. If a school district does not receive Foundation and/or Salary Incentive Aid during the preceding fiscal year, the State Board of Education may waive the penalty assessed in this subsection if the penalty would result in a loss of more than forty percent (40%) of the remaining State Aid to be allocated to the school district between April 1 and the remainder of the school year and if the Board determines the penalty will cause the school district not to meet remaining financial obligations.

6. Any school district which receives gross production revenue apportionment during the 2002-2003 school year or in any subsequent school year that is greater than the gross production revenue apportionment of the preceding school year shall be exempt from the penalty assessed in this subsection, if the penalty would occur solely as a result of the gross production revenue apportionment, as determined by the State Board of Education.

7. Beginning July 1, 2003, school districts that participate in consolidation or annexation pursuant to the provisions of the Oklahoma School Voluntary Consolidation and Annexation Act shall be exempt from the penalty assessed in this subsection for the school year in which the consolidation or annexation occurs and for the next three (3) fiscal years.

8. Any school district which receives proceeds from a sales tax levied by a municipality pursuant to Section 22-159 of Title 11 of

the Oklahoma Statutes or proceeds from a sales tax levied by a county pursuant to Section 1370 of Title 68 of the Oklahoma Statutes during the 2003-2004 school year or the 2004-2005 school year shall be exempt from the penalties assessed in this subsection, if the penalty would occur solely as a result of receiving funds from the sales tax levy.

9. For purposes of calculating the general fund balance penalty, the terms "carryover" and "general fund balance" shall not include federal revenue.

H. In order to provide startup funds for the implementation of early childhood programs, State Aid may be advanced to school districts that initially start early childhood instruction at a school site. School districts that desire such advanced funding shall make application to the State Department of Education no later than September 15 of each year and advanced funding shall be awarded to the approved districts no later than October 30. The advanced funding shall not exceed the per pupil amount of State Aid as calculated in subsection D of this section per anticipated Head Start eligible student. The total amount of advanced funding shall be proportionately reduced from the monthly payments of the district's State Aid payments during the last six (6) months of the same fiscal year.

I. 1. Beginning July 1, 1996, the Oklahoma Tax Commission, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the monthly apportionment of the following information:

- a. the assessed valuation of property,
- b. motor vehicle collections,
- c. R.E.A. tax collected, and
- d. gross productions tax collected.

2. Beginning July 1, 1997, the State Auditor and Inspector's Office, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the monthly apportionment of the proceeds of the county levy.

3. Beginning July 1, 1996, the Commissioners of the Land Office, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the monthly apportionment of state apportionment.

4. Beginning July 1, 1997, the county treasurers' offices, notwithstanding any provision of law to the contrary, shall report monthly to the State Department of Education the ad valorem tax protest amounts for each county.

5. The information reported by the Tax Commission, the State Auditor and Inspector's Office, the county treasurers' offices and the Commissioners of the Land Office, pursuant to this subsection shall be reported by school district on forms developed by the State Department of Education.

Added by Laws 1996, c. 215, § 4, eff. July 1, 1996. Amended by Laws 1997, c. 299, § 22, eff. July 1, 1997; Laws 1997, c. 338, § 1, eff. July 1, 1997; Laws 1998, c. 274, § 9, emerg. eff. May 27, 1998; Laws 2001, c. 335, § 1, emerg. eff. June 1, 2001; Laws 2002, c. 228, § 1, eff. July 1, 2002; Laws 2003, c. 415, § 31, eff. July 1, 2003; Laws 2004, c. 5, § 85, emerg. eff. March 1, 2004; Laws 2004, c. 361, § 23, eff. July 1, 2004; Laws 2004, c. 533, § 2, eff. July 1, 2004; Laws 2005, c. 90, § 1, eff. July 1, 2005; Laws 2010, c. 478, § 2, eff. July 1, 2010.

NOTE: Laws 2003, c. 296, § 6 repealed by Laws 2004, c. 5, § 86, emerg. eff. March 1, 2004.

§70-18-201. Repealed by Laws 1998, c. 274, § 11, emerg. eff. May 27, 1998 and Laws 1998, c. 362, § 5, emerg. eff. July 1, 1998.

NOTE: Laws 1998, c. 362, § 5 repealed this section as last amended by Laws 1998, c. 246, § 34.

§70-18-201.1. Weighted membership for calculation of Foundation Aid - 1997-98 and thereafter.

A. Beginning with the 1997-98 school year, and each school year thereafter, the weighted membership of a school district for calculation of Foundation Aid purposes pursuant to paragraph 1 of subsection D of Section 18-200.1 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation and the weighted teacher experience and degree calculation. The weighted membership of a school district for calculation of Salary Incentive Aid purposes pursuant to paragraph 3 of subsection D of Section 18-200.1 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation and the weighted teacher experience and degree calculation.

B. The weighted calculations provided for in subsection A of this section shall be based on the highest weighted average daily membership of the first nine (9) weeks of the current school year, the preceding school year or the second preceding school year of a school district, unless otherwise specified. The highest of the three (3) weighted average daily memberships shall be used consistently in all of the calculations; however, the portion of weighted membership derived from nonresident, transferred pupils enrolled in online courses shall be based on the weighted average daily membership of the first nine (9) weeks of the current school year. The average daily membership data used for all calculations in paragraphs 1, 2, 3 and 4 of this subsection shall be the same as used in the calculation of the State Aid Formula. The weighted calculations provided for in subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be determined by taking the highest average daily membership and assigning weights to the pupils according to grade attended as follows:

GRADE LEVEL	WEIGHT
a. Half-day early childhood programs	.7
b. Full-day early childhood programs	1.3
c. Half-day kindergarten	1.3
d. Full-day kindergarten	1.5
e. First and second grade	1.351
f. Third grade	1.051
g. Fourth through sixth grade	1.0
h. Seventh through twelfth grade	1.2
i. Out-of-home placement	1.50

Multiply the membership of each subparagraph of this paragraph by the weight assigned to such subparagraph of this paragraph and add the totals together to determine the weighted pupil grade level calculation for a school district. Determination of the pupils eligible for the early childhood program weight shall be pursuant to the provisions of Section 1-114 of this title. The pupils eligible for the out-of-home placement pupil weight shall be students who are not residents of the school district in which they are receiving education pursuant to the provisions of subsection D of Section 1-113 of this title. Such weight may be claimed by the district providing educational services to such student for the days that student is enrolled in that district. If claimed, the out-of-home placement weight shall be in lieu of the pupil grade level and any pupil category weights for that student. Provided, if a student resides in a juvenile detention center that is restricted to less than twelve (12) beds, the out-of-home placement pupil weight for such students shall be calculated as follows: for a center with six (6) beds - 3.0; for a center with eight (8) beds - 2.3 and for a center with ten (10) beds - 1.80.

2. The weighted pupil category calculation shall be determined by assigning a weight to the pupil category as follows:

CATEGORY	WEIGHT
a. Visual Impairment	3.8
b. Specific Learning Disability	.4
c. Deafness or Hearing Impairment	2.9
d. Deaf-Blindness	3.8
e. Intellectual Disability	1.3
f. Emotional Disturbance	2.5
g. Gifted	.34
h. Multiple Disabilities	2.4
i. Orthopedic Impairment	1.2
j. Speech or Language Impairment	.05
k. Bilingual	.25

- l. Special Education Summer Program 1.2
- m. Economically Disadvantaged .25
- n. Optional Extended School Year Program
 - As determined by
 - the State Board
 - of Education
- o. Autism 2.4
- p. Traumatic Brain Injury 2.4
- q. Other Health Impairment 1.2

Except as otherwise provided, multiply the number of pupils approved in the school year with the highest average daily membership in each category by the weight assigned to such category and add the totals together to determine the weighted pupil category calculation for a school district. For the 1996-97 school year, the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the preceding school year. For the 1997-98 school year and subsequent school years, the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title, or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the first nine (9) weeks of the school year.

3. The weighted district calculation shall be determined by determining the calculations for each school district for both the small school district formula and the district sparsity - isolation formula, applying whichever is the greater of the calculations of the two formulas and then applying the restrictions pursuant to subparagraph c of this paragraph.

- a. Small school district formula: $529 \text{ minus the average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership is less than 529 pupils. School districts which are consolidated or annexed after July 1, 2003, pursuant to the Oklahoma School Voluntary Consolidation and Annexation Act shall have the weighted district size calculation for the three (3) school years following the fiscal year in which such consolidation occurred calculated to be the sum of the individual consolidated districts computed as if the consolidation had not taken place. Thereafter, any such district which is consolidated pursuant to the Oklahoma School Voluntary Consolidation and Annexation Act shall not qualify for the weighted district calculation unless the district can satisfy the specifications herein. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

b. District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall apply only to school districts:

- (1) whose total area in square miles is greater than the average number of square miles for all school districts in this state; and
- (2) whose areal density is less than one-fourth (1/4) of the state average areal density. Areal density shall be determined by dividing the school district's average daily membership by the school district's total area in square miles.

The district sparsity - isolation formula calculation shall be calculated as follows:

The school district student cost factor multiplied by the school district area factor. The resulting product shall be multiplied by the school district's average daily membership. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

The school district student cost factor shall be calculated as follows:

The school district's average daily membership shall be categorized into the following grade level groups and applied to the appropriate formulas as computed below:

Grade Level Group

Grades K-5

Divide 74 by the sum of the Grade Level ADM plus 23, add .85 to the quotient, then multiply the sum by the Grade

Grades 6-8	Level ADM. Divide 122 by the sum of the Grade Level ADM plus 133, add .85 to the quotient, then multiply the sum by the Grade Level ADM.
Grades 9-12	Divide 292 by the sum of the Grade Level ADM plus 128, add .78 to the quotient, then multiply the sum by the Grade Level ADM.

The sum of the grade level group's average daily membership shall be divided by the school district's average daily membership. The number one (1.0) shall be subtracted from the resulting quotient.

The school district area cost factor shall be calculated as follows:

Subtract the state average district area from the district area, then divide the remainder by the state average district area;

however, the district area cost factor shall not exceed one (1.0).

The State Board of Education shall define geographical barriers whose location in a school district would inhibit the district from consolidation or annexation. The Board shall make available an application process, review applications, and for districts the Board deems necessary allow additional square miles to be used for the purposes of calculations used for the weighted district sparsity - isolation formula. Provided, that the additional square miles allowed for geographical barriers shall not exceed thirty percent (30%) of the district's actual size.

c. State Aid funds which a district is calculated to receive as a result of the weighted district calculation shall be restricted as follows:

If, after the weighted district calculation is applied, the district's projected per pupil revenue exceeds one hundred fifty percent (150%) of the projected state average per pupil revenue, then the district's State Aid shall be reduced by an amount that will restrict the district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid

which was generated by the weighted district calculation.

The July calculation of the projected per pupil revenue shall be determined by dividing the highest of the district's preceding two (2) years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including projected funds for the State Aid Formula for the preceding year, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues excluding the county four-mills revenues for the second preceding year, other state appropriations for the preceding year and the collections for the preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax.

The December calculation of the projected per pupil revenue shall be determined by dividing the highest of the district's first nine (9) weeks of the current school year or the two (2) preceding school years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including funds for the December calculation of the current year State Aid Formula, net assessed valuation for the current calendar year times thirty-nine (39) mills, county revenues excluding the county four-mills revenue for the preceding year, other state appropriations for the preceding year and the collections for the preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax.

The district's projected total revenues for each calculation shall exclude the following collections for the second preceding year: federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and other local miscellaneous revenues.

4. The weighted teacher experience and degree calculation shall be determined in accordance with the teacher experience and degree index. The State Department of Education shall determine an index for each state teacher by using data supplied in the school

district's teacher personnel reports of the preceding year and utilizing the index as follows:

TEACHER EXPERIENCE - DEGREE INDEX

EXPERIENCE	BACHELOR'S DEGREE	MASTER'S DEGREE	DOCTOR'S DEGREE
0 - 2	.7	.9	1.1
3 - 5	.8	1.0	1.2
6 - 8	.9	1.1	1.3
9 - 11	1.0	1.2	1.4
12 - 15	1.1	1.3	1.5
Over 15	1.2	1.4	1.6

The school district teacher index for each school district shall be determined by subtracting the weighted average state teacher from the weighted average district teacher. Multiply the school district teacher index if greater than zero by .7 and then multiply that product by the sum of the district's weighted pupil grade level calculation provided in paragraph 1 of this subsection and the weighted pupil category calculation provided in subparagraph m of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

Added by Laws 1996, c. 215, § 6, eff. July 1, 1996. Amended by Laws 1997, c. 343, § 5, eff. July 1, 1997; Laws 1998, c. 204, § 5, eff. July 1, 1998; Laws 1998, c. 362, § 4, eff. July 1, 1998; Laws 1999, c. 1, § 28, emerg. eff. Feb. 24, 1999; Laws 2003, c. 296, § 7, eff. July 1, 2003; Laws 2005, c. 432, § 10, eff. July 1, 2005; Laws 2010, c. 478, § 3, eff. July 1, 2010; Laws 2011, c. 165, § 1; Laws 2018, c. 228, § 2, eff. July 1, 2018.

NOTE: Laws 1997, c. 300, § 5 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 1998, c. 246, § 35 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§70-18-202.1. Funding of school districts in Superfund sites when children have relocated - Highest weighted average of last 10 years used.

For school districts located within the boundaries of federally designated Superfund sites from which students have been relocated with the assistance of state funds, the weighted calculations provided for in subsection A of Section 18-201.1 of Title 70 of the Oklahoma Statutes shall be based on the highest weighted average daily membership of the first nine (9) weeks of the current school year or any of the proceeding years, up to a maximum of ten (10) years since students within the district first received state assistance to relocate outside the district.

Added by Laws 2004, c. 371, § 7.

§70-18-300. Oklahoma School Land Fund.

If the amendment to Section 3 of Article XI of the Constitution of the State of Oklahoma contained in Enrolled House Joint Resolution No. 1005 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature is approved by the people, there is hereby created in the State Treasury a special fund to be designated the "Oklahoma School Land Fund". The fund shall consist only of those monies described in Section 3 of Article XI of the Oklahoma Constitution and apportioned to the fund by law. Monies in the fund shall be used only for the purpose of financing common education in this state through the State Aid Formula.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 106, emerg. eff. April 25, 1990.

NOTE: The proposed amendment to Section 3 of Article XI of the Oklahoma Constitution was defeated at special election held on June 26, 1990.

§70-18-400. Creation - Status - Expenditures.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Education Reform Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all appropriations and transfers made by the Legislature. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended beginning with the fiscal year ending June 30, 1993, by the State Board of Education for the purposes of implementing reforms contained in Enrolled House Bill No. 1017 of the First Extraordinary Session of the 42nd Oklahoma Legislature. Expenditures from said 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.

Added by Laws 1991, c. 280, § 75, eff. July 1, 1991. Amended by Laws 2012, c. 304, § 611.

§70-19-1. Repealed by Laws 1955, p. 445, § 55.

§70-19-2. Repealed by Laws 1955, p. 445, § 55.

§70-19-3. Repealed by Laws 1955, p. 445, § 55.

§70-19-4. Repealed by Laws 1955, p. 445, § 55.

§70-19-5. Repealed by Laws 1955, p. 445, § 55.

§70-19-6. Repealed by Laws 1955, p. 445, § 55.

§70-19-7. Repealed by Laws 1955, p. 445, § 55.

§70-19-8. Repealed by Laws 1955, p. 445, § 55.

§70-19-9. Repealed by Laws 1955, p. 445, § 55.

§70-19-10. Repealed by Laws 1955, p. 445, § 55.

§70-19-101. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-102. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-103. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-104. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-105. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-106. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-107. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-108. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-109. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-110. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-111. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-112. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-19-113. Aims and purposes.

The aims and purposes of driver's education shall be to develop a knowledge of those provisions of the laws of this state relating to the operation of motor vehicles, a proper acceptance of personal

responsibility in traffic, a true appreciation of the causes, seriousness, and consequences of traffic accidents, and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

Added by Laws 1988, c. 298, § 38, operative July 1, 1988.

§70-19-114. Establishment and maintenance of automobile driver education - Course grading.

The school board of any school district maintaining a secondary school, which includes any of the grades nine through twelve, inclusive, may establish and maintain automobile driver education for students that attend secondary public schools in that district. Only students who are enrolled and passing in all of the core curriculum courses appropriate for their grade levels shall be allowed to enroll in driver education courses during the regular school day.

Added by Laws 1988, c. 298, § 39, operative July 1, 1988. Amended by Laws 1994, c. 196, § 2, eff. Sept. 1, 1994; Laws 1995, c. 320, § 5, eff. July 1, 1995; Laws 1998, c. 425, § 1, eff. July 1, 1998.

§70-19-115. Rules - Administrative budget - Coordinator of driver education programs.

A. The establishment, conduct and scope of the driver education program for secondary schools shall be the program established by rules adopted and promulgated by the State Board of Education, subject to the requirements and exceptions set forth in Section 19-113 et seq. of this title. Said program shall be established and maintained only in accordance with such rules and laws. The State Superintendent of Public Instruction shall prepare an administrative budget from funds made available under this article, which budget shall be approved by the State Board of Education. It shall be the responsibility of the State Superintendent of Public Instruction to appoint supervisors of safety education and the necessary clerical personnel.

B. The State Department of Education shall designate or employ a state coordinator of driver education programs to provide oversight of all driver education programs throughout the state. The responsibilities of such coordinator shall include, but not be limited to:

1. Assuring quality driver education programs in this state;
2. Serving as a liaison between the State Department of Education and the Department of Public Safety;
3. Promoting driver safety throughout the state; and
4. Coordinating the activities of the supervisors of safety education and the necessary clerical staff.

Added by Laws 1988, c. 298, § 40, operative July 1, 1988. Amended by Laws 1998, c. 425, § 2, eff. July 1, 1998.

§70-19-116. Persons eligible to participate in program.

Each school district providing driver education shall prescribe regulations determining who can best benefit by and who shall receive instruction under this program.

Added by Laws 1988, c. 298, § 41, operative July 1, 1988.

§70-19-117. Annual report.

Each school district shall report annually to the State Superintendent of Public Instruction the cost of instructing pupils during the preceding year in driver education, the number of pupils actually enrolled and trained in such course during the preceding year, and such other information as may be required for the computation of the cost incurred therein.

Added by Laws 1988, c. 298, § 42, operative July 1, 1988.

§70-19-118. Cost of program.

A determination of the cost of a driver education program in a secondary school shall include the cost of the replacement of the automobile or machinery used in the instruction of pupils, the cost of the instructor's salary, the upkeep and maintenance of said automobiles, and the cost of such other equipment and classroom data as may be required in a driver education program operated in compliance with the rules and regulations of the State Board of Education.

Added by Laws 1988, c. 298, § 43, operative July 1, 1988.

§70-19-119. Blank.

§70-19-120. Eligibility for driver education allowance.

No reimbursement shall be made to a school district for the instruction of pupils in driver education unless the school district has provided such instruction pursuant to state law and has complied with the rules set forth by the State Board of Education governing the establishment, conduct, and scope of driver education.

Added by Laws 1988, c. 298, § 45, operative July 1, 1988. Amended by Laws 1998, c. 425, § 3, eff. July 1, 1998.

§70-19-121. Implementation of aims and purposes of act - Rules and regulations - Supplies and equipment.

The State Board of Education is hereby authorized and empowered to promulgate rules and regulations to carry out the aims and purposes established in Section 38 of this act. The State Board of Education is authorized to acquire in compliance with the law for cash, lease, or by lease-purchase agreement all the necessary equipment, visual and training aids and devices, and related materials required.

Added by Laws 1988, c. 298, § 46, operative July 1, 1988.

§70-19-122. Allocation of funds for driver education.

Contingent upon the availability of funds, monies appropriated to the State Board of Education for the driver education program shall be allocated to each school district which provided a driver education program during the preceding fiscal year in accordance with state law and the rules established by the State Board of Education. Contingent upon funds being made available, allocations to each school district shall be reimbursed on a first-come first-serve basis as provided below:

1. In the amount of Ninety-five Dollars (\$95.00) per pupil for courses offered before or after the regular school day; and

2. In the amount of Eighty-two Dollars and fifty cents (\$82.50) per pupil for courses offered during the regular school day, the summer, or on Saturday.

Added by Laws 1995, c. 305, § 17, eff. July 1, 1995. Amended by Laws 1998, c. 425, § 4, eff. July 1, 1999.

§70-19-123. Reinstatement of lapsed certification.

Any person who held a valid certificate to teach driver education in this state, between 1980 and the effective date of this act, and whose certificate has lapsed shall be eligible to have the certification to teach driver education reinstated upon request provided the person is otherwise eligible for teacher certification. Added by Laws 1998, c. 425, § 5, eff. July 1, 1998.

§70-20-1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-20-11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-21-1. Repealed by Laws 1957, p. 501, § 10.

§70-21-2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-21-101. Definitions.

As used in Sections 21-101 through 21-203 of this title:

1. "Act" means Sections 21-201 through 21-203 of this title that enables the Oklahoma Board of Private Vocational Schools to approve

licenses for state authorization of postsecondary education or certain other forms of vocational-technical training and education;

2. "Private school" means any privately owned, nonpublic entity that receives remuneration that is approved for a state authorization license and provides postsecondary education, or provides vocational-technical education prior to the person obtaining a high school diploma or its equivalency;

3. "Board" means the Oklahoma Board of Private Vocational Schools;

4. "Approval by the State Regents for Higher Education" means approval:

- a. for a postsecondary institution to offer one or more associate, bachelor, master, or doctoral degrees in a specific degree program,
- b. of an entity to offer distance education for a degree(s) that is granted by means of applying an interstate reciprocity agreement to which the State Regents for Higher Education is a party, or
- c. of an entity by way of the provision of documentation of independent accreditation by one or more regional or national accrediting organizations which are recognized by the U.S. Department of Education;

5. "Branch" means an additional location, separate facility, or satellite to a main school that is defined by the organizational, geographic, or legal characteristics of the entities;

6. "Business" means skills including but not limited to administration, customer relations, finance, human resources, leadership, management, marketing or strategic planning used to run a for-profit or not-for-profit entity;

7. "Combines" means offering within the same catalog, website or other form of publication or advertisement in such a way to convey that the entity makes available more than one type or level of training or education;

8. "Contact hour" means a period of time defined by a school, seminar or workshop such as fifty (50) minutes which may differ from a clock hour that will always be sixty (60) minutes in length;

9. "Correspondence course" means a form of instruction for which a student receives lessons or assignments from a private school by means of postal or other couriers;

10. "Distance education" means education or training provided outside the traditional classroom by use of electronic mediums, including but not limited to online or virtual education, e-learning or computer-based, -aided or -assisted instruction;

11. "General education" means education to complete a student's secondary education recognition providing instruction not specific to any single occupation or vocation;

12. "Industrial" means related to manufacturing or other labor which may or may not require skilled trade licensing;

13. "Occupation" or "vocation" means employment, either full-time, part-time, by contract or on a consulting basis, for which a person earns remuneration;

14. "Postgraduate certificate" means an advanced certification earned following a student's receipt of an associate, bachelor, master or doctorate degree that qualifies the individual for specialized career advancement or job assignments;

15. "Postsecondary education" means a program that requires a student to have a high school diploma, high school equivalency certificate or requires that the person be beyond the age of compulsory education;

16. "Primarily in the business of" means that an entity earns twenty percent (20%) or more of its gross revenue from providing a program(s) of instruction, as documented by certified public-accountant-prepared financial statements that are attested to as a true and correct statement of financial condition by an entity owner(s);

17. "Profession" or "professional" means those occupations or vocations relating to such fields of employment that generally require an advanced degree or for which an individual must pass extensive prelicensing testing. Examples include but are not limited to attorneys and certified professional accountants. Professions may or may not require ongoing continuing education that may be subject to the authority or jurisdiction of an alternate state agency;

18. "Program", "program of study" or "program of instruction" means a body of organized instruction that leads to a degree, certificate, diploma or other recognized educational credential, or provides transferable skills applicable to a business, professional, trade or vocational-technical or industrial occupation or vocation;

19. "Public" means an entity that is established as a governmental entity;

20. "Seminar" or "workshop" means a program of instruction that results in business, professional, or vocational-technical knowledge that applies to one or more occupations or vocations but will not provide degree credit hours, a certificate or a diploma;

21. "Solicitor" means a representative of a private school that leaves the physical facility of the school to attend job fairs, career days or other activities to market to new students or to attempt to secure new student enrollments;

22. "Technical" means those skills that are unique to certain occupations or vocations;

23. "Trade" means a skilled trade including but not limited to electrical, plumbing, and heating and air conditioning (HVAC), that requires an individual to maintain a state or municipal license; and

24. "Tuition" means a financial charge made for the provision of education or training, regardless of the term assigned to the monetary or other exchange.

Added by Laws 1970, c. 65, § 1, operative July 1, 1970. Renumbered from Title 70, § 1444.1 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 1976, c. 86, § 1, emerg. eff. May 4, 1976; Laws 1982, c. 303, § 6, operative July 1, 1982; Laws 1983, c. 280, § 7, operative July 1, 1983; Laws 1986, c. 111, § 1, eff. July 1, 1986; Laws 1986, c. 258, § 11, operative July 1, 1986; Laws 1991, c. 270, § 18, eff. July 1, 1991; Laws 1995, c. 305, § 18, eff. July 1, 1995; Laws 1999, c. 398, § 3, eff. July 1, 1999; Laws 2014, c. 276, § 1.

§70-21-101.1. Exempt from licensing.

The term "private school" shall not include the following which are exempt from licensing by the Oklahoma Board of Private Vocational Schools:

1. Barber schools, beauty schools or other schools which are exclusively regulated or licensed pursuant to the provisions of any school-licensing law of this state, although such school may choose to apply to secure a license for state authorization from the Board;
2. Any form of flight instruction subject to regulations promulgated by the Federal Aviation Administration;
3. Parochial, private or other nonpublic schools offering programs of general education accredited or approved by the State Board of Education, the State Board of Career and Technology Education or the State Regents for Higher Education;
4. Education or training, as approved by the Board, provided and paid for by:
 - a. an employer for its own employees,
 - b. a professional organization, as approved by the Board, for its members,
 - c. a parochial, denominational, eleemosynary school or institution, which is sectarian in nature and uniquely useful for and intrinsic to the propagation of a faith or the pursuit of the mission of the school or institution as approved by the Board, or
 - d. an entity supported by taxation of a local or state source;
5. Education or training, as approved by the Board, which offers instruction solely in the field of an avocation, hobby, recreation or entertainment, as approved by the Board;
6. Professional prelicensing programs or continuing education programs when an alternate state agency maintains complete authority or jurisdiction over the right to offer or certify such a program, regardless if the other agency mandates the subject matter of the program;

7. Postgraduate certificates offered or provided by a school that has approval for that specific program issued by another state agency or an accrediting agency approved by the Board;

8. If a private school combines training or education that is both licensed and not licensed by another state agency, licensing by the Board will be required for the entity's combined programs. However, the Board will defer to the other state agency on matters contained in the other agency's regulations and will refrain from establishing conflicting requirements. Matters to be governed by the other state agency may include but are not limited to curriculum, testing or certification completion. The Board may require a private school to document its approval by any other state agency or an accrediting organization; and

9. Seminars or workshops offered by an entity that:

- a. is not primarily in the business of providing programs of instruction,
- b. provides instruction to advance the personal development or general, transferable skills of a participant, and
- c. offers aggregate clock or contact hours of no more than twenty-four (24) clock or defined contact hours per calendar quarter of the calendar year.

Added by Laws 2014, c. 276, § 2.

§70-21-102. Oklahoma Board of Private Vocational Schools - Membership.

There is hereby re-created the Oklahoma Board of Private Vocational Schools which shall consist of nine (9) members of whom three shall be the Director of the Oklahoma Department of Career and Technology Education, the Chancellor of the Oklahoma State Regents for Higher Education and the State Superintendent of Public Instruction or their designated representatives and of whom six shall be appointed by the Governor of the State of Oklahoma subject to the advice and consent of the Senate. Four persons shall qualify to serve on the Board provided they occupy and have occupied for the past three (3) years executive or managerial positions in private schools located in this state of the type regulated under this act. Two persons shall qualify to serve on the Board provided they occupy and have occupied for the past three (3) years executive or managerial positions in business or industry, not connected with private schools. Each of the six persons shall be appointed for a term of six (6) years, unless such term may be carried over by the Governor.

Added by Laws 1970, c. 65, § 2, operative July 1, 1970. Renumbered from Title 70, § 1444.2 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 1982, c. 303, § 5, operative July 1, 1982; Laws 1983, c. 333, § 24, emerg. eff. June 29, 1983; Laws 1986, c.

258, § 12, operative July 1, 1986; Laws 2001, c. 33, § 119, eff. July 1, 2001; Laws 2014, c. 276, § 3.

§70-21-102.1. Oklahoma Board of Private Vocational Schools - Director - Powers and duties.

The Oklahoma Board of Private Vocational Schools is authorized to:

1. Appoint and fix the compensation of a director who:
 - a. shall employ and fix the duties and compensation of such clerical or other assistants as are reasonably necessary to effectuate the provisions of this act, and
 - b. may execute contracts on behalf of the Board;
2. Promulgate rules to include but not be limited to the implementation of minimum standards for the operation of private schools and the application of a school, seminar or workshop for a license of state authorization;
3. Approve or disapprove:
 - a. applications for state authorization,
 - b. other applications for licensing,
 - c. requests for exemption, and
 - d. requests for a definition exception;
4. Issue a private school license to document state authorization or other licensing upon determination that such school meets the standards fixed by the Board;
5. Prescribe, except as is otherwise provided by law and subject to the provisions of the Administrative Procedures Act, such penalties as it may deem proper for the enforcement of this act, not to exceed One Thousand Dollars (\$1,000.00);
6. Fix minimum standards for private schools, which shall include standards for courses of instruction and training, qualifications of instructors, financial stability, advertising practices, and refund of tuition and fees paid by students for courses of instruction or training not completed, and shall promulgate and adopt reasonable rules and regulations for the implementation of such minimum standards for the operation of private schools;
7. Where possible, to regulate degrees offered by distance education, make use of the State Regents for Higher Education's interstate reciprocity agreements to create a more efficient and cost-effective means of the regulation of private schools;
8. Make use of interstate reciprocity agreements that reasonably satisfy the Board's minimum standards to approve state authorization or other license application, if such agreements become available for other programs the Board approves for state authorization or other license;

9. Require an entity to repay any fees charged to the Board by a financial institution or the State Treasurer for a returned check or other failed form of payment;

10. Develop annual compliance training to emphasize standards relating to the operation of a school and relicensing processes, and require attendance by a representative of each school, seminar, or workshop;

11. Provide all licensing forms free of charge via one or more electronic means, but shall charge for the pick up or mailing of a hard-copy licensing application packet to a person requesting information about private school licensing requirements;

12. Certify an electronic record or the printing of an electronically stored record as an original, subject to approval by the Oklahoma Archives and Records Commission and when in accordance with the record retention and destruction policy of the Board;

13. Collect or require the submission of data, including but not limited to:

- a. admissions,
- b. certification scores or passage rates,
- c. complaints or grievances,
- d. enrollment,
- e. funding,
- f. graduation,
- g. job longevity or retention,
- h. job placement, and
- i. other data, as necessary, to carry on the mission or duties of the Board, or to assist in the state's workforce development initiatives; and

14. Carry out such other duties as necessary to provide state authorization for private vocational schools, seminars, and workshops and such other schools that make offerings of courses or programs as permitted by this act.

Added by Laws 2014, c. 276, § 4.

§70-21-103. Private school license.

A. It shall be unlawful to establish, conduct, operate or maintain a private school, to solicit or canvass for scholarships or tuition to a private school, or to offer a program of education or training unless a license granting state authorization to operate such school has been issued by the Board and is in effect. A private school shall be issued only one license, regardless of the number of locations operated by such school.

B. Upon application for a license or renewal of a license, each private school shall designate a main school location. Designation of a main school and one or more branches should mirror the designations used for federal funding or accreditation.

Added by Laws 1970, c. 65, § 3, operative July 1, 1970. Renumbered from Title 70, § 1444.3 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 1976, c. 86, § 2, emerg. eff. May 4, 1976; Laws 1978, c. 217, § 1, emerg. eff. April 21, 1978; Laws 1982, c. 303, § 7, operative July 1, 1982; Laws 1991, c. 270, § 19, eff. July 1, 1991; Laws 1995, c. 305, § 19, eff. July 1, 1995; Laws 2004, c. 172, § 1, eff. July 1, 2004; Laws 2014, c. 276, § 5.

§70-21-104. Private school solicitor's permit

It shall be unlawful for any person, acting as an agent or representative of a private school giving classroom, correspondence, or distance education instruction, whether such private school be located inside or outside the State of Oklahoma, to canvass or solicit prospective students in the State of Oklahoma, except on the established and legal premises of the school, for the purpose of selling to such student any scholarship or tuition in the private school, or to take payment for the same in money, notes or other evidence of indebtedness, unless the private school has been licensed under this act, and unless a private school solicitor's license for such purpose has been issued to such person.

Added by Laws 1970, c. 65, § 4, operative July 1, 1970. Renumbered from Title 70, § 1444.4 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 1976, c. 86, § 3, emerg. eff. May 4, 1976; Laws 2014, c. 276, § 6.

§70-21-105. Application for license or permit.

A. Applications for a private school license or a private school solicitor's license shall:

1. Be filed with the Oklahoma Board of Private Vocational Schools in the manner and upon forms from the Board or substantially similar to forms implemented by the Board; and
2. Include but not be limited to the following disclosures:
 - a. the name, mailing address and telephone number of the Board for the purposes of directing student complaints to the Board, and
 - b. documentation of whether the proposed school will provide only postsecondary education and training or if a person who has not yet achieved a high school diploma or its equivalency will be admitted and under what specific circumstances.

B. Submissions to the Board shall be date-stamped as of the date of the physical receipt when the office is open for business.

Added by Laws 1970, c. 65, § 5, operative July 1, 1970. Renumbered from Title 70, § 1444.5 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 2014, c. 276, § 7.

§70-21-105.1. Education and training programs to be considered for licensure.

A. The existence of a private school, for the purpose of requiring a state authorization license to be obtained, shall be determined by the education or training program that is offered or proposed to be offered and such other school attributes as enumerated by the Legislature or the Oklahoma Board of Private Vocational Schools.

B. Training and education programs to be considered for state authorization licensure include:

1. Training or education that pertains to a business, professional, trade or industrial occupation or vocational-technical field that may result in the receipt of a degree, diploma or certificate;

2. Improvement or enhancement of specific or general business skills that may be used in one or more occupations;

3. Preparing a person to instruct subject matter that might otherwise not require private school licensing, such as a recreational, avocational or hobby activity, if the future instructor's training may result in the future teacher receiving remuneration for the training he or she will offer; and

4. Providing a program of prelicensing or exam preparation when not licensed or approved by another state agency.

C. Training or education to be licensed for state authorization by the Board may include a program that is offered through:

1. Traditional classrooms;

2. Short-term programs such as a seminar or workshop that does not qualify for an exemption from licensing and offers to improve or enhance specific or general business skills that may be used in one or more occupations;

3. Correspondence; and

4. Distance education.

D. An entity shall be treated as a school for purposes of licensing regardless of whether the entity:

1. Identifies itself as a school or other similar term;

2. Owns, rents or leases a physical facility or has physical space donated to conduct classes or to host a correspondence or distance education program;

3. Possesses any specific tax status granted by the Internal Revenue Service or a state's taxation authority; or

4. Proposes funding that may or may not be limited to receiving monies or other consideration through the U.S. Department of Education's Title IV or other federal mechanisms, privately paid tuition, student loans, grants, scholarships or receipt of other consideration.

Added by Laws 2014, c. 276, § 8.

§70-21-105.2. Retention of student records prior to closure.

After a school, seminar or workshop either voluntarily decides to cease offering all programs of instruction or is required to do so through proper enforcement of this act or the Oklahoma Board of Private Vocational Schools' minimum standards, the entity shall, before closure is complete, provide the Board with its appropriate arrangement for the permanent retention of students' records. Added by Laws 2014, c. 276, § 9.

§70-21-106. Expiration and renewal of license - Bond - Fees - Private School Fund - Delinquent renewal fees.

A. A license issued pursuant to this act shall expire annually on June 30. Such license shall be renewed annually with the complete renewal application and any and all appropriate fees due prior to expiration annually on or before June 1. Licenses shall be renewed by the Oklahoma Board of Private Vocational Schools if the Board determines that such school remains in compliance with the standards or other requirements set by the Board. The license of any school licensed by the Board to provide postsecondary education or other limited offering may be revoked if the school is found to be in violation of the Oklahoma Statutes, the minimum standards established by the Board, or if an accreditation or other governmental entity's approval, material to the continuity of the school, is revoked.

B. A license of a school shall not be effective unless the private school has filed with the Board a corporate surety bond or a certificate of deposit in a manner and in an amount as is required by the Board.

C. Private schools or applicants shall pay the following base fees:

1. One Thousand Two Hundred Dollars (\$1,200.00) per license shall be paid to the Board for the issuance of an initial license for a school, seminar, or workshop to provide postsecondary education or other vocational-technical education or training pursuant to the provisions of this act;

2. Three Hundred Dollars (\$300.00) shall be paid for the initial license of each new branch. A branch's renewal fee shall be based on the tuition it collected;

3. For each renewal of a license, a fee based on the tuition collected by a school, workshop or seminar from residents of Oklahoma or other persons present in Oklahoma, as shown in the current financial statement of the school, shall be paid to the Board. If a school, workshop or seminar does not provide adequate details of its Oklahoma tuition, then the renewal fee shall be based on the nationwide tuition reported. For each main and branch school, seminar, or workshop, the renewal fees shall be calculated based upon the level of net tuition in the immediate prior calendar year as follows:

OKLAHOMA OR NATIONWIDE TUITION INCOME	RENEWAL FEE
\$50,000.00 or less	\$ 700.00
\$50,000.01 to \$250,000.00	\$ 800.00
\$250,000.01 to \$500,000.00	\$ 950.00
\$500,000.01 to \$1,000,000.00	\$1,100.00
\$1,000,000.01 to \$3,000,000.00	\$1,300.00
\$3,000,000.01 and above	\$1,500.00;

4. Solicitor license:

- a. Two Hundred Dollars (\$200.00) during the first licensing period of a school, seminar or workshop, for each license,
- b. One Hundred Dollars (\$100.00) for the second and consecutive licensing periods of the school , seminar or workshop, for each license applied for or renewed;

5. Fifty Dollars (\$50.00) for the review of a new catalog or changes to an approved catalog;

6. In addition to the appropriate catalog change fee, a fee of Twenty-five Dollars (\$25.00) shall be paid whenever a main or branch private school changes location; and

7. One Hundred Dollars (\$100.00) shall be paid by each school to the Board for attendance at a school workshop or webinar by the school's required personnel, although one person may attend to represent multiple, related schools.

D. If the annual licensing renewal application is not complete on or before the first day of June each year, the fee for license renewal shall become delinquent and the license shall not be renewed except upon payment of an additional late fee. Late fees shall be determined based upon the school's past history of submitting late filings. The appropriate late fees shall be paid in full prior to the Board's issuance of a renewal license in the following amounts:

1. Two Hundred Fifty Dollars (\$250.00) for a first violation;
2. Five Hundred Dollars (\$500.00) for a second violation within ten (10) years of the first late filing, whether consecutive or not; and

3. One Thousand Dollars (\$1,000.00) for a third violation within ten (10) years of the first late filing, whether consecutive or not.

Each violation beyond the third shall result in the school, seminar or workshop being required to seek new or initial licensure and only after payment of the full fee for a new license.

E. Twenty-five Dollars (\$25.00) for each license application packet, although packets provided by one or more electronic means shall be free of charge.

F. The Board shall be authorized to require reimbursement for any fees charged by a financial institution or the State Treasurer for a returned check or other failed form of payment. The amount to be reimbursed shall be invoiced to an entity within forty-five (45) days after the Board's first knowledge of the fee.

G. All fees, penalties and fines collected by the Board pursuant to the provisions of this act shall be deposited with the State Treasurer for credit to the Oklahoma Board of Private Vocational Schools Revolving Fund.

Added by Laws 1970, c. 65, § 6, operative July 1, 1970. Renumbered from Title 70, § 1444.6 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 1972, c. 60, § 1; Laws 1974, c. 306, § 2, emerg. eff. May 29, 1974; Laws 1975, c. 213, § 1, emerg. eff. May 27, 1975; Laws 1976, c. 86, § 4, emerg. eff. May 4, 1976; Laws 1978, c. 217, § 2, emerg. eff. April 21, 1978; Laws 1982, c. 303, § 8, operative July 1, 1982; Laws 1983, c. 280, § 8, operative July 1, 1983; Laws 1984, c. 289, § 7, operative July 1, 1984; Laws 1986, c. 17, § 1, eff. Nov. 1, 1986; Laws 1989, c. 97, § 3, operative July 1, 1989; Laws 1991, c. 270, § 20, eff. July 1, 1991; Laws 1992, c. 278, § 7, eff. July 1, 1992; Laws 1999, c. 398, § 4, eff. July 1, 1999; Laws 2002, c. 301, § 5, eff. July 1, 2002; Laws 2004, c. 172, § 2, eff. July 1, 2004; Laws 2014, c. 276, § 10.

§70-21-107. Repealed by Laws 2014, c. 276, § 13.

§70-21-108. Revocation of license or permit - Nontransferability.

A license or permit issued or renewed under the provisions of this act may, after reasonable notice to the private school and an opportunity to be heard, be revoked by the Board for a failure of the private school to maintain the accreditation or the minimum standards fixed by the Board by which such private school obtained its license, or to maintain the bond required by Section 6 of this act, or for a violation of any of the rules and regulations pertaining to minimum standards of the Board. No license or permit issued under this act shall be transferable.

Added by Laws 1970, c. 65, § 8, operative July 1, 1970. Amended by Laws 1971, c. 281, § 24-123, eff. July 1, 1971.

§70-21-109. Enforcement of act.

The Attorney General or any local prosecuting officer, at the request of the Board or on his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this act.

Added by Laws 1970, c. 65, § 9, operative July 1, 1970. Amended by Laws 1971, c. 281, § 24-123, eff. July 2, 1971.

§70-21-110. Judicial review.

Any action of the Board respecting the issuance, denial, or revocation of a permit pursuant to Sections 3, 4, 5, 6 and 8 of this act shall be subject to judicial review by the district court having jurisdiction.

Laws 1970, c. 65, § 10, operative July 1, 1970; Laws 1971, c. 281, § 24-123, eff. July 2, 1971.

§70-21-111. Penalties.

Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment for a period of time not to exceed thirty (30) days.

Added by Laws 1970, c. 65, § 11, operative July 1, 1970. Renumbered from § 1444.11 of this title by Laws 1971, c. 281, § 24-123, eff. July 2, 1971. Amended by Laws 2004, c. 172, § 3, eff. July 1, 2004.

§70-21-112. Tax status.

Nothing in this act shall be intended to give private schools tax exemption status except as provided by law. This act shall apply to an entity defined as a private school regardless of that entity's federal or state tax classification.

Added by Laws 1970, c. 65, § 13, operative July 1, 1970. Renumbered from Title 70, § 1444.12 by Laws 1971, c. 281, § 24-123, eff. July 2, 1971; Laws 2014, c. 276, § 11.

§70-21-113. Repealed by Laws 1978, c. 217, § 3, emerg. eff. April 21, 1978.

§70-21-114. Repealed by Laws 1978, c. 217, § 3, emerg. eff. April 21, 1978.

§70-21-115. Repealed by Laws 1982, c. 303, § 10, operative July 1, 1982.

§70-21-116. Oklahoma Board of Private Vocational Schools Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Private Vocational Schools to be designated the "Oklahoma Board of Private Vocational Schools Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Board of Private Vocational Schools from all fees and penalties collected by the Board pursuant to this act or rules promulgated and any other funds obtained or received by the Board. All monies in the fund shall be used exclusively for the purpose of operations and functions of the Oklahoma Board of Private Vocational Schools. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Board of Private Vocational Schools. 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.

Added by Laws 2004, c. 172, § 4, eff. July 1, 2004. Amended by Laws 2004, c. 399, § 1, eff. July 1, 2004; Laws 2012, c. 277, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 98, emerg. eff. April 8, 2013; Laws 2014, c. 276, § 12.

NOTE: Laws 2012, c. 304, § 612 repealed by Laws 2013, c. 15, § 99, emerg. eff. April 8, 2013.

§70-21-200. Repealed by Laws 1999, c. 398, § 7, eff. July 1, 2000.

§70-21-201. Repealed by Laws 1999, c. 398, § 7, eff. July 1, 2000.

§70-21-202. Repealed by Laws 1999, c. 398, § 6, eff. July 1, 1999.

§70-21-203. Repealed by Laws 1999, c. 398, § 7, eff. July 1, 2000.

§70-22. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-22-101. Official title of law.

This article may be cited as the "Oklahoma Public School Audit Law."

Added by Laws 1971, c. 281, § 22-101, eff. July 2, 1971.

§70-22-102. "Public School" - Defined.

The term "Public School" as used herein shall include a school district as provided in the Oklahoma Statutes. The term "auditor" as used herein means a person or partnership who makes an audit and prepares a report thereon as provided in this article.

Added by Laws 1971, c. 281, § 22-102, eff. July 2, 1971.

§70-22-103. Annual audits - Final exit interview.

A. The board of education of each school district in this state shall provide for and cause to be made an annual audit of such school district for each fiscal year. Said audit shall be a financial audit and a compliance audit of all funds of the school district, including the records of all student activity funds designated in Section 5-129 of this title. Such audit or audits shall be made at the end of the fiscal year; provided, however, the local board of education may require that audits be made at more frequent intervals.

B. Findings of material weaknesses, qualifications of the auditor's report and of defalcations, or a report of lack of such findings, shall be communicated in writing to the board. Upon completion of an audit, the auditor shall conduct the final exit interview at a meeting of the board. No part of the final exit interview shall be conducted with any employee of the board except in open meeting of the board; provided, portions of the final exit

interview related to matters which the board is authorized by law to consider in executive session may be so considered.

Laws 1971, c. 281, § 22-103, eff. July 2, 1971; Laws 1982, c. 111, § 1, emerg. eff. April 6, 1982; Laws 1989, c. 335, § 21, eff. July 1, 1989; Laws 1993, c. 361, § 9, eff. July 1, 1993; Laws 2005, c. 472, § 14, eff. July 1, 2005.

§70-22-104. Standards - Qualifications of accountants - Liability insurance.

A. 1. The audit of the financial statements and compliance requirements of each public school district shall be made in accordance with auditing standards generally accepted in the United States as defined by the American Institute of Certified Public Accountants or its successor organization and shall comply with the most recent Government Auditing Standards issued by the United States Government Accountability Office.

2. The auditor's opinions shall state whether the financial statements of the school district were prepared in accordance with:

- a. accounting principles generally accepted in the United States, or
- b. accounting and financial reporting regulations prescribed or permitted by the State Department of Education,

3. The auditor shall also report in accordance with:

- a. Government Auditing Standards on the school district's internal control over financial reporting and compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters, and
- b. the United States Office of Management and Budget Circular A-133, as required.

B. All firms, as defined by the Oklahoma Accountancy Act, before entering into audit contracts required pursuant to the Oklahoma Public School Audit Law, shall satisfy the State Auditor and Inspector that the registrant, as defined by the Oklahoma Accountancy Act, has an individual responsible for the audits of school districts who:

1. Has at least two (2) years of experience auditing public entities;

2. Has completed a minimum of eight (8) clock hours of continuing education credit in school district accounting and auditing as defined by the Governmental Accounting Standards Board (GASB) and the Office of the Comptroller General during the prior year; and

3. Is licensed by and is in good standing with the Oklahoma Accountancy Board.

C. Firms shall submit their application to perform audits of a school district with their most recent peer review, which must include the audit of at least one school district, if the firm has performed such an audit, and any letter of comment for approval or disapproval by the State Auditor and Inspector for the current audit year on or before the first day of January of each calendar year.

D. 1. Until June 30, 2014, all firms entering into audit contracts required pursuant to the Oklahoma Public School Audit Law shall carry a minimum of Two Hundred Fifty Thousand Dollars (\$250,000.00) accountants' professional liability insurance or the total amount of the budget being audited, whichever is less.

2. Beginning July 1, 2014, all firms entering into audit contracts required pursuant to the Oklahoma Public School Audit Law shall carry a minimum of Five Hundred Thousand Dollars (\$500,000.00) accountants' professional liability insurance or the total amount of the budget being audited, whichever is less.

3. Proof of such insurance shall be submitted to the State Auditor and Inspector prior to entering into a contract.

Added by Laws 1971, c. 281, § 22-104, eff. July 2, 1971. Amended by Laws 1977, c. 225, § 1; Laws 1986, c. 32, § 1, emerg. eff. March 21, 1986; Laws 1986, c. 259, § 60, operative July 1, 1986; Laws 2005, c. 472, § 15, eff. July 1, 2005; Laws 2010, c. 477, § 2, eff. July 1, 2010.

§70-22-105. Expenses.

The expenses of audits required by this article, whether ordered by the local board of education or the State Board of Education, shall be paid by the local board of education for which the audit is made. It shall be the duty of the board of education of the local public school to make provision for payment of said expenses.

Added by Laws 1971, c. 281, § 22-105, eff. July 2, 1971.

§70-22-106. Preparation of budgets and financial statements.

The board of education may employ persons other than those enumerated in Section 22-102 of this article for the preparation of the estimate of needs and financial statement for presentation to the county excise board.

Added by Laws 1971, c. 281, § 22-106, eff. July 2, 1971.

§70-22-107. Repealed by Laws 2005, c. 472, § 18, eff. July 1, 2005.

§70-22-108. Auditor's opinion - Time to complete - Distribution of copies.

A. Each audit of the financial statements of a school district required by the Oklahoma Public School Audit Law shall be completed and the auditor's opinion thereon shall be submitted by the firm to

the district board of education within nine (9) months after the close of the fiscal year of the district board of education.

B. One copy of the auditor's opinions and related financial statements shall be maintained by the district board of education as a public record for public inspection at all reasonable times at the office of the district board of education. All records shall be kept at least five (5) years.

C. The district board of education shall forward a copy of the auditor's opinions and related financial statements to the State Board of Education and the State Auditor and Inspector within thirty (30) days after receipt of the audit. The State Board of Education shall retain such copy in its office as a public record where it shall be available for public inspection at all reasonable times.

D. The State Board of Education may make inquiries it deems necessary to determine that each district board of education is properly complying with the Oklahoma Public School Audit Law. If within eleven (11) months after the end of the fiscal year of the school district a copy of the auditor's opinions and related financial statements has not been received by the State Board of Education and by the State Auditor and Inspector, an inquiry shall be made by the State Auditor and Inspector as to why such auditor's opinions and related financial statements have not been filed, pursuant to the provisions of Section 212A of Title 74 of the Oklahoma Statutes. Should the State Auditor and Inspector find that the district board of education has failed to cause an annual audit of the financial statements and compliance requirements of the school district to be commenced, the State Auditor and Inspector shall make a written demand on the board to complete and file such annual audit of the financial statements and compliance requirements of the school district within thirty (30) days of the date of such demand. Added by Laws 1971, c. 281, § 22-108, eff. July 2, 1971. Amended by Laws 1979, c. 30, § 132, emerg. eff. April 6, 1979; Laws 2010, c. 477, § 3, eff. July 1, 2010.

§70-22-109. Examination of the auditor's opinions - Deficiencies.

The State Auditor and Inspector shall examine all auditor's opinions and related financial statements submitted to it and shall determine whether the auditor's opinions and related financial statements comply with the provisions of the Oklahoma Public School Audit Law. If the State Auditor and Inspector finds that they have not been complied with, the State Auditor and Inspector shall notify the district board of education and the firm that submitted the auditor's opinions and related financial statements by submitting to them a statement of deficiencies. If the deficiencies are not corrected within ninety (90) days from the date of the statement of deficiencies or within twelve (12) months after the end of the fiscal year of the school district, whichever is later, the State Auditor

and Inspector shall make or cause an audit to be made in the manner provided for in Section 22-108 of this title. Any school district audited pursuant to this section shall pay for the cost of the audit as provided by Section 212A of Title 74 of the Oklahoma Statutes. Added by Laws 1971, c. 281, § 22-109, eff. July 2, 1971. Amended by Laws 2010, c. 477, § 4, eff. July 1, 2010.

§70-22-110. False statements in auditor's opinions - False information - Penalty.

A. In any case where a firm has knowingly issued auditor's opinions and related financial statements, required under the provisions of the Oklahoma Public School Audit Law, containing any false or misleading statements, the State Auditor and Inspector shall report such violation in writing to the board of education of such school district and to the Oklahoma Accountancy Board. The State Auditor and Inspector shall revoke their rights to perform such audits in the future.

B. Any member of the governing body of the district board of education or any member, officer, employee or agency of any department, board or commission of the school district who knowingly and willfully furnishes to the firm or to an employee of the firm any false or fraudulent information shall be deemed guilty of malfeasance, and upon conviction, the court shall enter judgment that such person so convicted shall be removed from office or employment of the school district. It shall be the duty of the court rendering such judgment to cause immediate notice of such removal from office or employment to be given to the proper officer of the school district so that the vacancy thus caused may be filled.

Added by Laws 1971, c. 281, § 22-110, eff. July 2, 1971. Amended by Laws 2005, c. 472, § 16, eff. July 1, 2005; Laws 2010, c. 477, § 5, eff. July 1, 2010.

§70-22-111. Duties of board of education - Removal of members.

It shall be the duty of each local board of education to cause such audits to be made in accordance with this article. It shall be the further duty of said board to file a copy of said audit with the proper authorities set forth in this article. Such filings shall be not later than thirty (30) days after completion of the audit. Any court of competent jurisdiction shall have the power to remove members of such board from office for violation of this article.

Added by Laws 1971, c. 281, § 22-111, eff. July 2, 1971.

§70-22-112. State aid withheld for failure to comply with article.

All further payment of state aid for each district shall be withheld until the provisions of this article have been fulfilled by said district.

Laws 1971, c. 281, § 22-112, eff. July 2, 1971.

§70-22-113. State Board of Education to prescribe accounting systems and procedures.

All accounting systems and procedures used by the school districts of the State of Oklahoma shall conform with the accounting systems and procedures prescribed by the State Board of Education. Added by Laws 1971, c. 281, § 22-113, eff. July 2, 1971.

§70-23. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-23-101. Purpose of the Television Authority.

It is the intent of the Oklahoma Legislature and the purpose of this article to make educational television services available to all Oklahoma citizens on a coordinated statewide basis. Said educational television services shall be provided by and through the various educational and cultural agencies in the State of Oklahoma under the direction and supervision of the Oklahoma Educational Television Authority hereinafter created.

The Oklahoma Educational Television Authority is hereby authorized and empowered to plan, construct, repair, maintain and operate educational television facilities with channels assigned by the Federal Communications Commission to the State of Oklahoma for educational television purposes. The purpose of said Authority shall be to provide a statewide educational television system, including any arrangements for extension thereof and interchanges and rental as may be necessary in establishing such statewide facilities.

The Oklahoma Educational Television Authority is hereby authorized to issue revenue bonds of the Authority payable solely from dedicated revenues to pay the cost of providing educational television facilities as authorized in this article. Such revenue bonds shall never become obligations of the State of Oklahoma, but shall be retired by the Authority as provided in this article. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from revenues dedicated by the Legislature, and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of, or the interest on, such bonds.

Added by Laws 1971, c. 281, § 23-101, eff. July 2, 1971.

§70-23-102. Advertising unlawful

It shall be unlawful for the Authority to permit any individual, company, corporation, or organization to advertise or otherwise attempt to sell its products or services through the use of the facilities controlled by the Authority; and it shall also be unlawful for said Authority to permit any individual or organization to in any

way sponsor the election of any party or individual for any public office; provided, however, that nothing in this section shall be construed in a manner which would exclude announcements and programs of nonprofit charitable and educational organizations which are for the public good. Information programs sponsored by legally authorized agencies of the state and federal governments for the public good are to be considered proper program material. Provided further, that the influence, direction or attempt to influence or direct the program content or programs shown on public television by an elected official or his representative for the purposes of personal gain or political benefit, direct or indirect, shall be unlawful and that violation of this section shall be a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. Added by Laws 1971, c. 281, § 23-102, eff. July 2, 1971. Amended by Laws 1976, c. 275, § 4, emerg. eff. June 17, 1976.

§70-23-103. Repealed by Laws 1993, c. 155, § 4, eff. July 1, 1993.

§70-23-104. The meaning of words and terms.

As used in this article, unless the context indicates otherwise:

1. "State Department of Education" means that department of the state government in which are placed the agencies created or authorized by the Constitution and Legislature charged with the responsibility of determining the policies and directing the administration and supervision of the common school system of the state. These agencies are the State Board of Education, the State Superintendent of Public Instruction, and such divisions and positions as may be established by law or by the State Board of Education.

2. "State Board of Education" means that agency in the State Department of Education which is the governing board of said Department and of the common school system of the state.

3. "State Superintendent of Public Instruction" means the elected official provided for in Article VI, Section 1 of the Constitution of Oklahoma, who is the executive officer of the State Board of Education.

4. "Oklahoma State Regents for Higher Education" means that body created by Article XIII-A of the Constitution of Oklahoma to coordinate the affairs of all institutions of higher learning supported by taxation in the State of Oklahoma.

5. "Common schools of Oklahoma" means all private schools and all schools supported by public taxation, and including elementary and secondary schools, the first two (2) years of junior college, night school, adult and other special classes, and vocational instruction.

6. "Institutions of higher learning" means all private institutions and all the state universities and colleges which are supported by public taxation or otherwise authorized by laws in effect or enacted hereinafter.

7. "Authority" means the Oklahoma Educational Television Authority created by Section 23-105 of this article, or, if said Authority shall be abolished, the board, body, or commission succeeding to the principal functions of said Authority, or to whom the power is given by law.

8. "Facilities" means channels, all equipment, and properties, including the construction and operation thereof at any given point together with all rights, easements, leases, and interests which may be acquired by the Authority for such construction and operation which may be deemed necessary for the accomplishment of the purposes set forth in Section 23-101 of this article.

9. "Cost" as applied to the facilities means the cost of construction including the acquisition of all land, rights-of-way, property, rights, easements, and interest acquired by the Authority for such construction; all machinery and equipment, financing charges, interest prior to and during construction; engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such facilities; administrative expense, and such other expense as may be necessary or incident to the construction of the facilities; and the financing of such construction and the placing of the facilities in operation.

10. "Owner" means all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, and interest authorized to be acquired by this article.

11. "Oklahoma Educational Television Network" means the educational television channels allocated to the state by the Federal Communications Commission and maintained and operated by the Oklahoma Educational Television Authority.

12. "Executive Director" means the Executive Director of the Oklahoma Educational Television Authority, authorized by the provisions of Section 3 of this act.

Amended by Laws 1983, c. 172, § 1, operative July 1, 1983.

§70-23-105. Creation - Membership - Terms - Officers - Travel expenses.

There is hereby re-created, to continue until July 1, 2020, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a body corporate and politic to be known as the "Oklahoma Educational Television Authority", and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the exercise by the Authority of

the powers conferred by this article for the planning, construction, operation, and maintenance of educational television facilities shall be deemed and held to be an essential function of the state.

The Oklahoma Educational Television Authority shall consist of thirteen (13) members, including the President of the University of Oklahoma, the President of Oklahoma State University, the State Superintendent of Public Instruction, the Chancellor of the Oklahoma State Regents for Higher Education, the president of one of the state-supported four-year colleges to be chosen by the presidents of this group of institutions, the president of one of the state-supported two-year colleges to be chosen by the presidents of this group of institutions, and seven additional members to be appointed by the Governor with the consent of the Senate, to serve seven-year terms.

The appointed members shall have been residents of the state for at least five (5) years preceding the date of their appointment. The appointed members shall include one member from each of the congressional districts and any remaining members shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. A majority of the appointed members shall be actively engaged in the profession of education. Each appointed member of the Authority, before entering upon the duties of the member, shall take the oath provided for by Section 1 of Article XV of the Constitution of the State of Oklahoma.

The seven original members appointed by the Governor shall continue in office for terms expiring on June 30, 1954; June 30, 1955; June 30, 1956; June 30, 1957; June 30, 1958; June 30, 1959; and June 30, 1960, respectively. The terms of each of the original appointed members shall be designated by the Governor, and said members shall serve for their appointed terms and until their respective successors shall be appointed and qualified. The successor of each appointed member shall be appointed for a term of seven (7) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term in said vacancy.

The Authority shall elect from the membership of the Authority a chairman, a vice-chairman, and a secretary-treasurer. Any such officers elected by the Authority on or after July 1, 1984, shall be appointed to serve a term of one (1) year. Seven members of the

Authority shall constitute a quorum, and the vote of seven members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The Authority shall meet at least quarterly.

The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for travel expenses incurred in performing official duties in accordance with the provisions of the State Travel Reimbursement Act. No liability or obligation shall be incurred by the Authority beyond the extent to which monies shall have been provided pursuant to the authority of this article.

Added by Laws 1971, c. 281, § 23-105, eff. July 2, 1971. Amended by Laws 1980, c. 159, § 22, emerg. eff. April 2, 1980; Laws 1983, c. 172, § 2, operative July 1, 1983; Laws 1985, c. 178, § 56, operative July 1, 1985; Laws 1990, c. 318, § 1, emerg. eff. May 30, 1990; Laws 1996, c. 54, § 1, eff. Nov. 1, 1996; Laws 2002, c. 375, § 19, eff. Nov. 5, 2002; Laws 2003, c. 3, § 82, emerg. eff. March 19, 2003; Laws 2008, c. 13, § 1; Laws 2012, c. 231, § 1; Laws 2014, c. 290, § 1.

NOTE: Laws 2002, c. 104, § 1 repealed by Laws 2003, c. 3, § 83, emerg. eff. March 19, 2003.

§70-23-106. Powers of Authority.

The Authority is hereby authorized and empowered:

1. To accept, assume and control the television channels assigned by the Federal Communications Commission to the State of Oklahoma for educational purposes;
2. To adopt bylaws for the regulation of its affairs and the conduct of its business;
3. To adopt an official seal and alter the same at pleasure;
4. To maintain an office at such place or places within the state as it may designate;
5. To sue and be sued in its own name, plead and be impleaded; provided, however, that any and all actions, at law or in equity, against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or in the county where the cause of action arose;
6. To construct, maintain, repair and operate television facilities which with their access connections are designated ultimately to extend to and include all sections and areas of the State of Oklahoma;
7. To issue revenue bonds of the Authority, payable solely from dedicated revenues, for the purpose of paying all or any part of the cost of needed facilities;
8. To fix and revise from time to time any necessary charges for the use of any facilities;

9. To pay for the annual cost of the operation, maintenance and repair of such facilities;
10. To pay as and when due the principal and interest on the revenue certificates or bonds issued to pay for such facilities;
11. To accumulate and maintain such reserves as are provided for in the resolution or trust indenture under which such bonds are issued or secured;
12. To acquire, hold, or dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;
13. To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in manner hereinafter provided, such public or private lands, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this article; and it is the intent of the Legislature that all public property damaged in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable;
14. To designate, except as is provided for herein, the locations; and to establish, limit and control such points of ingress to and egress from each facility as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such facility;
15. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;
16. To receive appropriations from the State Legislature and accept from any federal agency grants for or in aid of the construction and operation of any project; provided, the acceptance of such grants or appropriations will not reduce the amount of federal aid for other education in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value;
17. To do any and all things necessary to comply with rules, regulations, or requirements of the Federal Communications Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage education;
18. To do all things necessary or convenient to carry out the powers expressly granted in this article.

It shall be unlawful for any member, officer, or employee of the Authority to transact with the Authority, either directly or

indirectly, any business for profit of such member, officer, or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift or consideration to such member, officer or employee.

Any person found guilty of violating any of the provisions of this section shall be guilty of a felony, and shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00), and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

Added by Laws 1971, c. 281, § 23-106, eff. July 2, 1971. Amended by Laws 1997, c. 133, § 576, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 416, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 576 from July 1, 1998, to July 1, 1999.

§70-23-106.1. Executive Director.

The chief executive officer of the Authority shall be the Executive Director, who shall be appointed by and serve at the pleasure of the Authority. The Executive Director shall be appointed solely on the basis of his qualifications to administer and direct the affairs of the Oklahoma Educational Television Network. The Authority shall fix the salary of the Executive Director.

Added by Laws 1983, c. 172, § 3, operative July 1, 1983.

§70-23-106.2. Powers and duties of Executive Director.

Subject to the policies, rules, and regulations of the Authority, the Executive Director shall:

1. recommend to the Authority the appointment, promotion, demotion, suspension, or removal of all administrative officers and employees of the Oklahoma Educational Television Network whose function is to postaudit said Network or make studies or investigations which are independent of the Executive Director; and
2. organize, regulate, direct, supervise, and control all administrative personnel whose appointment he is authorized to make or recommend and all property he is authorized by the Authority to keep or use; and
3. establish an accounting system for the Oklahoma Educational Television Network and supervise the handling of all funds of said Network; and
4. annually prepare a budget and submit said budget to the Authority, administer the budget after it goes into effect, and recommend to the Authority any changes in the budget which he may deem necessary; and

5. submit to the Authority a report on the finances and administrative activities of the Oklahoma Educational Television Network at the end of each calendar month and each fiscal year, and submit such other reports as the Authority may require; and

6. advise the Authority on the financial condition and the needs of the Oklahoma Educational Television Network, and make such recommendations to the Authority as he may deem necessary; and

7. perform such other duties and have such other powers as the Authority may prescribe.

Added by Laws 1983, c. 172, § 4, operative July 1, 1983.

§70-23-107. Powers continued.

The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any land, property, rights, rights-of-way, franchises, easements, or other interests in lands as it may deem necessary or convenient for the construction, maintenance, and operation of the facilities upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Authority and the owner thereof, and to take title thereto in the name of the Authority.

Added by Laws 1971, c. 281, § 23-107, eff. July 2, 1971.

§70-23-108. The Authority has power to condemn property.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated, or is absent, unknown, or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation proceedings in the same manner as land is condemned for railroad purposes any land, property, rights, rights-of-way, franchises, easements, or other property deemed necessary or convenient for the construction or the efficient operation of any facilities, or necessary in the restoration of public or private property damaged or destroyed. No act or obligation of the Authority shall impose any liability upon the state or the Authority except such as may be paid from the funds provided under the authority of the article.

Added by Laws 1971, c. 281, § 23-108, eff. July 2, 1971.

§70-23-109. Authority may issue revenue bonds.

The Authority may provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the Authority for the purpose of paying all or any of the cost of any one or more projects, but each project shall be covered by a separate resolution and separate bond issue or issues. Provided, each such resolution must receive legislative approval prior to actual issuance of said revenue bonds. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at a rate not

to exceed ten percent (10%), and shall mature in annual installments at such time or times not exceeding the maximum time permitted by the Constitution of the State of Oklahoma, but in any event not more than forty (40) years after their date as may be determined by the Authority. The Authority may cause the bonds or any installment thereof to be made redeemable before maturity, at the option of the Authority, at such price or prices, and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The bonds shall be signed by the chairman of the Authority, and the official seal of the Authority shall be affixed thereto and attested by the secretary-treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this article shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form or both, as the Authority may determine, and provisions may be made for the registration of any coupon bonds as to principal and interest. The Authority shall sell such bonds at public sale. Notice of the sale shall be published in a Thursday issue for two (2) successive weeks in a daily newspaper of general circulation in the State of Oklahoma. The date mentioned in the notice for the sale of the bonds shall not be less than ten (10) days after the first publication thereof. All bonds shall be sold to the bidder who will bid therefor par and accrued interest, and who shall stipulate in his bid the lowest rate of interest which such bonds shall bear. It is the intent of this article that the bonds shall be awarded to the bidder bidding rate or rates of interest which will be the lowest interest cost during the life of the bonds. Any premium bid shall not be considered in figuring such interest cost but shall be considered only in case two or more bidders bid the same interest cost. Upon the acceptance of such bid, the bonds shall be issued in accordance therewith and shall be delivered to the purchaser upon payment of the purchase price. Each bidder shall submit with his bid such sum in cash or its equivalent as may be determined by the Authority, and upon the acceptance of any bid such deposit shall become the property of the Authority and shall be credited on the purchase price of the bonds,

upon the understanding that if the purchaser shall fail five (5) days after the tender of bonds to pay the balance of the purchase price, said sale shall be thereby annulled and said deposit shall be in such event retained by the Authority and credited to the account for which such bonds are being issued and shall be used accordingly. All other deposits shall be returned. The Authority shall have the right to reject all bids and readvertise the bonds for sale. The bonds need not be issued and sold in series. In no event shall the bonds be sold at a price so low as to require the payment of interest on the money received therefor at more than ten percent (10%), computed with relation to the absolute maturity of the bonds in accordance with the standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project, for which such bonds shall have been issued, and shall be disbursed in such manner, and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under provisions of this article without obtaining the consent of any department, division, commission, board, bureau or agency of the state except legislative approval as required herein, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this article.

Laws 1971, c. 281, § 23-109, eff. July 2, 1971; Laws 1977, c. 232, § 6, emerg. eff. June 15, 1977.

§70-23-110. Sinking Fund.

The principal and interest necessary to retire any bonds issued by the Authority shall be paid out of the "Oklahoma Educational

Television Bond Sinking Fund" hereinafter established by Section 23-111 of this article.

Added by Laws 1971, c. 281, § 23-110, eff. July 2, 1971.

§70-23-111. Creation of Sinking Fund.

There is hereby created the Oklahoma Educational Television Bond Sinking Fund in the State Treasury and the State Treasurer is hereby authorized and directed to transfer revenues accruing to the Public Building Fund, not otherwise appropriated as of the date this article becomes effective, to the Oklahoma Educational Television Bond Sinking Fund to be used solely for the purpose of retiring bonds issued by the Oklahoma Educational Television Authority.

Added by Laws 1971, c. 281, § 23-111, eff. July 2, 1971.

§70-23-112. Trust agreements.

In the discretion of the Authority any bonds issued under the provisions of this article may be secured by a trust agreement by and between the Authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement may pledge or assign the revenues to be received from the project constructed by the use of the proceeds of the bonds, but shall not convey or mortgage any project or part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all monies, and provisions for the employment of consultants or operation of such project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing any such trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as part of the cost of the operation of the project or projects.

Laws 1971, c. 281, § 23-112, eff. July 2, 1971.

§70-23-113. Authority may collect fees.

The Authority, subject to the provisions hereof, is hereby authorized to fix, revise, charge and collect fees for the use of any of its facilities.

Added by Laws 1971, c. 281, § 23-113, eff. July 2, 1971.

§70-23-114. Monies received are trust funds.

All monies received pursuant to the authority of this article, whether as proceeds from the sale of bonds or other revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this article. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such monies shall be paid shall act as trustee of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as this article and such resolution or trust agreement may provide.

Added by Laws 1971, c. 281, § 23-114, eff. July 2, 1971.

§70-23-115. Rights of trustee.

Any holder of bonds issued under the provisions of this article or any of the coupons appertaining thereto, and the trustee under the trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this article or by such trust agreement or resolution to be performed by the Authority or by any officer thereof including the fixing, charging and collecting of fees.

Added by Laws 1971, c. 281, § 23-115, eff. July 2, 1971.

§70-23-116. Authority tax exempt.

The exercise of the powers granted by this article will be in all respects for the benefit of the people of the state, to serve their educational and cultural interests and needs, and for the improvement of their health and living conditions. The operation and maintenance of projects by the Authority will constitute the performance of essential governmental functions, and the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, and the bonds issued under the provisions of this article, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

Laws 1971, c. 281, § 23-116, eff. July 2, 1971.

§70-23-117. Securities of bonds.

Bonds issued under the provisions of this article are hereby made securities by which all banks, trust companies, trust and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations, and others carrying on an insurance business may legally and properly invest funds including capital in their control or belonging to them. Added by Laws 1971, c. 281, § 23-117, eff. July 2, 1971.

§70-23-118. Projects to become part of the State Educational System.

Each project when constructed and placed in use shall be maintained and kept in good condition and repair by the Authority. When all bonds issued under the provisions of this article in connection with any project and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project, if then in good condition and repair to the satisfaction of the State Legislature, shall become part of the State Educational System.

All counties, cities, towns, municipalities and school districts of the state and all state boards, commissions, officials, and other public agencies, notwithstanding any contrary provision of law, are hereby authorized and empowered:

1. To lease, lend, grant or convey to the Authority at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, municipalities, school districts of the state, and all state boards, commissions, officials and other public agencies may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any personal property, real property and other things of value which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including real property already devoted to public use; and

2. To lease, rent or contract from the Authority for telecasting purposes, any programs that would be beneficial to their interest and that of the State of Oklahoma.

Laws 1971, c. 281, § 23-118, eff. July 2, 1971.

§70-23-119. Authority may contract with television stations.

The Authority is hereby authorized and empowered to enter into contract with other television stations, networks or other agencies for the purpose of receiving or exchanging television programs.

Added by Laws 1971, c. 281, § 23-119, eff. July 2, 1971.

§70-23-120. Bond application may be filed with Oklahoma Supreme Court.

The Authority is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any bonds to be issued thereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by notice published in a newspaper of general circulation in the state that on a day named the Authority will ask the Court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with this article and that when issued, they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Authority, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma. Laws 1971, c. 281, § 23-120, eff. July 2, 1971.

§70-23-121. Authority is authorized to issue refunding bonds.

The Authority is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. Each refunding issue shall be limited to the project in connection with which the bonds being refunded were issued, and revenues pledged to pay any such refunding issue shall be limited to the revenue derived from said separate project. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable.

Added by Laws 1971, c. 281, § 23-121, eff. July 2, 1971.

§70-23-122. Authority must report to Legislature.

The Authority shall make and submit to the Legislature, on or before December 31 of each year, a full report showing projects under construction and in operation, planned projects, and the financial condition of the Authority, and such other information as the Legislature shall require.

Added by Laws 1971, c. 281, § 23-122, eff. July 2, 1971.

§70-23-123. This article provides alternative methods for things authorized hereby.

The foregoing sections of this article shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds.

Added by Laws 1971, c. 281, § 23-123, eff. July 2, 1971.

§70-23-124. Article to be liberally construed.

This article being necessary for the advancement of education and the welfare of the state and its inhabitants shall be liberally construed to effect the purposes thereof; provided that until specifically authorized by the Legislature the provisions of this article shall not be utilized in any other manner.

Added by Laws 1971, c. 281, § 23-124, eff. July 2, 1971.

§70-23-125. Public Employees Retirement System - Membership in.

The Oklahoma Educational Television Authority employees shall be enrolled in the Oklahoma Public Employees Retirement System with full benefits and rights.

Laws 1975, c. 300, § 5, emerg. eff. June 7, 1975.

§70-23-126. Purchase of television programs.

Purchases made by the Oklahoma Educational Television Authority from sources other than state-appropriated funds for the acquisition of television programs shall be excluded from the provisions of Section 85.7 of Title 74 of the Oklahoma Statutes. The said Authority is hereby authorized to make such purchases against special authorization orders submitted to, approved and encumbered by, the Director of the Office of Management and Enterprise Services. Contracts for the purchase of television programs entered into by the Oklahoma Educational Television Authority and charged against a special authorization order as herein provided shall be maintained as a permanent record of the Authority for a period of not less than three (3) years after liquidation of the contract.

Added by Laws 1979, c. 211, § 4, emerg. eff. May 30, 1979. Amended by Laws 2012, c. 304, § 613.

§70-24. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-24-100. Renumbered as § 24-100.5 of this title by Laws 2002, c. 149, § 5, eff. Nov. 1, 2002.

§70-24-100.1. Prevention of violence services.

A. It is the intent of the Legislature to encourage and assist the public schools of this state to address school violence through an emphasis on prevention. Preventative services shall be encouraged through greater access to mental health counseling and social services for students. In order to make licensed professional counselors and licensed social workers more available and accessible on site, school districts may:

1. Contract with and allocate space for nonprofit agencies or other community-based service providers for the appropriate personnel and services;

2. Seek any available funding, including the use of Medicaid funds for students who are Medicaid eligible through targeted case management, and any other funding which may be available for related services; and

3. Encourage the State Board of Education to allow for the use of licensed professional counselors and licensed social workers in addition to academic counselors.

Added by Laws 2000, c. 34, § 1, eff. July 1, 2000.

§70-24-100.2. Short title - School Safety and Bullying Prevention Act.

Sections 24-100.2 through 24-100.5 of this title shall be known and may be cited as the "School Safety and Bullying Prevention Act". Added by Laws 2002, c. 149, § 1, eff. Nov. 1, 2002. Amended by Laws 2013, c. 311, § 1.

§70-24-100.3. School Safety and Bullying Prevention Act - Definitions.

A. As used in the School Safety and Bullying Prevention Act:

1. "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student;

2. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;

3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and

4. "Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

B. Nothing in this act shall be construed to impose a specific liability on any school district.

Added by Laws 2002, c. 149, § 2, eff. Nov. 1, 2002. Amended by Laws 2008, c. 216, § 5, eff. Nov. 1, 2008; Laws 2013, c. 311, § 2.

§70-24-100.4. School Safety and Bullying Prevention Act - Discipline of child - Prohibition of bullying at school and online - Policy requirements

A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;

3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;

4. Contain a statement of how the policy is to be publicized including a requirement that:

- a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
- b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,

- c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
- d. the policy be included in all student and employee handbooks;

5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;

6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;

7. Identify by job title the school official responsible for enforcing the policy;

8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;

9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. Address prevention by providing:

- a. consequences and remedial action for a person who commits an act of bullying,
- b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
- c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;

13. Establish a procedure for:

- a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- c. reporting the number of incidents of bullying, and

d. determining the severity of the incidents and their potential to result in future violence;

14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

C. The teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

E. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district

shall also have the option of adopting a dress code which includes school uniforms.

F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform campus-site service for violating the district's policy.

G. The State Board of Education shall:

1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;

2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and

3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

Added by Laws 1971, c. 281, § 6-114, eff. July 2, 1971. Amended by Laws 1982, c. 326, § 2; Laws 1985, c. 329, § 13, emerg. eff. July 30, 1985; Laws 1995, c. 241, § 2, eff. July 1, 1995; Laws 1999, c. 320, § 34, eff. July 1, 1999; Laws 2000, c. 232, § 11, eff. July 1, 2000; Laws 2002, c. 149, § 3, eff. Nov. 1, 2002. Renumbered from § 6-114 of this title by Laws 2002, c. 149, § 5, eff. Nov. 1, 2002. Amended by Laws 2008, c. 216, § 6, eff. Nov. 1, 2008; Laws 2013, c. 311, § 3; Laws 2014, c. 345, § 2, eff. Nov. 1, 2014; Laws 2016, c. 277, § 1.

§70-24-100.5. Safe School Committees - Model policy.

A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled students, students, and a school official who participates in the investigation of reports of bullying as required by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and response strategies, including the policy required by Section 24-100.4 of this title.

B. The Safe School Committee shall study and make recommendations to the principal regarding:

1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;

2. Student bullying as defined in Section 24-100.3 of this title;

3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying;

4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system; and

5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.

In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

C. The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

D. The State Department of Education shall:

1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and

2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

E. The provisions of this section shall not apply to technology center schools.

Added by Laws 1996, c. 252, § 1, eff. July 1, 1996. Amended by Laws 2001, c. 33, § 120, eff. July 1, 2001; Laws 2002, c. 149, § 4, eff. Nov. 1, 2002. Renumbered from § 24-100 of this title by Laws 2002, c. 149, § 5, eff. Nov. 1, 2002. Amended by Laws 2008, c. 216, § 7, eff. Nov. 1, 2008; Laws 2013, c. 311, § 4; Laws 2015, c. 246, § 2, eff. Nov. 1, 2015; Laws 2019, c. 285, § 1, eff. July 1, 2019.

§70-24-100.6. Right of student victims to be separated from offender - Notice to school district of juvenile sex offender identity - School attendance of juvenile sex offender.

A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any

juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.

C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.

D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.

Added by Laws 2007, c. 164, § 1, eff. July 1, 2007.

§70-24-100.7. Suicide awareness and drug abuse policies - Immunity from employment discipline and civil liability - Cause of action limitations - Duty to notify parents or legal guardians.

A. The board of education of each school district in this state may adopt a policy regarding suicide awareness and training and the reporting of student drug abuse.

B. The board of education of each school district in this state may provide schoolwide training to all students in grades seven through twelve and staff addressing suicide awareness and prevention. The Department of Mental Health and Substance Abuse Services shall develop and make available to school districts curriculum which

addresses suicide awareness and prevention, without cost to the school districts. The course outline for the curriculum shall be made available to the public online through the school district website. Beginning with the 2014-2015 school year, every school district may:

1. Provide a suicide prevention training program which includes as a core element research-based approaches and that is developed by the school district;

2. Provide the curriculum made available by the Department of Mental Health and Substance Abuse Services; or

3. Provide a suicide prevention training program that is selected by the school district from a list maintained by the Department of Mental Health and Substance Abuse Services to students and school district staff that addresses suicide awareness and prevention. The training program may be combined with any other training provided by the school district addressing bullying prevention.

C. Teachers, counselors, principals, administrators and other school personnel shall be immune from employment discipline and any civil liability for:

1. Calling the 911 emergency telephone number, law enforcement or the Department of Human Services if they believe a student poses a threat to themselves or others or if a student has committed or been the victim of a violent act or threat of a violent act;

2. Providing referral, emergency medical care or other assistance offered in good faith to a student or other youth; or

3. Communicating information in good faith concerning drug or alcohol abuse or a potential safety threat by or to any student to the parents or legal guardians of the student, law enforcement officers or health care providers.

D. No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, unless the loss or damage was caused by willful or wanton misconduct.

E. The training required pursuant to this section, or the lack thereof, shall not be construed to impose any specific duty of care.

F. School districts may enter into agreements with designated Youth Services Agencies for the provision of intervention and prevention services.

G. Teachers, counselors, principals, administrators, or other school personnel, upon determining that a student is at risk of attempting suicide, shall notify the parents or legal guardians of the student immediately upon determining that such risk exists.

Added by Laws 2014, c. 333, § 1, emerg. eff. May 28, 2014.

§70-24-100.8. Duty for school officers and employees to notify law enforcement of verbal threats or threatening behavior - Immunity from discipline and liability.

A. As used in this section, "threatening behavior" means any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property.

B. An officer or employee of a school district or member of a board of education shall notify law enforcement of any verbal threat or act of threatening behavior which reasonably may have the potential to endanger students, school personnel or school property.

C. Officers or employees of a school district or members of a board of education shall be immune from employment discipline and any civil liability for communicating information pursuant to subsection B of this section in good faith if they reasonably believe a person is making verbal threats or is exhibiting threatening behavior.

D. Nothing in this section shall be construed to impose a specific liability on any school district.

Added by Laws 2018, c. 323, § 1, eff. July 1, 2018.

§70-24-100a. Healthy and Fit Kids Act of 2004 - Short title.

A. This act shall be known and may be cited as the "Healthy and Fit Kids Act of 2004".

B. Beginning September 1, 2004, each public school shall establish a Healthy and Fit School Advisory Committee, to be composed of at least six members. The Advisory Committee may be composed of teachers, administrators, parents of students, health care professionals and business community representatives.

A public school may combine the Healthy and Fit School Advisory Committee with its Safe School Committee, established pursuant to Section 24-100.5 of this title.

C. Each Healthy and Fit School Advisory Committee shall study and make recommendations to the school principal regarding:

1. Health education;
2. Physical education and physical activity; and
3. Nutrition and health services.

D. The principal shall give consideration to recommendations of the committee.

E. The State Board of Education shall adopt rules for monitoring compliance with this section and is authorized to report a school as deficient on the accreditation report for noncompliance with the provisions of this section.

Added by Laws 2004, c. 357, § 1, eff. Sept. 1, 2004. Amended by Laws 2005, c. 45, § 2, eff. July 1, 2007.

§70-24-100b. Health and wellness information and assistance for schools - Assessment and monitoring of programs.

A. In order to assist the Healthy and Fit School Advisory Committees created pursuant to Section 24-100a of Title 70 of the Oklahoma Statutes, the State Department of Education in consultation with the State Department of Health shall make available to schools information and technical assistance for use in:

1. Establishing healthy school nutrition environments;
2. Reducing childhood obesity;
3. Development of quality physical education and activity programs;
4. Prevention of diet-related chronic diseases; and
5. Establishing, implementing, and evaluating school wellness policies.

B. The Healthy and Fit School Advisory Committees are encouraged to utilize the School Health Index available on the Centers for Disease Control and Prevention website or the Oklahoma Healthy and Fit Schools Scorecard available on the Governor's Council on Physical Fitness and Sports website as a program assessment and monitoring instrument.

C. The Healthy and Fit School Advisory Committees shall be involved in the monitoring, implementation, and evaluation of Section 5-147 of Title 70 of the Oklahoma Statutes, which limits access to foods of minimal nutritional value.

Added by Laws 2006, c. 91, § 1, eff. Nov. 1, 2006.

§70-24-100c. Physical fitness assessment software program - Pilot schools.

A. The State Department of Education and the State Department of Health shall facilitate the development of a physical fitness assessment software program customized for public schools in this state that has the capability to track the five components of student health-related physical fitness, including:

1. Aerobic capacity;
2. Muscular strength;
3. Muscular endurance;
4. Flexibility; and
5. A weight status assessment that includes measurement of height and weight, calculation of body mass index (BMI) for age, and plotting of these measures on standard growth charts.

The software program shall have the capability of creating a confidential individual student report for parents that includes an explanation of the data. In addition, the software program shall be developed and made accessible to school districts at no cost.

B. The State Department of Health in consultation with the State Department of Education and the Governor's Council on Physical Fitness and Sports shall select at least fifteen elementary schools statewide to pilot the software program during the 2008-2009 school year. Pilot schools shall assess all participating students in

grades three, four and five. No school selected to participate in the pilot program shall be required to utilize the software program. No student shall be required to participate in the assessment if a parent or guardian of the student objects in writing. The purpose of the pilot shall be to:

1. Evaluate methods for administering the physical fitness assessment to students;
2. Evaluate methods for reporting to parents;
3. Evaluate the software program to ensure that it provides for the collection of data by school district in an efficient and cost-effective manner; and
4. Evaluate the usefulness of the health-related fitness testing manual.

Added by Laws 2008, c. 342, § 1, eff. July 1, 2008.

§70-24-100d. School Health Coordinators Pilot Program - Time period for program - Responsibilities of health coordinators - Steering committee - Annual evaluation - Rules.

A. Contingent on the availability of funding, the State Department of Education shall contract with a statewide nonprofit school health program that promotes the health needs of students to establish a School Health Coordinators Pilot Program. The purpose of the Pilot Program shall be to assist elementary schools and the Healthy and Fit School Advisory Committees in elementary schools in implementing health and wellness programs and providing health and wellness information to students in the elementary schools. The State Department of Education shall oversee the Pilot Program. The Pilot Program contractor shall coordinate the Pilot Program and provide the required support to schools to allow for participation in the Pilot Program.

B. The Department shall conduct the Pilot Program for a period of not less than five (5) years. The Pilot Program contractor shall employ and provide for the salary and benefits of school health coordinators, along with training and school support needed to implement the Pilot Program. The number of school health coordinators employed in years one and two of the Pilot Program shall be contingent upon funding and other factors as determined by the Department in conjunction with the Pilot Program contractor. By year three of the Pilot Program, not less than six school health coordinators shall be employed by the Pilot Program contractor with one school health coordinator assigned to each quadrant of the state, one assigned to the Tulsa metropolitan area, and one assigned to the Oklahoma City metropolitan area. A Pilot Program coordinator, Pilot Program contractor monitor, and additional school health coordinators may be employed if funds are available. A person employed as a school health coordinator shall at a minimum have a baccalaureate

degree in health, community health, education, physical education, or nursing.

C. The school health coordinators shall be responsible for:

1. Facilitating the activities of and providing assistance and expertise to the Healthy and Fit School Advisory Committees in elementary schools;

2. Providing professional development opportunities for teachers;

3. Providing curriculum, materials, and resources to elementary schools for school health programs, which may include health education, physical education, health services, nutrition services, school climate, physical environment, health promotion and wellness, and youth, family, and community involvement;

4. Assisting elementary schools in completing the School Health Index;

5. Interacting with parent organizations in public schools in order to educate parents about health and wellness issues; and

6. Conducting a public health media campaign for students and their families.

D. The Department and the Pilot Program contractor shall form a steering committee with representatives from the State Department of Health and other entities interested in school health to help provide expertise, oversight and guidance for the Pilot Program.

E. The Pilot Program contractor in partnership with an evaluation entity shall conduct an annual evaluation of the effectiveness and impact of the Pilot Program. A copy of the evaluation shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

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

Added by Laws 2008, c. 419, § 1, eff. July 1, 2008.

NOTE: Editorially renumbered from § 24-100c of this title to avoid duplication in numbering.

§70-24-101. Repealed by Laws 1997, c. 350, § 8, eff. July 1, 1997.

§70-24-101.1. Wireless telecommunication devices - Rules prohibiting.

The board of education of each school district shall establish and implement rules regarding student possession of a wireless telecommunication device while said student is on school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school. The rules shall provide that a student may possess a wireless telecommunication device upon the prior consent of both a parent or guardian and school principal or superintendent and shall also

specify the disciplinary action a student shall face if found to be in possession of a wireless telecommunication device in violation of the rules.

Added by Laws 1989, c. 105, § 1, eff. Nov. 1, 1989. Amended by Laws 1997, c. 350, § 2, eff. July 1, 1997; Laws 2001, c. 206, § 1, eff. July 1, 2001.

§70-24-101.2. Repealed by Laws 1997, c. 350, § 8, eff. July 1, 1997.

§70-24-101.3. Out-of-school suspensions.

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

B. 1. Students suspended out-of-school for ten (10) or fewer days shall have the right to appeal the decision of the administration as provided in the policy required in subsection A of this section. The policy shall specify whether appeals for short-term suspensions as provided in this subsection shall be to a local committee composed of district administrators or teachers or both, or to the district board of education. Upon full investigation of the matter, the committee or board shall determine the guilt or innocence of the student and the reasonableness of the term of the out-of-school suspension. If the policy requires appeals for short-term suspensions to a committee, the policy adopted by the board may, but is not required to, provide for appeal of the committee's decision to the board.

2. Students suspended out-of-school for more than ten (10) days and students suspended pursuant to the provisions of paragraph 2 of subsection C of this section may request a review of the suspension with the administration of the district. If the administration does not withdraw the suspension, the student shall have the right to appeal the decision of the administration to the district board of education. Except as otherwise provided for in paragraph 2 of subsection C of this section, no out-of-school suspension shall extend beyond the current semester and the succeeding semester. Upon

full investigation of the matter, the board shall determine the guilt or innocence of the student and the reasonableness of the term of the out-of-school suspension. A board of education may conduct the hearing and render the final decision or may appoint a hearing officer to conduct the hearing and render the final decision. The decision of the district board of education or the hearing officer, if applicable, shall be final.

C. 1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:

- a. violation of a school regulation,
- b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and
- c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

2. Any student found in possession of a firearm while on any public school property or while in any school bus or other vehicle used by a public school for transportation of students or teachers shall be suspended out-of-school for a period of not less than one (1) year, to be determined by the district board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis. For purposes of this paragraph the term "firearm" shall mean and include all weapons as defined by 18 U.S.C., Section 921.

3. Any student in grades six through twelve found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a school employee or a person volunteering for a school as prohibited pursuant to Section 6-146 of this title shall be suspended for the remainder of the current semester and the next consecutive semester, to be determined by the board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis.

D. At its discretion a school district may provide an education plan for students suspended out-of-school for five (5) or fewer days pursuant to the provisions of this subsection. The following provisions shall apply to students who are suspended out-of-school

for more than five (5) days and who are guilty of acts listed in subparagraphs a and b of paragraph 1 of subsection C of this section. Upon the out-of-school suspension, the parent or guardian of a student suspended out-of-school pursuant to the provisions of this subsection shall be responsible for the provision of a supervised, structured environment in which the parent or guardian shall place the student and bear responsibility for monitoring the student's educational progress until the student is readmitted into school. The school administration shall provide the student with an education plan designed for the eventual reintegration of the student into school which provides only for the core units in which the student is enrolled. A copy of the education plan shall also be provided to the student's parent or guardian. For the purposes of this section, the core units shall consist of the minimum English, mathematics, science, social studies and art units required by the State Board of Education for grade completion in grades kindergarten through eight and for high school graduation in grades nine through twelve. The plan shall set out the procedure for education and shall address academic credit for work satisfactorily completed.

E. A student who has been suspended out-of-school from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students shall not be entitled to enroll in a public school of this state, and no public school shall be required to enroll the student, until the terms of the suspension have been met or the time of suspension has expired.

F. 1. No public school of this state shall be required to provide education services in the regular school setting to any student who has been:

- a. adjudicated as a delinquent for an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,
- b. convicted as an adult of an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,
- c. who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students,
- d. suspended as provided for in paragraph 3 of subsection C of this section, or
- e. has been removed from a public or private school in the state or another state by administrative or judicial process for an act of using electronic communication, as defined in Section 24-100.3 of this title, with intent to terrify, intimidate or harass, or threaten to

inflict injury or physical harm to faculty or other students.

2. The school in which a student as described in paragraph 1 of this subsection is subsequently enrolled may elect to not provide education services in the regular school setting until the school determines that the student no longer poses a threat to self, other students or school district faculty or employees. Until the school in which such student subsequently enrolls or re-enrolls determines that the student no longer poses a threat to self, other students or school district faculty or employees, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. If the school provides education services to the student at a district school facility, the school shall notify any student or school district faculty or employee victims of the student, when known, and shall ensure that the student will not be allowed in the general vicinity of or contact with a victim of the student, provided the victim notifies the school of the victim's desire to refrain from contact with the offending student.

G. Students suspended out-of-school who are on an individualized education plan pursuant to the Individuals with Disabilities Education Act, P.L. No. 101-476, or who are subject to the provisions of subsection F of this section and who are on an individualized education plan shall be provided the education and related services in accordance with the student's individualized education plan.

H. A student who has been suspended for a violent offense which is directed towards a classroom teacher shall not be allowed to return to that teacher's classroom without the approval of that teacher.

I. At its discretion, a school district may require a student guilty of acts listed in subparagraph a or b of paragraph 1 of subsection C of this section to complete intervention and prevention programs as provided by designated Youth Service Agencies, if available.

J. No school board, administrator or teacher may be held civilly liable for any action taken in good faith which is authorized by this section.

Added by Laws 1997, c. 350, § 1, eff. July 1, 1997. Amended by Laws 1998, c. 154, § 1, emerg. eff. April 28, 1998; Laws 1999, c. 112, § 1, eff. July 1, 1999; Laws 2001, c. 206, § 2, eff. July 1, 2001; Laws 2003, c. 182, § 1, emerg. eff. May 6, 2003; Laws 2006, c. 210, § 2, eff. July 1, 2006; Laws 2009, c. 228, § 84, eff. Nov. 1, 2009; Laws 2013, c. 404, § 26, eff. Nov. 1, 2013; Laws 2015, c. 397, § 6, eff. Nov. 1, 2015; Laws 2016, c. 90, § 1, eff. July 1, 2016.

NOTE: Laws 2009, c. 98, § 11 repealed by Laws 2010, c. 2, § 87, emerg. eff. March 3, 2010.

§70-24-101.4. Disclosure of disciplinary and nondirectory educational records.

A. A school district in which a student is enrolled or is in the process of enrolling in may request the student's education records from any school district in which the student was formerly enrolled to ascertain safety issues with incoming students and ensure full disclosure. A district that receives a request for the education records of a student who formerly was enrolled in the district shall forward the records within three (3) business days of receipt of the request. The records shall include the student's disciplinary records. Disciplinary records shall include but not be limited to all information that relates to a student assaulting, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel. The forwarding and disclosure of disciplinary records or other education records to a school district in which a student seeks or intends to enroll shall be in accordance with the annual notification requirements and provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

B. Each school district shall be required to release nondirectory educational records to the agencies listed in Section 620.3 of Title 10 of the Oklahoma Statutes. The release of any records shall be in accordance with the provisions of FERPA. The term "nondirectory educational records" shall be those records maintained by the school regarding a child who is or has been a student at the school which are categorized as private or confidential records pursuant to FERPA.

C. The State Board of Education shall promulgate rules for monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section. The Board shall inform school districts of their statutory responsibilities for compliance with FERPA. Enforcement and sanctions shall be as provided by the federal requirements under FERPA.

Added by Laws 1997, c. 350, § 4, eff. July 1, 1997. Amended by Laws 1999, c. 102, § 1, eff. July 1, 1999; Laws 2000, c. 186, § 1, eff. July 1, 2000.

§70-24-102. Pupils - Searches.

The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as

defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

The extent of any search conducted pursuant to this section shall be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In no event shall a strip search of a student be allowed. No student's clothing, except cold weather outerwear, shall be removed prior to or during the conduct of any warrantless search.

The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property. Students found to be in possession of such an item shall be subject to the provisions of Section 24-101.3 of this title.

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils. School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

Added by Laws 1971, c. 281, § 24-102, eff. July 2, 1971. Amended by Laws 1973, c. 118, § 2, emerg. eff. May 4, 1973; Laws 1987, c. 115, § 1, eff. Nov. 1, 1987; Laws 1989, c. 105, § 2, eff. Nov. 1, 1989; Laws 1995, c. 274, § 53, eff. Nov. 1, 1995; Laws 1997, c. 350, § 3, eff. July 1, 1997; Laws 2001, c. 206, § 3, eff. July 1, 2001.

§70-24-103. Bribes in connection with school bonds and school supplies.

It is hereby declared to be unlawful for any officer or employee of the State Board of Education, member of a board of education or employee thereof, to solicit, take, retain, or receive any money,

property or thing of value in the nature of commissions or otherwise for the purchase or sale of school bonds, or for the purchase of any furniture or supplies, and the soliciting, taking, retaining or receiving of any such money or other thing of value is hereby declared to be a misdemeanor.

Laws 1971, c. 281, § 24-103, eff. July 2, 1971; Laws 1993, c. 239, § 48, eff. July 1, 1993.

§70-24-104. Payment or tender of money or property - Unlawful when.

It is hereby declared to be unlawful and a misdemeanor for any person, corporation or individual to offer, tender to pay or deliver to any such officer or employee of the State Board of Education, member of a board of education or employee thereof, any such property, money or other thing of value in any way connected with the issuing of school bonds or the purchase of furniture or supplies, whether the same be denominated commission or otherwise.

Laws 1971, c. 281, § 24-104, eff. July 2, 1971; Laws 1993, c. 239, § 49, eff. July 1, 1993.

§70-24-104.1. Soliciting, taking, retaining or receiving mental health referral fee.

It shall be unlawful for any school counselor, teacher, any other school employee, school board member, or Department of Human Services employee to solicit, take, retain, or receive any money, property, or thing of value in the nature of a fee or otherwise from a mental health care provider or facility or any employee thereof for directing or referring students to that provider or facility for treatment. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Added by Laws 1992, c. 41, § 1, eff. Sept. 1, 1992.

§70-24-104.2. Offering, tendering to pay or delivering mental health referral fee.

It shall be unlawful for any mental health care provider or facility or any employee thereof to offer, tender to pay or deliver to any school counselor, teacher, any other school employee, school board member, or Department of Human Services employee any money, property, or thing of value in the nature of a fee or otherwise for directing or referring a student to that provider or facility for treatment. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Added by Laws 1992, c. 41, § 2, eff. Sept. 1, 1992.

§70-24-105. Student clubs and organizations - Regulation - Notifications.

A. The board of education of each school district shall have full power and authority to regulate, control or prohibit any

fraternity, sorority, secret society, club or group composed in whole or in part of students enrolled in the school district if it deems it advisable and in the best interest of the school program to do so.

B. Each board of education shall adopt policies and procedures to annually notify parents or guardians of students about clubs and organizations sponsored by or under the direction and control of the school. The annual notification about clubs and organizations shall be by means of the student handbook and by posting on the Internet website for the school district or if the school district does not have an Internet website by another appropriate method. The annual notification shall include, but is not limited to, the following information about each club or organization:

1. Name;
2. Mission or purpose; and
3. Name of the faculty advisor, if known.

C. If clubs or organizations are created or formed after the annual notification is distributed, the school district shall send additional notification to the parents or guardians containing information about the additional clubs or organizations consistent with the requirements set forth in subsection B of this section.

D. The policy adopted by each board of education shall provide parents or guardians of students with an opportunity to notify school administration that the parent or guardian is withholding permission for a student to join or participate in one or more clubs or organizations. The policy shall only apply to participation in clubs and organizations that are extracurricular and shall not apply to participation in clubs and organizations that are necessary for a required class of instruction. Parents or guardians shall be responsible for preventing their student from participating in a club or organization in which permission is withheld. Parents or guardians shall also be responsible for retrieving their student from attendance at a club or organization in which permission is withheld. Nothing in this subsection shall prevent a club or organization from meeting when a student who is not authorized to be in the club or organization is present at such meeting.

E. For purposes of this section:

1. "Clubs and organizations" means a club or organization comprised of students that is organized and meets for common goals, objectives, or purposes, and that is directly under the sponsorship, direction, and control of the school; and

2. "Competitive interscholastic activity or event" means activities held under the auspices or sponsorship of a school district that involves students enrolled in that school district competing against individuals or groups of students representing other school districts.

Added by Laws 1971, c. 281, § 24-105, eff. July 2, 1971. Amended by Laws 2009, c. 118, § 1, eff. Nov. 1, 2009.

§70-24-106. United States flag - Display - Instruction in history and etiquette - Pledge of allegiance.

A. The board of education of every school district in this state shall be required to own and display, either inside or outside each classroom building in the district, a United States Flag.

B. Instruction in the history and etiquette relating to the United States Flag shall be given in one or more grades in the schools in every school district in this state.

C. Students in all public schools are authorized to recite, at the beginning of each school day, the pledge of allegiance to the flag of the United States of America as enumerated at 36 U.S.C., Section 172; however, they shall recite the pledge of allegiance to the flag of the United States of America once every school week. Each student shall be informed by posting a notice in a conspicuous place that students not wishing to participate in the pledge shall not be required to do so.

Added by Laws 1971, c. 281, § 24-106, eff. July 2, 1971. Amended by Laws 2001, c. 250, § 2, eff. July 1, 2001; Laws 2014, c. 225, § 1, eff. July 1, 2014.

§70-24-106.1. Classroom display - Motto of the United States of America - Classroom use of founding documents.

A. Principals and teachers in each public school in this state may display in each classroom, school auditorium, and school cafeteria under their supervision the following motto of the United States of America: "E PLURIBUS UNUM (Out of Many One)" and "IN GOD WE TRUST". For purposes of this subsection, "classroom" means any room of a public school where instruction takes place.

B. Each school district in the state shall permit a principal or teacher to utilize in a public school building, classroom, or at any public school event any grade-level-appropriate excerpts or portions of the documents, writings, speeches, proclamations, or records relating to the history, heritage, or foundation of the United States or the State of Oklahoma including, but not limited to, the:

1. Mayflower Compact;
2. Declaration of Independence;
3. Constitutions of the United States and the State of Oklahoma;
4. Federalist Papers;
5. Pledge of Allegiance;
6. National anthem;
7. Presidential records and speeches;
8. Acts and published records of Congress; and
9. United States Supreme Court decisions and records.

C. School districts shall not limit or restrain instruction in American or Oklahoma state history or heritage based on religious references in documents, writings, speeches, proclamations, or the

materials described in subsection B of this section. These and any other materials shall be used for educational purposes only and not to establish or promote any religion.

Added by Laws 2004, c. 197, § 4, eff. July 1, 2004. Amended by Laws 2009, c. 100, § 1, eff. July 1, 2009.

§70-24-107. Arbor Day.

The Friday following the second Monday in February of each year shall be known throughout Oklahoma as Arbor Day.

Added by Laws 1971, c. 281, § 24-107, eff. July 2, 1971.

§70-24-108. Repealed by Laws 2004, c. 361, § 34, eff. July 1, 2004.

§70-24-109. Oklahoma Statehood Day - November 16.

The date of November 16 of each year is hereby designated "Oklahoma Statehood Day" in and for the public schools of this state. Any year in which the date of November 16 is a Saturday or Sunday the public schools of this state shall observe the next succeeding school day as "Oklahoma Statehood Day," as provided herein.

Added by Laws 1971, c. 281, § 24-109, eff. July 2, 1971.

§70-24-110. Oklahoma Statehood Day - Program for.

The several school boards of this state and the superintendents, principals, and other school officials may on "Oklahoma Statehood Day" plan and conduct programs commemorating Oklahoma history and the achievements of Oklahoma from an historical viewpoint and may in other appropriate manner conduct a program or programs for the purpose of teaching and inspiring the school children of our state in the appreciation of the rich Oklahoma heritage and the achievements of the sons and daughters of Oklahoma in peace and war.

Amended by Laws 1982, c. 326, § 4.

§70-24-111. Repealed by Laws 2007, c. 83, § 2, eff. July 1, 2007.

§70-24-112. Repealed by Laws 2007, c. 83, § 2, eff. July 1, 2007.

§70-24-113. Rules and regulations to be adopted by State Board of Education.

The State Board of Education is authorized and directed to adopt such rules and regulations as may be necessary for carrying out the intent and purpose of Sections 24-110 and 24-112 hereof.

Added by Laws 1971, c. 281, § 24-113, eff. July 2, 1971.

§70-24-114. Student records and transcripts - Storage and disposal.

A. The board of education of each school district in Oklahoma shall compile and maintain both temporary and permanent records of students enrolled in the district and regulate access, disclosure or

communication of information contained in the student records in a manner consistent with state and federal law.

B. School districts may store all documents and information in student records either electronically or in paper format, and either in a single- or multiple-file format. Records shall be stored, backed up and secured in accordance with standards and protocol developed by the State Board of Education.

C. The transcript of a student shall be maintained by the school district for not less than eighty (80) years following the graduation, transfer or withdrawal from the district of the student. For purposes of this subsection, "transcript" means the permanent academic record of a student and shall include the name, address, telephone listing and date and place of birth of the student, an inventory of courses taken, all grades received, grade-point averages and/or class rank, and may include all academic and extracurricular honors and awards received, all degrees conferred and extracurricular or after-school activities.

D. Except for the transcript records as defined in subsection C of this section, school districts shall dispose of information in a student record at a time selected by the district that is between five (5) years and seven (7) years after the student has graduated, transferred or withdrawn from the district. The State Board of Education shall promulgate rules regarding notification to parents or guardians of a student or the student if he or she is eighteen (18) years of age or older of destruction of the records.

Added by Laws 1971, c. 281, § 24-114, eff. July 2, 1971. Amended by Laws 1993, c. 239, § 50, eff. July 1, 1993; Laws 2016, c. 314, § 1, eff. July 1, 2016; Laws 2017, c. 56, § 1, eff. July 1, 2017.

§70-24-114.1. Retention of child in present grade level - Appeal.

Whenever a teacher or teachers recommend that a student be retained at the present grade level or not passed in a course, the parent or guardian, if dissatisfied with the recommendation, may appeal the decision by complying with the district's appeal process. The decision of the board of education shall be final. The parent may prepare a written statement to be placed in and become a part of the permanent record of the student stating the reason(s) for disagreeing with the decision of the board.

Added by Laws 1989, 1st Ex. Sess., c. 2, § 66, emerg. eff. April 25, 1990. Amended by Laws 1995, c. 109, § 1, eff. July 1, 1995.

§70-24-115. Storm and fallout shelters.

In addition to other authority and powers now or hereafter conferred upon boards of education, the board of education of each school district is hereby authorized and empowered to construct, equip, and maintain storm and fallout shelters independently or jointly with other departments, offices, agencies, and all other

entities of federal, state, and local governments. For the purposes of this article, said boards of education are hereby authorized and empowered:

1. To expend funds;
2. To accept federal, state, and local governmental and private funds as may be available;
3. To negotiate and enter into agreements, contractual and otherwise, with such departments, offices, agencies, and other entities of federal, state, and local governments and with private corporations, companies, and individuals;
4. To authorize the construction of said storm and fallout shelters on school properties; and
5. To adopt such rules and regulations governing the use of such facilities as may be deemed necessary and proper, not inconsistent with laws of this state or rules and regulations of the State Board of Education.

Added by Laws 1971, c. 281, § 24-115, eff. July 2, 1971.

§70-24-116. High school diplomas - Issued on 30 hours college work.

Any person who has been admitted to any accredited college or university may be awarded a high school diploma by the State Department of Education within this state, provided that such person has successfully completed at least thirty (30) hours of college work at an accredited college or university.

Added by Laws 1971, c. 281, § 24-116, eff. July 2, 1971.

§70-24-117. Safety goggles - School board to provide for certain personnel.

The school board of each school district in Oklahoma shall provide safety goggles as approved by the National Safety Council for all personnel using materials and machines that may damage the vision of such personnel because of flying particles, intense light, severe heat or other harmful effects.

Added by Laws 1971, c. 281, § 24-117, eff. July 2, 1971.

§70-24-118. Respirators - School board to provide for certain teachers and students.

The school board of each school district in Oklahoma shall provide respirators where needed in the opinion of the State Health Department as approved by the National Safety Council in sufficient numbers to protect teachers and students in industrial arts, vocational training, technical training and chemistry classes using or handling toxic materials or other substances which may cause damage to the respiratory system and shall further direct that such respirators be maintained in satisfactory working condition and are located within easy access wherever such materials or substances are used or stored.

Added by Laws 1971, c. 281, § 24-118, eff. July 2, 1971.

§70-24-119. Ethnic and racial history coverage.

The State Board of Education shall adopt necessary rules and regulations providing coverage of the outstanding historical events which recognize the contributions made by African Americans, Hispanic Americans, Native Americans and other ethnic groups to Oklahoma's rich cultural history and heritage.

Amended by Laws 1982, c. 326, § 6; Laws 1991, c. 233, § 2, eff. July 1, 1991.

§70-24-120. Truancy - Reports to Department of Human Services - Withholding of assistance payments.

A. At the close of each attendance period of the school term, the board of education of each school district shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 10-105 of this title.

B. Upon the receipt of such information from the school district, the Director of the Department of Human Services is authorized to withhold assistance payments to the payee of such child and to instigate an investigation for the purpose of improving the school attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in a change in custody and care of such child, payments to the payee shall be canceled or shall be made to the person qualified to receive benefits on behalf of the child.

C. For purposes of the pilot project, the Department of Human Services and the State Board of Education shall establish a procedure to provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedure thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g et seq., and any other applicable federal law.

D. The district attorney shall file with the Department of Human Services a report identifying any child who has been convicted of truancy within thirty (30) days of such conviction.

E. Beginning with the 2019-2020 school year, district attorneys shall submit to the Office of Child Abuse Prevention annual reports detailing the instances in which students were convicted of truancy pursuant to the provisions of this section. The reports shall comply with the Family Educational Rights and Privacy Act of 1974 (FERPA). Added by Laws 1971, c. 281, § 24-120, eff. July 2, 1971. Amended by Laws 1992, c. 291, § 5, eff. Sept. 1, 1992; Laws 1995, c. 346, § 12, eff. July 1, 1995; Laws 2019, c. 377, § 2, eff. July 1, 2019.

§70-24-120.1. Reports on chronic absenteeism and exchange of data.

A. Beginning with the 2019-2020 school year, the State Department of Education shall submit to the Office of Child Abuse Prevention the student and school data on chronic absenteeism.

B. The State Department of Education in collaboration with the Office of Child Abuse Prevention shall establish a procedure for the exchange of information to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

C. The Office of Child Abuse Prevention or staff within the State Department of Health shall review the reports provided pursuant to this section and, when appropriate and if resources are available, provide an assessment of the family to determine if services should be offered or a referral for services should be made.

D. The State Board of Education shall supply Child Welfare Services of the Department of Human Services with access to identifying information and updated and accurate school attendance reports of individuals with documented developmental disabilities. The State Board of Education and Child Welfare Services shall establish a procedure for the exchange of information required by this subsection.

Added by Laws 2019, c. 377, § 3, eff. July 1, 2019.

§70-24-121. Safety belts for school bus drivers.

No vehicle shall be used by any school district within this state for the transportation of school children unless such vehicle be equipped with a safety belt or safety harness for the use of the driver of such vehicle. Such seat belt and safety harness shall conform to such standards as may be prescribed by 49 C.F.R., Part 571, and the Board shall furnish a copy of such standards to the board of education of each school district. The driver of every vehicle used by a school district for the transportation of school children shall make use of such seat belts while in operation of the vehicle, and failure to do so shall be deemed to constitute a misdemeanor, and upon conviction therefor such driver shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Added by Laws 1971, c. 281, § 24-121, eff. July 2, 1971. Amended by Laws 2002, c. 397, § 33, eff. Nov. 1, 2002.

§70-24-122. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-24-123. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-24-124. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-24-125. Effect of headings.

Article and section headings contained in this act shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof. Added by Laws 1971, c. 281, § 24-125, eff. July 2, 1971.

§70-24-126. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§70-24-127. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-24-128. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-24-129. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-24-130. Jim Thorpe Day.

The date of April 16 of each year is hereby designated "Jim Thorpe Day" in and for the public schools of this state. In any year in which April 16 is a Saturday, Sunday or school holiday, the public schools of this state shall observe the next succeeding school day as "Jim Thorpe Day." The several boards of education of this state and the superintendents, principals and teachers in the public school system may on "Jim Thorpe Day" conduct suitable programs commemorating the accomplishments of Jim Thorpe, the world's greatest athlete and a native Oklahoman, for the purpose of inspiring the school children of this state to greater personal achievements in physical fitness.

Added by Laws 1972, c. 65, § 1, emerg. eff. March 28, 1972.

§70-24-131. Orders to leave school buildings and grounds.

The superintendent or principal of any secondary, middle or elementary school shall have the authority to order any person out of the school buildings and off the school property when it appears that the presence of such person is a threat to the peaceful conduct of school business and school classes. This authority shall extend to the removal of any individual attending an official school activity or field trip where students are present, including an activity or field trip not on school property, when the superintendent or principal determines that a threat to the peaceful conduct of students exists. Any person who refuses to leave after being ordered to do so by the superintendent or principal shall be guilty of a

misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

Added by Laws 1973, c. 145, § 1, emerg. eff. May 14, 1973. Amended by Laws 2012, c. 143, § 1, eff. Nov. 1, 2012.

§70-24-131.1. Definitions.

As used in Section 2 of this act:

1. "Chief administrative officer" shall mean the principal, superintendent, or other person in charge of the management, administration, or control of any secondary school;
2. "Period of a sanctioned athletic event" shall mean the time during which a sanctioned athletic event occurs and a period of two (2) hours immediately before and after the event;
3. "Premises of the secondary school" shall mean:
 - a. the real property on which a secondary school is located, including, but not limited to, school buildings, playing fields, gymnasiums, auditoriums, and parking lots owned or leased for use by the secondary school, and
 - b. the real property on which a recreational facility acquired, constructed or leased by an independent school district or a secondary school is located, including buildings, playing fields, and parking lots;
4. "Sanctioned athletic event" shall mean an athletic contest or sporting event sanctioned by the Oklahoma Secondary School Activities Association; and
5. "Secondary school" shall mean a public or private school subject to the school laws of Oklahoma engaged in the education of students for any of grades seven through twelve.

Added by Laws 1995, c. 129, § 1, eff. Nov. 1, 1995.

§70-24-131.2. Orders to leave athletic events.

A. The chief administrative officer or the chief administrative officer's designee to maintain order at a secondary school shall have the authority and power to direct any person to leave the premises of that secondary school, who, during the period of a sanctioned athletic event, after having been personally and specifically warned by the officer or the designee to refrain from such conduct, commits an act which materially and substantially interferes with the peaceful conduct of a sanctioned athletic event, including:

1. Projecting in any manner an object which could cause bodily harm to another person;
2. Entering the physical boundaries designated for the conduct of a sanctioned athletic event for the purpose of materially and substantially disrupting or interfering with the event;

3. Threatening to kill or do bodily harm to any person with apparent ability to carry out that threat during the period of a sanctioned athletic event; or

4. Using violent, obscene, indecent, or profane language in a manner which materially and substantially interferes with the peaceful conduct of a sanctioned athletic event.

B. Any person who fails to leave the premises of the secondary school as directed, may, upon application by the secondary school, be enjoined from entering upon or remaining upon the premises during the period of a sanctioned athletic event for the remainder of the school year or for so long as the court may provide. The procedure governing the application for injunction shall be the procedure for civil injunctions set forth in Title 12 of the Oklahoma Statutes.

C. Any person who knowingly and willfully fails to obey a direction to leave the premises of the secondary school shall be guilty of a misdemeanor.

D. This section shall not apply to competitors in a sanctioned athletic event, their coaches, or officials, accredited by the Oklahoma Secondary School Activities Association, who are participating in the event.

Added by Laws 1995, c. 129, § 2, eff. Nov. 1, 1995.

§70-24-132. Reporting of students under influence of certain prohibited substances - Civil immunity - Delivery of found substances to proper authority.

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

Added by Laws 1981, c. 109, § 1, emerg. eff. April 24, 1981. Amended by Laws 1987, c. 115, § 2, eff. Nov. 1, 1987; Laws 1995, c. 274, § 54, eff. Nov. 1, 1995; Laws 2001, c. 225, § 9, eff. July 1, 2001.

§70-24-132.1. Delivery of confiscated firearms to proper authorities.

A. Pursuant to the requirements of Section 1271.1 of Title 21 of the Oklahoma Statutes, every school authority shall immediately report the discovery of a firearm not otherwise authorized by law to be possessed to a law enforcement authority and deliver any weapon or firearm, removed or otherwise seized from any minor, to a law enforcement authority for appropriate disposition.

B. Every school authority shall also immediately report to a law enforcement authority the discovery of a firearm upon a student that is not a minor or upon any other person not otherwise authorized by law to possess a firearm on school property pursuant to Section 1280.1 of Title 21 of the Oklahoma Statutes and deliver any weapon or firearm that is removed or seized to a law enforcement authority for disposition pursuant to Section 1271.1 of Title 21 of the Oklahoma Statutes.

Added by Laws 2001, c. 225, § 10, eff. July 1, 2001. Amended by Laws 2013, c. 56, § 1, eff. July 1, 2013.

§70-24-133. Renumbered as § 6-101.40 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-24-134. Renumbered as § 6-101.43 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-24-135. Renumbered as § 6-101.44 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-24-135.1. Renumbered as § 6-101.45 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-24-136. Renumbered as § 6-101.46 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-24-137. Renumbered as § 6-101.47 of this title by Laws 1989, 1st Ex.Sess., c. 2, § 119, operative July 1, 1990.

§70-24-138. Reporting students under influence of certain substances - Civil liability - Written policy.

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the

superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of low-point beer, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

B. Every school district shall have and deliver to each classroom teacher a written policy that such teachers shall follow if they have a student who appears to be under the influence of low-point beer, alcoholic beverages or a controlled dangerous substance in their classroom. The written policy shall be developed by the local superintendent of schools and adopted by the local board of education. The provisions of subsection A of this section shall be the minimum requirements of such written policy. The written policy shall be filed with the office of the State Superintendent of Public Instruction within ninety (90) days of the effective date of this act. If such filing is not timely made, the public schools in such school district shall lose their accreditation until the written policy is filed.

Added by Laws 1981, c. 168, § 1, eff. July 1, 1981. Amended by Laws 1985, c. 121, § 1; Laws 1987, c. 115, § 3, eff. Nov. 1, 1987; Laws 1995, c. 274, § 55, eff. Nov. 1, 1995.

§70-24-139. Repealed by Laws 1985, c. 50, § 2, eff. Jan. 1, 1986.

§70-24-140. School district administrators and principals - Leadership skills and development programs.

The State Board of Education shall study programs designed to develop leadership skills for school district administrators and principals which utilize expertise and program availability from private industry. If funds are available, such program shall be adopted and implemented beginning with the 1992-93 school year.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 55, emerg. eff. April 25, 1990.

§70-24-150. Sports competition - Equal employment opportunity for officials, referees and other individuals.

No school or school district shall belong to or participate in a sports competition sponsored by an organization unless said organization provides all qualified officials, referees or other individuals charged with selecting winners or controlling the conduct of the competition an equal employment opportunity without discrimination on the basis of race, color, religion, age, sex, geographical boundaries or national origin. All amateur sports organizations and schools or school districts shall ensure that all officials, referees and other individuals charged with selecting winners or controlling the conduct of the competition are afforded an equal opportunity to be assigned to serve in such capacity, provided that the official or referee is qualified or is able to adequately perform the job at such place or time.

Added by Laws 1992, c. 194, § 2.

§70-24-151. Coordination of spring break dates - Legislative intent.

A. It is the intent of the Legislature that the State Superintendent of Public Instruction, the Director of the State Department of Vocational and Technical Education, and the Chancellor for Higher Education shall coordinate spring break dates for the public schools, area vocational-technical schools, and institutions within The Oklahoma State System of Higher Education beginning with the 2001-2002 school year.

B. Independent, elementary, and area vocational-technical school districts and institutions within The Oklahoma State System of Higher Education shall schedule spring break dates as determined pursuant to subsection A of this section.

Added by Laws 2000, c. 232, § 22, eff. July 1, 2000.

§70-24-152. Veterans Day and Celebrate Freedom Week in public schools - Instruction on Declaration of Independence and U.S. Constitution.

A. In order to educate students about the sacrifices made for freedom on behalf of this country and the values on which this country was founded, the date of November 11 is hereby designated "Veterans Day", and the week in which November 11 falls is hereby designated "Celebrate Freedom Week" in and for the public schools of this state. In any year in which the date of November 11 is a Saturday or Sunday or classes are not in regular session, the public schools of this state shall observe the previous school day as "Veterans Day" as provided for in this section. For purposes of this subsection, Sunday shall be considered the first day of the week.

B. The board of education of each public school district shall ensure that each school in its district will on Veterans Day conduct and observe an appropriate program of at least one class period remembering and honoring American veterans. In addition, schools may choose, if scheduling allows, to have a one-minute moment of silence

beginning at 11:00 a.m. on November 11 of each year. The benefit of such activity, in addition to honoring American veterans, is to serve to educate students about the termination of World War I at 11:00 a.m. on November 11, 1918, which was first recognized by United States President Woodrow Wilson on the first anniversary of the truce in a proclamation eulogizing fallen Allied soldiers and referring to November 11 as Armistice Day.

C. By December 31, 2007, the State Board of Education shall adopt rules which require each public school district in the state to include, as a part of a social studies class, during Celebrate Freedom Week or during another full school week as determined by the board of education, grade-appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical contexts. The religious references in the writings of the founding fathers shall not be censored. The rules shall require appropriate grade level study of the Declaration of Independence to include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation, the women's suffrage movement, and the civil rights movement and the passage of civil rights legislation.

D. The rules adopted by the State Board of Education pursuant to subsection C of this section shall establish different levels of content and rigor of the subject matter required to be covered during Celebrate Freedom Week that is appropriate for the different grade levels and that meet state and national standards.

E. The rules adopted by the State Board of Education pursuant to subsection C of this section shall also provide that during Celebrate Freedom Week or another week of instruction selected by the board of education, students in grades three through twelve study and recite the text quoted below:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

F. Students may be excused from the recitation of the text set forth in subsection D of this section, if:

1. The parent or guardian of the student submits to the school district a written request that the student be excused;
2. As determined by the school district, the student has a conscientious objection to the recitation; or

3. The student is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

Added by Laws 2001, c. 250, § 1, eff. July 1, 2001. Amended by Laws 2007, c. 83, § 1, eff. July 1, 2007; Laws 2008, c. 90, § 1, eff. July 1, 2008.

§70-24-153. Granting of high school diplomas to certain veterans.

A. In order to recognize and pay tribute to veterans who left high school prior to graduation to serve in World War II, in the Korean War, or in the Vietnam War, a board of education of any independent school district in this state is hereby authorized to grant a diploma of graduation to any veteran who meets the requirements as listed in subsection B of this section. School districts are further encouraged to present such diplomas in conjunction with appropriate Veterans Day programs.

B. To be eligible for a high school diploma pursuant to this section, a veteran shall:

1. Have been honorably discharged from the Armed Forces of the United States of America;

2. Have served on active duty or have been discharged with a service-connected disability between the dates of September 16, 1940, and December 31, 1946, or between the dates of June 27, 1950, and January 31, 1955, or between the dates of May 13, 1961, and April 29, 1975; and

3. Be a resident of the State of Oklahoma.

C. The State Board of Education shall consult with the Department of Veterans Affairs in adopting rules to implement the provisions of this act.

Added by Laws 2001, c. 157, § 1, eff. July 1, 2001. Amended by Laws 2002, c. 147, § 1, eff. Nov. 1, 2002; Laws 2006, c. 278, § 5, eff. July 1, 2006.

§70-24-154. Classroom placement of multiple-birth siblings - Definition.

A. A parent or guardian of multiple-birth siblings may request that the children attend the same school and be placed in the same classroom or in separate classrooms if the children are in the same grade level at the same school and meet the eligibility requirements of the class. The school may recommend classroom placement to the parents and provide professional education advice to the parents to assist them in making the best decision for their children's education. A school must provide the placement requested by the children's parent or guardian, unless the district board makes a classroom placement determination following the school principal's request according to this section. The parent or guardian must request the classroom placement no later than fourteen (14) days

after the first day of each school year or fourteen (14) days after the first day of attendance of the children during a school year if the children are enrolled in the school after the school year commences. At the end of the initial grading period, if the school principal, in consultation with the children's classroom teacher, determines that the requested classroom placement is disruptive to the classroom environment, the school principal may request that the district board determine the children's classroom placement.

B. For purposes of this section, "multiple-birth siblings" means twins, triplets, quadruplets, quintuplets, or higher number of siblings resulting from a multiple birth.

Added by Laws 2008, c. 396, § 1.

§70-24-155. Concussion information - Removal from practice or game - Reinstatement

A. As defined in this act:

1. "Athlete" means a secondary-school-age individual who is participating in a sport which is individual- and/or team-based, outside of school or within school and either competitive or in an organized practice; and

2. "Health care provider" means an individual who is registered, certified, licensed or otherwise recognized by the state to provide medical or psychological treatment and who is trained and experienced in the evaluation, management and care of concussions.

B. The State Department of Health shall create a concussion management section on its website to provide the guidelines necessary for each school district board of education and youth sports organization to develop their own policies and procedures pertaining to, but not limited to:

1. A concussion and head injury information sheet for game officials, team officials, athletes, parents or guardians and other persons having care or charge of athletes of the signs and symptoms of concussion or head injury and the risk of continuing to practice or compete in an athletic event or activity after sustaining a concussion or head injury;

2. "Return to Learn" guidelines for teachers and relevant school personnel pertaining to athletes who are returning to the classroom after sustaining a concussion or head injury;

3. "Graduated Stepwise Return to Athletic Participation" guidelines for team officials pertaining to athletes returning to practice or competition after a concussion or head injury; and

4. Links to one or more free online concussion training programs as provided by the Centers for Disease Control and Prevention (CDC), the National Federation of State High School Associations (NFHS) or a comparable program or resource.

The Department shall periodically review the guidelines and update it accordingly.

C. Each school district board of education and youth sports organization or association shall develop policies and procedures pursuant to subsection B of this section to inform and educate their respective coaches, game officials, team officials, athletes and their parents or guardians of the nature and risk of concussion and head injury, including continuing to play after concussion or head injury. On an annual basis, information regarding concussion and head injuries shall be disseminated to the athlete and his or her parent or guardian. Acknowledgment and understanding of the information shall be completed by the athlete and the athlete's parent or guardian and maintained by the school or the youth sports organization or association prior to the athlete's participation in practice or competition.

1. On an annual basis, game officials and team officials shall undergo concussion training provided by the CDC, the NFHS or a comparable program or resource. A record of completion of the training course shall be readily available upon request.

2. If any game official or team official responsible for the care and safety of an athlete in an athletic event becomes aware or suspects an athlete is exhibiting signs, symptoms or behaviors consistent with having sustained a concussion or head injury, he or she shall remove the athlete from the practice or competition.

3. If an athlete is removed from practice or competition as provided in paragraph 2 of this subsection, the athlete shall not, on the same day the athlete is removed, be permitted to return to that practice or competition or to participate in any other practice or competition, unless deemed eligible pursuant to the provisions of paragraph 4 of this subsection.

4. An athlete who has been removed from participation as provided in paragraph 2 of this subsection may not participate until the athlete is evaluated by a health care provider and receives written clearance to return to participation from that health care provider. The health care provider may be a volunteer. A health care provider, game official or team official, whether volunteer or employee, shall not be liable for civil damages for injury, death or loss to person or property allegedly arising from any act or omission in providing services or performing duties unless the acts or omissions constituting gross negligence or willful or wanton misconduct.

D. Respective governing boards shall establish the following minimum penalties for a violation of paragraph 2 of subsection C of this section for those individuals set forth in paragraph 1 of subsection C of this section:

1. First violation shall be additional concussion recognition and management education as predetermined by the governing board;

2. Second violation shall be suspension from the sport until appearance before the governing board; and

3. Monetary fines shall not be considered as a penalty.

E. The Department shall promulgate rules necessary to implement the provisions of this act.

Added by Laws 2010, c. 264, § 1, eff. July 1, 2010. Amended by Laws 2016, c. 375, § 1, eff. Nov. 1, 2016.

§70-24-156. Chase Morris Sudden Cardiac Arrest Prevention Act.

A. This act shall be known and may be cited as the "Chase Morris Sudden Cardiac Arrest Prevention Act".

B. As used in the Chase Morris Sudden Cardiac Arrest Prevention Act, "athletic activity" means any sport sanctioned and offered in grades seven through twelve by a school district.

C. The State Department of Health and the State Department of Education shall jointly develop and post on their publicly accessible websites guidelines and other relevant materials to inform and educate students participating in or desiring to participate in an athletic activity, their parents and their coaches about the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing one or more symptoms of sudden cardiac arrest, including unexplained fainting, difficulty breathing, chest pains, dizziness and abnormal racing heart rate. In developing the guidelines and materials, the State Department of Health and the State Department of Education may utilize existing materials developed by other entities or organizations.

D. A student participating in or desiring to participate in an athletic activity and the student's parent or guardian shall, each school year and prior to participation by the student in an athletic activity, sign and return to the student's school an acknowledgement of receipt and review of a sudden cardiac arrest symptoms and warning signs information sheet jointly developed by the State Department of Health and the State Department of Education.

E. A school may hold an informational meeting prior to the start of each athletic season for all ages of competitors regarding the symptoms and warning signs of sudden cardiac arrest. In addition to students, parents, coaches and other school officials, informational meetings may include physicians, pediatric cardiologists and athletic trainers.

F. A student who collapses or faints without a concurrent head injury while participating in an athletic activity shall be removed by the coach from participation at that time.

G. A student removed or prevented from participating in an athletic activity pursuant to subsection F of this section shall not return to participation until the student is evaluated and cleared for return to participation in writing by a health care provider as defined in Section 3090.2 of Title 63 of the Oklahoma Statutes.

H. Once each year, a coach of an athletic activity shall complete the sudden cardiac arrest training course offered by a provider approved by the State Department of Health. A coach of an athletic activity shall not coach the athletic activity until the coach completes the training course required under this subsection.

I. The sponsors of youth athletic activities not associated with a school are encouraged to follow the guidance stated in the Chase Morris Sudden Cardiac Arrest Prevention Act.

J. Nothing in the Chase Morris Sudden Cardiac Arrest Prevention Act shall be construed to create, establish, expand, reduce, contract or eliminate any civil liability on the part of any school or school employee.

K. The State Board of Health and the State Board of Education shall promulgate rules to implement the provisions of this act. Added by Laws 2015, c. 272, § 1, eff. July 1, 2015.

§70-25. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-25-101. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-102. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-103. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-104. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-105. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-106. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-107. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-108. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-109. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-110. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-111. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-112. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-113. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-114. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-115. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-116. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-117. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-25-118. Repealed by Laws 1988, c. 165, § 31, emerg. eff. May 24, 1988.

§70-26. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-26-101. Short title.

Sections 26-101 through 26-105 of this title shall be known and may be cited as the "Larry Dickerson Education Flexible Benefits Allowance Act".

Added by Laws 1998, c. 380, § 3, emerg. eff. June 9, 1998. Amended by Laws 2002, c. 282, § 1, eff. July 1, 2002.

§70-26-102. Purpose.

It is hereby declared that the purpose of the Larry Dickerson Education Flexible Benefits Allowance Act is:

1. To recognize that the employee benefit needs of individual school district employees differ, depending on the age, salary and family status of the employee, and that it is needful to permit such employees to select and tailor the benefits they receive in a manner calculated to best meet the particular needs of themselves and their families; and

2. To furnish school district employees with choices among various employee benefits or cash compensation.

Added by Laws 1998, c. 380, § 4, emerg. eff. June 9, 1998. Amended by Laws 2002, c. 282, § 2, eff. July 1, 2002.

§70-26-103. Definitions.

The following words and phrases as used in Section 26-101 et seq. of this title, unless a different meaning is clearly required by the context, shall have the following meanings:

1. "Benefit" means any of the benefits which may be purchased or are required to be purchased under the cafeteria plan;

2. "Cafeteria plan" means a benefit plan established pursuant to 26 U.S.C. Section 125;

3. "Flexible benefit allowance" means amounts credited by the school district for each school district employee for the purchase of benefits under the cafeteria plan;

4. "Support personnel" means full-time employees of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employees who are employed a minimum of six (6) hours per day for a minimum of one hundred seventy-two (172) days or a minimum of six (6) hours per day for a minimum of one thousand thirty-two (1,032) hours per year and who provide services not performed by certified personnel, which is necessary for the efficient and satisfactory functioning of a school district, and shall include cooks, janitors, maintenance personnel, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of a school district but shall not include adult education instructors or adult coordinators employed by technology center school districts;

5. "Plan year" means the twelve-month period established by the school district for the cafeteria plan;

6. "School district" means the public school districts and technology center school districts of this state;

7. "School district employee" means certified or support personnel as defined in Section 26-101 et seq. of this title. Employees of an educational service provider contracted with a school district pursuant to subsection G of Section 5-117 of this title who perform functions that would otherwise be performed by a school district employee shall be considered employees of a school district for purposes of the Larry Dickerson Education Flexible Benefits Allowance Act unless otherwise provided for in the contract between the educational service provider and the contracting school district;

8. "Certified personnel" means a certified person employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse, but shall not mean a superintendent of a school district; and

9. "Self-insured" means a health care program in which the school district funds the benefit plans from its own resources

without purchasing insurance and which may be administered by the school district or by an outside administrator under contract with the school district for administrative services. The State Board of Education shall prepare by May 1st of each year a list of each school district in the state that is self-insured and the number of support personnel and the number of certified personnel that are participating in each self-insured school district plan.

Added by Laws 1998, c. 380, § 5, emerg. eff. June 9, 1998. Amended by Laws 1999, c. 334, § 1, eff. July 1, 1999; Laws 2001, c. 33, § 121, eff. July 1, 2001; Laws 2012, c. 320, § 1, eff. July 1, 2012; Laws 2018, c. 309, § 1, eff. July 1, 2018.

§70-26-104. Funding of flexible benefit allowances - Establishment of cafeteria plans.

A. Each fiscal year, the Legislature shall appropriate adequate funding to the State Board of Education and the State Board of Career and Technology Education for the purpose of providing a flexible benefit allowance to school district employees pursuant to this act. Unless the Legislature appropriates adequate funding specifically for the purpose of providing a flexible benefit allowance to school district employees, the Oklahoma State Board of Education shall allocate from the funds appropriated to the Oklahoma State Board of Education for the support of public school activities an amount to fully fund the flexible benefit allowance, which shall occur first prior to allocating the funds for any other purpose. The amount appropriated for funding and disbursed to school districts shall be calculated by multiplying the number of eligible school district employees employed by school districts which are participating in the health insurance plan offered by the State and Education Employees Group Insurance Board or are self-insured as counted in February of each year by the amount of the flexible benefit allowance credited to the eligible school employees as established in Section 26-105 of this title. Each Board shall disburse the total amount appropriated for funding the flexible benefit allowance to school districts during the fiscal year. From the total amount appropriated, each Board shall disburse the appropriate amounts, based on the number of eligible school district employees employed by that school district, to each school district.

B. Every school district shall establish or make available to school district employees a cafeteria plan pursuant to 26 U.S.C. Section 125 of the United States Code. The plan shall offer, as a benefit, major medical health care plan coverage.

C. The flexible benefit allowance amount established pursuant to Section 26-105 of this title shall be credited to each eligible school district employee. School district employees shall elect whether to use the flexible benefit allowance to pay for coverage in the health insurance plan offered by the State and Education

Employees Group Insurance Board or the self-insured plan offered by the school district and may receive the excess flexible benefit allowance as taxable compensation as provided in Section 26-105 of this title.

D. The administrator of the cafeteria plan shall maintain a separate account for each participating school district employee. School districts shall forward the school district employee flexible benefit allowance amounts to the administrator for elected purchases of cafeteria plan benefits.

E. Expenses included in an employee's salary adjustment agreement pursuant to the cafeteria plan shall be limited to expenses for:

1. Premiums for any health insurance, health maintenance organization, life insurance, long term disability insurance, dental insurance or high deductible health benefit plan offered to employees and their dependents; and

2. All other eligible benefit programs offered under 26 U.S.C. Section 125 of the United States Code.

F. The flexible benefit allowance amount established in Section 26-105 of this title shall not be included as income in computation of state retirement contributions and benefits or as part of the Minimum Salary Schedule for teachers established in Section 18-114.12 of this title. School districts shall not consider the flexible benefit allowance amount as income for eligible support employees and thereby shall not reduce the salary of an eligible support employee. Added by Laws 1998, c. 380, § 6, emerg. eff. June 9, 1998. Amended by Laws 1999, c. 334, § 2, eff. July 1, 1999; Laws 2001, c. 33, § 122, eff. July 1, 2001; Laws 2002, c. 418, § 1, eff. July 1, 2002; Laws 2007, c. 180, § 1, emerg. eff. May 31, 2007; Laws 2012, c. 321, § 1, eff. July 1, 2012.

§70-26-105. Purchase of benefits - Amount of allowance - Taxable compensation - Superintendent allowance.

A. The flexible benefit allowance shall be used by a school district employee who is participating in the cafeteria plan to purchase major medical health care plan coverage offered by the school district through a cafeteria plan. Any excess flexible benefit allowance over the cost of the major medical coverage purchased by the employee who is participating in the cafeteria plan may be used to purchase any of the additional benefits offered by the school district or may be taken as taxable compensation as provided in subsection C of this section. Certified personnel who choose not to participate in the school-district-sponsored cafeteria plan shall receive Sixty-nine Dollars and seventy-one cents (\$69.71) per month as taxable compensation in lieu of the flexible benefit allowance amount provided in subsection B of this section. Support personnel who choose not to participate in the school-district-sponsored

cafeteria plan shall receive One Hundred Eighty-nine Dollars and sixty-nine cents (\$189.69) per month as taxable compensation in lieu of the flexible benefit allowance amount provided in subsection B of this section.

B. Each eligible school district employee shall be credited annually with a specified amount as a flexible benefit allowance which shall be available for the purchase of benefits. The amount of the flexible benefit allowance credited to each eligible school district employee shall be communicated to the employee prior to the enrollment period for each plan year.

1. For the fiscal year ending June 30, 2002, the flexible benefit allowance amount for certified personnel shall be no less than Sixty-nine Dollars and seventy-one cents (\$69.71) per month. For the fiscal year ending June 30, 2002, the flexible benefit allowance amount for support personnel shall be no less than One Hundred Eighty-nine Dollars and sixty-nine cents (\$189.69) per month.

2. For the fiscal year ending June 30, 2004, the flexible benefit allowance amount for certified personnel shall be no less than fifty-eight percent (58%) of the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board. For the fiscal year ending June 30, 2003, and each fiscal year thereafter, the flexible benefit allowance amount for support personnel shall be no less than one hundred percent (100%) of the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board.

3. For the fiscal year ending June 30, 2005, and each fiscal year thereafter, the flexible benefit allowance amount for certified personnel shall be no less than one hundred percent (100%) of the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board.

C. If a school district employee who is participating in the cafeteria plan elects benefits whose sum total is less than the flexible benefit allowance, the employee shall receive any excess flexible benefit allowance as taxable compensation. Such taxable compensation shall be paid in substantially equal amounts each pay period over the plan year. Except as otherwise provided for in subsection D of this section, on termination during a plan year, a participating school district employee shall have no right to receive any taxable cash compensation allocated to the portion of the plan year after the termination of the employee.

D. In cases where the employee of a school district fulfills the terms of their contract and terminates employment for the subsequent year, the employee shall be entitled to the flexible benefit allowance for the remainder of the current benefit term. For purposes of this subsection, "benefit term" shall mean the twelve-

month period after the initiation of benefits for the position held by the employee.

E. Each school district employee shall make an annual election of benefits under the plan during an enrollment period to be held prior to the beginning of each plan year. The enrollment period dates will be determined annually and will be announced by the school district, providing the enrollment period shall end no later than thirty (30) days before the beginning of the plan year. Each school district employee shall make an irrevocable advance election for the plan year or the remainder of the plan year pursuant to procedures the school district shall prescribe.

F. The school district shall prescribe the forms that school district employees shall be required to use in making their elections, and may prescribe deadlines and other procedures for filing the elections.

G. School district employees hired after the closing of the enrollment period shall be allowed to make an election as provided in this act.

H. A district board of education shall have the option of providing a flexible benefit allowance to the superintendent of the school district in an amount not more than the amount of the flexible benefit allowance established for certified personnel in subsection B of this section. Funding for the flexible benefit allowance for a superintendent shall be provided through local revenue.

Added by Laws 1998, c. 380, § 7, emerg. eff. June 9, 1998. Amended by Laws 1999, c. 334, § 3, eff. July 1, 1999; Laws 2000, c. 308, § 5, eff. July 1, 2000; Laws 2001, c. 416, § 45, eff. July 1, 2001; Laws 2002, c. 282, § 3, eff. July 1, 2002; Laws 2003, c. 415, § 32, eff. July 1, 2003; Laws 2004, c. 119, § 2, eff. July 1, 2004; Laws 2007, c. 180, § 2, emerg. eff. May 31, 2007.

§70-26-105.1. School districts to which act applies.

The provisions of the Larry Dickerson Flexible Benefits Allowance Act shall apply to school districts participating in the Oklahoma State Education and Employees Group Insurance Board plan or school districts that are self-insured.

Added by Laws 2002, c. 418, § 2, eff. July 1, 2002.

§70-26-106. Repealed by Laws 1999, c. 334, § 6, eff. July 1, 1999.

§70-26-107. Repealed by Laws 1999, c. 334, § 6, eff. July 1, 1999.

§70-26-108. Repealed by Laws 2000, c. 308, § 8, eff. July 1, 2000.

§70-27. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-27-101. Short title - Oklahoma Extracurricular Activities Accountability Act.

This act shall be known and may be cited as the "Oklahoma Extracurricular Activities Accountability Act".

Added by Laws 2014, c. 327, § 1.

§70-27-102. School athletic association.

As used in the Oklahoma Extracurricular Activities Accountability Act, a "school athletic association" means any private organization or association which charges the school or school district a membership fee, retains a portion of revenue generated by the interscholastic activities or contests of the member schools, and provides the coordination, supervision and regulation of the interscholastic activities and contests of the member schools.

Added by Laws 2014, c. 327, § 2.

§70-27-103. School athletic association written policy.

A public school or school district shall not be a member of any school athletic association unless that association has adopted a written policy that requires the following:

1. All records of the association to be made accessible consistent with the provisions of the Oklahoma Open Records Act;
2. All meetings of the association to be open and conducted in a manner consistent with the provisions of the Oklahoma Open Meeting Act, including specifically the notice and agenda, voting and executive session requirements; and
3. An annual financial audit and a compliance audit of all funds of the association in accordance with the auditing standards set forth in the Oklahoma Public School Audit Law. In addition, the association shall have performance audits conducted of the operations of the association. A performance audit shall be conducted no later than December 31, 2014, and by December 31 every five (5) years thereafter.

Added by Laws 2014, c. 327, § 3.

§70-28. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-29. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-30. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-31. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-32. Repealed by Laws 1941, p. 410, § 9.

§70-33. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-34. Repealed by Laws 1943, p. 78, § 43.

§70-35. Repealed by Laws 1937, p. 230, § 5.

§70-35a. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-35b. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-35c. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-35d. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§70-35e. Dropouts - Reports - Tabulation of statistics - Dissemination of information - Report to Legislature - Definition.

A. It shall be the duty of the superintendent, principal or head teacher of each public or private middle, junior high and high school accredited by the State Department of Education in the State of Oklahoma to notify the Department annually as scheduled by the Department of the name, address, race and age of any pupil dropping out from the school during the preceding year. The report shall be made on forms prescribed and furnished by the Department.

B. The State Board of Education shall cause these statistics of school dropouts to be tabulated by grade and school district. Information of school dropouts shall be made available to the Oklahoma Department of Career and Technology Education, the Bureau of Indian Affairs, the Military Department of the State of Oklahoma for use in the youth educational programs provided by the Department and the State Department of Health.

C. The State Department of Education shall make an annual report to the Legislature prior to the convening of each regular session thereof of information received and tabulated pursuant to this section.

D. For the purposes of this section, school dropout means any student who is under the age of nineteen (19) and has not graduated from high school and is not attending any public or private school or is otherwise receiving an education pursuant to law for the full term the schools of the school district in which the student resides are in session.

Added by Laws 1972, c. 77, § 1, eff. Oct. 1, 1972. Amended by Laws 1977, c. 84, § 1, eff. Oct. 1, 1977; Laws 1978, c. 131, § 1; Laws 1994, c. 232, § 5, emerg. eff. May 25, 1994; Laws 2001, c. 33, § 123, eff. July 1, 2001; Laws 2013, c. 172, § 1, emerg. eff. April 29, 2013; Laws 2016, c. 34, § 1, eff. July 1, 2016.

§70-35f. Payment of salary to teachers and other school employees injured by assault - Legal action for reimbursement - Sick leave or personal leave - Workers' compensation.

A. Any public school teacher, school administrator or other school personnel employee, who is unable to continue his or her contract of employment as a result of injury sustained in the reasonable performance of his or her duties from:

1. Assault by a pupil, relative of a pupil or person of the pupil's household, or

2. Injury sustained as a result of quelling or attempting to quell or stop a fight, disorder or any disturbance related to a school function or activity, shall be paid his or her full contract salary for the remainder of that school year or contract year or period, whichever is applicable, or for such period of time thereof as he or she is prevented from teaching or working as a result of the injuries sustained or job loss caused by such injuries during said school year or contract year or period for which he or she had been employed and during which he or she was injured not to exceed in any event the term of the contract; and directing that such school district paying the balance of the contract payments, may file suit against such person or persons or their guardian or guardians for reimbursement of payments so made.

B. Employees of the public schools of this state who suffer job-related injuries, other than those enumerated in subsection A of this section, which qualify for temporary total disability benefits under the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes, may utilize accumulated sick leave or personal leave on a prorated basis as follows:

At the option of the employee, temporary total disability benefits shall be supplemented by any sick leave or personal leave, or fractional use thereof, available to the injured employee, to the extent that the injured employee shall receive full wages during the employee's temporary absence. The sum of all temporary total disability payments and any sick leave or personal leave shall in no case combine to exceed one hundred percent (100%) of the employee's net pay as it existed prior to injury.

C. Nothing in the provisions of this section shall effect the right of the employee or the employer pursuant to the Workers' Compensation Act.

Added by Laws 1973, c. 229, § 1, emerg. eff. May 24, 1973. Amended by Laws 1996, c. 163, § 1, eff. July 1, 1996; Laws 1996, c. 252, § 2, eff. July 1, 1996; Laws 1997, c. 106, § 1, eff. July 1, 1997.

§70-35g. Medical reports.

A medical report from the treating physician must be furnished to the local school district board to substantiate that said injuries:

(1) were disabling, (2) prevented the continuance of such person's employment and (3) the period of said disability. If a dispute arises on said disability or activity, then either party aggrieved may file suit in district court.

Added by Laws 1973, c. 229, § 2, emerg. eff. May 24, 1973.

§70-36. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-37. Repealed by Laws 1941, p. 410, § 9.

§70-38. Repealed by Laws 1941, p. 410, § 9.

§70-39. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-61. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-62. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-63. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-64. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-65. Repealed by Laws 1941, p. 410, § 9.

§70-66. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-66a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-67. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-68. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-69. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-70. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-71. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-72. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-73. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-74. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-75. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-76. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-77. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-78. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-79. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-80. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-91. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-92. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-101. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-101a. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-101b. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-102. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-103. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-104. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-105. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-106. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-107. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-108. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-109. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-110. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-111. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-112. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-113. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-114. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-115. Repealed by Laws 1949, p. 607, art. 20, § 9.

- §70-116. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-117. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-118. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-119. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-120. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-121. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-122. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-123. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-124. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-125. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-126. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-127. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-128. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-129. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-130. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-131. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-132. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-133. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-134. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-135. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-135.1a. Deputy for school accounts - Counties with population of 41,000 to 42,000 - Valuation not more than \$6,000,000.

In each county having a population of not less than forty-one thousand (41,000) nor more than forty-two thousand (42,000) according to the 1940 and each succeeding Federal census and a valuation of not more than Six Million Dollars (\$6,000,000.00) tangible properties, nor including valuation of homestead exemptions allowed, there is

hereby created in the office of the county treasurer of each county, in addition to all other deputies authorized or provided by law, a deputy for school accounts, for whose salary the county shall be reimbursed out of the surplus revenues of the school districts heretofore served wholly at county expense and whose accounts and funds are kept by, and under the responsibility of, the county treasurer, which reimbursement shall be in the manner hereinafter provided.

Laws 1947, p. 491, § 1.

§70-135.1b. Bond and salary - Appointment - Duties.

Such deputy for school accounts shall be under the same amount and class of bond, and be paid the same amount of salary out of the salary appropriations made and approved for the office of such county treasurer, as that of the head deputy county treasurer in such county. His appointment shall be by, and he shall serve under and at the direction of, such county treasurer. Under direction of the county treasurer, it shall be his duty to devote his time and attention to the keeping of the accounts of such county treasurer with the several school districts of the county, of whatever class, whose funds are in custody of such county treasurer and the accounting for which such county treasurer is responsible under the law; he shall keep the school district warrant registers and ledgers, register and schedule for payment the obligations of such districts, apportion school revenues, inspect and file duplicate claims where required by law, record credits and payments and take trial balance for control proof when required, make all reports to school boards and other officers as may be required or provided by law, and do and perform such other duties in relation to such school accounts, including accounts, statistics, receipts, and reports in relation to federal tax withholdings and teacher retirement, as the county treasurer may require and direct.

Laws 1947, p. 491, § 2.

§70-135.1c. Reimbursement for expense.

Reimbursement to the county for the expense to such county for the salary and bond of such deputy of school accounts shall be accomplished in the following manner; the amount of the annual salary of such deputy shall be ratably charged to each school district, dependent and independent, so served, in ratio of the original local appropriations finally approved in each such district so served to the sum total of such original local appropriations finally approved. As soon as any unappropriated surplus shall occur in the general fund account of any such school district after the beginning of such fiscal year sufficient for such reimbursement, before moving such surplus forward to the same fund account for the next succeeding fiscal year, the County Treasurer shall deduct the amount of

reimbursement so determined as aforesaid, transfer the same and place it to the credit of the general fund of the county.

Added by Laws 1947, p. 492, § 3, emerg. eff. May 16, 1947.

§70-135a. Office created - Reimbursement of county.

In each county having a population of not less than thirteen thousand (13,000) nor more than twenty thousand (20,000) according to the 1960 and each succeeding Federal Decennial Census and a valuation of not more than Twelve Million Dollars (\$12,000,000.00) tangible properties, not including valuation of homestead exemptions allowed in any year, there is hereby created in the office of the county treasurer of each county, in addition to all other deputies authorized or provided by law, a deputy for school accounts, for whose salary the county shall be reimbursed out of the surplus revenues of the school districts heretofore served wholly at county expense and whose accounts and funds are kept by and under responsibility of the county treasurer, which reimbursement shall be in the manner hereinafter provided.

Added by Laws 1947, p. 366, § 1, emerg. eff. March 6, 1947. Amended by Laws 1951, p. 332, § 1, emerg. eff. May 26, 1951; Laws 1953, p. 543, § 1, emerg. eff. March 4, 1953; Laws 1961, p. 562, § 1, emerg. eff. June 29, 1961.

§70-135b. Bond and salary of deputy - Appointment - Duties.

Such deputy for school accounts shall be under the same amount and class of bond, and be paid the same amount of salary out of the salary appropriations made and approved for the office of such county treasurer, as that of the head deputy county treasurer in such county. His appointment shall be by, and he shall serve under and at the direction of, such county treasurer. Under direction of the county treasurer, it shall be his duty to devote his time and attention to the keeping of the accounts of such county treasurer with the several school districts of the county, of whatever class, whose funds are in custody of such county treasurer and the accounting for which such county treasurer is responsible under the law; he shall keep the school district warrant registers and ledgers, register and schedule for payment the obligations of such districts, apportion school revenues, inspect and file duplicate claims where required by law, record credits and payments and take trial balance for control proof when required, make all reports to school boards and other officers as may be required or provided by law, and do and perform such other duties in relation to such school accounts, including accounts, statistics, receipts, and reports in relation to federal tax withholdings and teacher retirement, as the county treasurer may require and direct.

Laws 1947, p. 366, § 2.

§70-135c. Manner of reimbursing county.

Reimbursement to the county for the expense to such county for the salary and bond of such deputy of school accounts shall be accomplished in the following manner: The amount of the annual salary of such deputy shall be ratably charged to each school district, dependent and independent, so served, in ratio of the original local appropriations finally approved in each such district so served to the sum total of all such original local appropriations finally approved. As soon as any unappropriated surplus shall accrue in the general fund account of any such school district after the beginning of such fiscal year sufficient for such reimbursement, before moving such surplus forward to the same fund account for the next succeeding fiscal year, the county treasurer shall deduct the amount of reimbursement so determined as aforesaid, transfer the same and place it to the credit of the general fund of the county. Added by Laws 1947, p. 366, § 3, emerg. eff. March 6, 1947.

§70-136. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-137. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-138. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-139. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-140. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-181. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-182. Repealed by Laws 1941, p. 410, § 9.

§70-183. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-184. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-185. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-186. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-187. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-188. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-189. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-190. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-191. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-192. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-193. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-194. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-195. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-196. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-197. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-198. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-199. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-200. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-201. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-202. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-203. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-204. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-205. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-206. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-207. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-208. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-209. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-210. Repealed by Laws 1941, p. 289, § 6.
§70-211. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-212. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-213. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-214. Repealed by Laws 1951, p. 235, § 34.

§70-251. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-252. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-253. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-254. Repealed by Laws 1939, p. 182, § 17.

§70-255. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-256. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-257. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-258. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-259. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-260. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-261. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-262. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-263. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-264. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-265. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-266. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-281. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-281a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-281b. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-282. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-283. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-284. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-285. Repealed by Laws 1941, p. 410, § 9.

§70-286. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-287. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-301. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-302. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-303. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-304. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-305. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-306. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-307. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-308. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-309. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-310. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-311. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-312. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-321. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-322. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-323. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-324. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-325. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-326. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-327. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-328. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-329. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-330. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-331. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-332. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-333. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-334. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-335. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-336. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-351. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-352. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-353. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-354. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-355. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-356. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-357. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-358. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-359. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-360. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-361. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-362. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-363. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-364. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-365. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-366. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-367. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-391. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-392. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-393. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-401. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-402. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-403. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-404. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-405. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-411. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-412. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-413. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-414. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-415. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-416. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-417. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-418. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-419. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-420. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-421. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-422. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-423. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-424. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-425. Repealed by Laws 1941, pp. 463, 464, § 3.
§70-426. Repealed by Laws 1941, p. 464, § 4.

- §70-427. Repealed by Laws 1941, pp. 463, 464, § 3.
- §70-428. Repealed by Laws 1941, pp. 463, 464, § 3.
- §70-451. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-452. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-453. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-454. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-455. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-456. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-457. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-457.1. Repealed by Laws 1965, c. 8, § 1, ef. Feb. 9, 1965.
- §70-458. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-459. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-460. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-461. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-462. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-463. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-464. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-465. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-466. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-467. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-468. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-469. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-470. Repealed by Laws 1949, p. 607, art. 20, § 9.

- §70-471. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-491. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-492. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-493. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-494. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-495. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-496. Repealed by Laws 1941, p. 416, § 8.
- §70-497. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-498. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-499. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-500. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-501. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-502. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-503. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-504. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-505.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-505.2. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-505.3. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-505.4. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-505.5. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-505.6. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.7. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.8. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.9. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.10. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.11. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.12. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-505.13. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-506.1. Enactment of Compact - Text.

The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION

ARTICLE I. PURPOSE AND POLICY

A. It is the purpose of this Compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education. 4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advice in educational opportunities, methods and facilities.

B. It is the policy of this Compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II. STATE DEFINED

As used in this Compact, "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III. THE COMMISSION

A. The Educational Commission of the states, hereinafter called "the Commission", is hereby established. The Commission shall consist of seven (7) members representing each party state. One of such members shall be the Governor; two shall be members of the State Legislature selected by its respective houses and serving in such manner as the Legislature may determine; one shall be the Chancellor of the State Regents for Higher Education; one shall be the State Superintendent of Public Instruction; and two shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the Commission, six members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public, and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party states, there may be not to exceed ten nonvoting Commissioners selected by the steering committee for terms of one year. Such Commissioners shall represent leading national organizations of

professional educators or persons concerned with educational administration.

B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(j).

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice-chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The Commission may accept for any of its purposes and functions under this Compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and

conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The Commission annually shall make to the Governor and Legislature of each party state a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV. POWERS

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this Compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this Compact.

ARTICLE V. COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may

be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the Commission.

B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the state, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI. COMMITTEES

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a Steering Committee of thirty (30) members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the by-laws of the Commission. One-third of the voting membership of the Steering Committee shall consist of Governors, and the remainder shall consist of other members of the Commission. A federal representative on the Commission may serve with the Steering Committee, but without vote. The voting members of the Steering Committee shall serve for terms of two (2) years, except that members elected to the first Steering Committee of the Commission shall be elected as follows: fifteen for one (1) year and fifteen for two (2) years. The Chairman, Vice Chairman, and Treasurer of the Commission shall be members of the Steering Committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the Steering Committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one (1) year or less shall not be counted toward the two term limitation.

B. The Commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The Commission may establish such additional committees as its bylaws may provide.

ARTICLE VII. FINANCE

A. The Commission shall advise the Governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The Commission shall not pledge the credit of any party states. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(g) of this Compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III(g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VIII. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his state, and

shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

Added by Laws 1967 c. 123, § 1, emerg. eff. Apr. 27, 1967.

§70-506.2. Repealed by Laws 1976, c. 22, § 5, oper. July 1, 1976.

§70-506.3. Bylaws - Filing.

Pursuant to Article III(I) of the Compact, the Commission shall file a copy of its bylaws and any amendment thereto with the State Department of Education, with the State Librarian and with the Secretary of State.

Laws 1967, c. 123, § 3, emerg. eff. April 27, 1967.

§70-507.1. Repealed by Laws 1982, c. 342, § 13, emerg. eff. June 2, 1982.

§70-507.2. Repealed by Laws 1982, c. 342, § 13, emerg. eff. June 2, 1982.

§70-507.3. Repealed by Laws 1982, c. 342, § 13, emerg. eff. June 2, 1982.

§70-507.4. Repealed by Laws 1982, c. 342, § 13, emerg. eff. June 2, 1982.

§70-508.1. Enactment of Agreement - Text.

The Interstate Agreement on Qualification of Educational Personnel is hereby enacted into law and entered into with all jurisdiction legally joining therein, in the form substantially as follows:

ARTICLE I. PURPOSE, FINDINGS, AND POLICY

1. The states party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

ARTICLE II. DEFINITIONS

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated State official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this Agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

ARTICLE III. INTERSTATE EDUCATIONAL
PERSONNEL CONTRACTS

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical, to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five (5) years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other

qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

ARTICLE IV. APPROVED AND ACCEPTED PROGRAMS

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

ARTICLE V. INTERSTATE COOPERATION

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI. AGREEMENT EVALUATION

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

ARTICLE VII. OTHER ARRANGEMENTS

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

ARTICLE VIII. EFFECT AND WITHDRAWAL

1. This Agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

2. Any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The

duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the Constitution of any state or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the Constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters.

Added by Laws 1970, c. 248, § 1, eff. July 1, 1970.

§70-508.2. Designated state official.

The "designated state official" for this State shall be State Superintendent of Public Instruction. The State Superintendent of Public Instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the State Board of Education.

Laws 1970, c. 248, § 2, eff. July 1, 1970.

§70-508.3. Filing and publishing of contracts.

True copies of all contracts made on behalf of this state pursuant to the Agreement shall be kept on file in the State Department of Education and in the office of the Secretary of State. The State Department of Education shall publish all such contracts in convenient form.

Laws 1970, c. 248, § 3, eff. July 1, 1970.

§70-508.4. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§70-509.1. Purpose - Jurisdiction.

It is the purpose of this act to strengthen methods of administering employer-employee relations through the establishment of an orderly process of communications between school employees and the school district. The district courts are vested with jurisdiction to prevent and restrain violations of this act and shall have jurisdiction in all other cases arising under this act to grant relief to the employer or recognized employee organization for violations of this act using procedures set forth in Sections 1381 through 1397 of Title 12 of the Oklahoma Statutes.

Amended by Laws 1983, c. 120, § 1, emerg. eff. May 17, 1983.

§70-509.2. Recognition of employee organization - Bargaining unit defined - Petition for election - Conduct of election.

A. The board of education shall recognize an employee organization designated by an election of the employees in an appropriate bargaining unit as the exclusive representative of all the employees in such unit. The members of an employee organization shall be employees as defined in paragraphs 1, 2 and 3 of this subsection and Section 1-116 of this title. The recognition of such employee organization shall be made by the board no later than fourteen (14) days after the election. Any person who desires not to be represented by any organization may so state in writing to his or her board of education. Appropriate bargaining units are defined as follows; however, such definition shall not be construed, of itself, as requiring that bargaining units engage in bargaining or act to disengage from bargaining:

1. Employees who are employed and certified as principals and assistant principals and who have responsibilities for the supervision of classroom teachers shall constitute an appropriate unit;

2. All other employees who are required by the position in which employed to be certified as teachers as that term is defined in Section 1-116 of this title and who do not hold supervisory authority with respect to other teachers in the district shall constitute an appropriate unit; and

3. All employees who are not required by their job description to be a principal, certified teacher, superintendent or other certified or noncertified administrator shall constitute a separate bargaining unit. Provided that, employees with access to confidential, labor relations information of the school district, or managerial employees whose responsibilities include making employment recommendations to the superintendent and for which their position does not require a certificate, shall be excluded from this or other bargaining units. Also excluded is any employee position agreed to be excluded from the bargaining unit by the employee organization and the school district.

Provided, if employees categorized according to paragraphs 2 and 3 of this subsection were organized for bargaining as a single unit as of April 14, 1986, or are at any time employed in a district having fewer than seventy-five employees in the two categories taken together, the employees may, for such time as a majority of the employees in each category indicate by secret ballot vote they share a single community of interest, constitute a single appropriate unit. Further provided, any final judgment of the Supreme Court denying such community of interest in any school district shall have the effect of rendering inappropriate all units, in whatever school districts they exist, which include employees of both categories.

B. 1. Within seven (7) business days of receiving a sealed packet containing an employee petition filed by or on behalf of thirty-five percent (35%) or more of the employees in a unit, such petition calling for an election to determine which, if any, employee organization represents the employees in a bargaining unit, the board shall arrange for verification that there are a sufficient number of correct names to constitute at least thirty-five percent (35%) of the employees in the unit. Such arrangements shall include the transmitting of the sealed packet and a list of employees eligible to be included in the bargaining unit to the individual designated pursuant to the provisions of paragraph 2 of this subsection.

2. The petition calling for the secret ballot election shall contain only the names of employees of the bargaining unit who have signed and dated the petition. Within thirty (30) days of receipt of the sealed packet by the district court judge in and for the county in which the school district has its main office, the sealed packet shall be opened and the petition shall be verified by an individual designated by the district judge of such court for the county in which the school district has its main office. Upon verification of the number of signatures on the petition, the district court judge shall notify in writing the district board of education and any employee organization that has requested notice of the verification. Under no circumstances shall the individual so designated reveal the names of employees who signed or did not sign the petition. If an employee has signed more than one petition, the name of the employee shall be removed from each petition.

3. The period of time for signing of a recognition petition shall commence upon receipt of written notification by the school board from an organization indicating that it intends to circulate a petition and shall cease thirty (30) days thereafter. Provided, if an organization recognized as representative of a unit for bargaining is being challenged for discontinuation of representation as provided in paragraph 7 of subsection C of this section or is being challenged by another organization seeking recognition, the period for signing shall commence on the first day of February and end on the last day of that same February.

C. 1. Not less than forty-five (45) days nor more than sixty (60) days after receipt of notification that the petition has been verified as sufficient, a secret ballot election shall be held to determine which, if any, employee organization shall represent the unit. No election shall be held for a unit within which a valid election was held in the preceding two (2) years.

On or after March 2, 1995, the board shall recognize within ten (10) days an organization which has obtained signed authorization from a majority of the employees eligible to be included in the unit but has not been recognized. No election shall be held for such unit within two (2) years of recognition. An appropriate election ballot

shall be printed for this election, which contains the names of all employee organizations having presented a petition verified as signed by at least thirty-five percent (35%) of the employees eligible to be in the unit to represent or currently recognized as representing the unit; provided, no such organization shall be shown on the ballot unless the organization pays to the board a filing fee of Two Hundred Fifty Dollars (\$250.00). The ballot shall also provide an option whereby any employee of the unit may indicate a preference that the unit not be represented by any organization. Every organization that receives at least fifteen percent (15%) of the vote in the election shall be reimbursed the Two Hundred Fifty Dollars (\$250.00) by the board. The board shall use any remaining filing fee money to help offset the cost of the validation process of the petition, if any, as well as any election costs incurred.

2. When none of the choices on the ballot receives a majority of the votes, a runoff election shall be conducted on the fourteenth day following the first election between the two choices which received the largest number of votes in the preceding election.

3. The employee organization or organizations and the school board shall, by agreement, determine the method by which each election shall be conducted. All costs incurred in an election shall be shared equally by all parties involved.

If no agreement can be reached by thirty (30) days prior to the election, the board of education shall notify the county election board of the county in which the board is located of such fact, and the following method for conducting the secret ballot election shall be followed and conducted by the county election board:

- a. At the time of such notice, the board of education shall provide to the county election board:
 - (1) a list of all the polling places for the election, such list to include every middle school or junior high school and the central administration office in the district;
 - (2) a list of names of all the persons eligible to vote in the election, such list to be in alphabetical order and duplicated in such number that there shall be one for each polling place, plus an additional five copies;
 - (3) the names of each organization entitled to have its name appear on the ballot; and
 - (4) the date of the election which shall not be a special election date specified by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes.
- b. Ballots for the election shall be printed by the county election board in the same manner as for other elections conducted by the county election board,

- insofar as is possible. The names of organizations shall be listed on the ballot in the order in which said names are furnished to the county election board by the board of education. The option specifying that no organization shall represent the employee bargaining unit shall be listed last on the ballot, in such language as may be specified by the board.
- c. The secretary of the county election board shall appoint an inspector, judge and clerk for each polling place. The inspector, judge and clerk shall be selected from among the regular precinct officials in the county.
 - d. Polling places shall be open from 7:00 a.m. to 7:00 p.m. on the day of the election. Any eligible person who appears to vote no later than 7:00 p.m. shall be entitled to vote.
 - e. Eligible voters may vote after signing their signatures beside their names on the list of names of all the persons eligible to vote in the election. The voter shall place his or her ballot in the ballot box in the presence of the inspector.
 - f. Each organization entitled to have its name appear on the ballot shall be permitted to appoint one challenger at each polling place. Each such challenger shall be properly identified as such, and shall be limited to inquiring of a prospective voter, said prospective voter's name, address, job classification and work site. The challenger may challenge the right of any prospective voter to vote by so informing the judge. Upon being so challenged, the prospective voter may vote if, after being informed by the judge of such a challenge, the voter signs his or her signature beside his or her name on the list of names of all the persons eligible to vote in the election. If same occurs, the judge shall write the words "Challenged by _____" beside the voter's signature.
 - g. The county election board shall certify in writing the results of the election to the board of education on the day following the election and on the same day shall mail a copy of the certification to all employee organizations that have requested copies of the certification.
 - h. Costs of the election shall be paid to the county election board by the board of education. The costs shall include the regular salaries of the inspector, judge, and clerk, in addition to all other necessary and reasonable costs. Such costs shall include

compensation for members of the county election board, including the secretary.

- i. Anyone guilty of voting more than one time in the election will be guilty of a misdemeanor and subject to a fine of Two Hundred Dollars (\$200.00) or thirty (30) days in the county jail.

4. No employee shall use regularly scheduled duty time for campaign purposes.

5. A list of the employees eligible to vote in the election including their names, addresses, phone numbers, job classification and work site shall be provided not less than fourteen (14) days before the election to each organization listed on the official ballot.

6. Any board or organization challenging the results of any election held pursuant to the provisions of this section shall post with the district court a bond of One Thousand Dollars (\$1,000.00) which shall be forfeited if the court finds that the challenge is in bad faith.

7. In any February more than two (2) years after recognition of an organization pursuant to the provisions of this section and upon the receipt of a petition calling for discontinuation of representation signed by thirty-five percent (35%) of the employees eligible to be included in the unit, a board shall call an election to determine whether the members of a unit wish to discontinue being represented for bargaining. If a majority of the votes cast are votes to discontinue representation, efforts to gain recognition by any organization shall be prohibited for a period of two (2) years commencing with the expiration of the contract then in force. The ballots used in such election shall, without reference to any organization by name, offer the single choice of continued representation or discontinuation of representation.

Added by Laws 1971, c. 325, § 2. Amended by Laws 1978, c. 221, § 1, emerg. eff. April 24, 1978; Laws 1982, c. 102, § 1; Laws 1986, c. 130, § 1, emerg. eff. April 14, 1986; Laws 1989, c. 260, § 1; Laws 1993, c. 100, § 1, eff. July 1, 1993; Laws 1994, c. 345, § 2, eff. July 1, 1994; Laws 1995, c. 1, § 28, emerg. eff. March 2, 1995; Laws 2000, c. 358, § 13, eff. July 1, 2000; Laws 2008, c. 439, § 7, eff. July 1, 2008; Laws 2014, c. 124, § 24, eff. July 1, 2014.

NOTE: Laws 1994, c. 190, § 1 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

§70-509.2a. Bargaining unit determination of bargaining election dispute - Procedure - Appeal.

A. In the event of a bargaining unit determination or a bargaining election dispute, the following procedure shall apply:

1. In the event of a bargaining election dispute, within seven (7) calendar days of receipt of verification of number of signatures

on the petition from the county election board or the receipt of election results from the county election board or other organization agreed upon by the parties to conduct the election, either party shall give notice in writing of a dispute and the facts on which the dispute is based to the other parties involved, and the State Superintendent of Public Instruction requesting appointment of a dispute resolution committee. In the event of a bargaining unit determination dispute either party shall give notice in writing of a dispute and the facts on which the dispute is based to the other parties involved, and the State Superintendent of Public Instruction requesting appointment of a dispute resolution committee. The status quo that existed between the parties prior to the incident giving rise to the dispute shall be maintained through the resolution of the dispute including district court proceedings unless the court orders otherwise upon proper application by a party; any election scheduled pursuant to a disputed petition shall be stayed pending resolution of the dispute including district court proceedings;

2. Within ten (10) days of receipt of notification that a dispute resolution committee is needed, the State Superintendent of Public Instruction shall form a dispute resolution committee consisting of three (3) members selected at random from the list of fact-finders maintained by the State Board of Education pursuant to Section 509.7 of Title 70 of the Oklahoma Statutes. The State Superintendent shall notify the members of the committee of their selection and set a date for the committee's first meeting to be held no later than seven (7) calendar days following selection of the committee. The committee shall elect a chair at its first meeting;

3. Within five (5) calendar days after the selection of the chair, the representatives of the parties involved in the dispute shall present to the members of the committee written comments on the issues related to the dispute. Each party shall furnish the other parties copies of documents presented to the committee. Within fifteen (15) calendar days of selection of the chair, the chair shall convene the committee for a meeting with the representatives of the parties. Within twenty (20) calendar days of selection of the chair, the committee shall present its findings and recommendations in writing to the board of education and other parties involved in the dispute;

4. If any party decides to reject the committee's recommendations the party must, within seven (7) days after receipt of the committee's written recommendation, request a meeting of the parties involved in the dispute. At the meeting the parties shall exchange written statements expressing their rationale for rejecting any recommendation and shall attempt to clarify differences;

5. At any time following issuance of the dispute resolution committee's findings and recommendations but prior to the initiation of judicial review, the committee shall provide necessary

clarification to all parties at the request of any party. The committee shall provide written clarification within ten (10) calendar days of the request;

6. The local board shall file a copy of the written findings and recommendations, including any written clarifications, of the dispute resolution committee with the Office of the State Superintendent of Public Instruction. If the effort to resolve differences is successful, the parties shall forward a copy of their agreement to the State Superintendent of Public Instruction. If the effort to resolve differences is unsuccessful, the local board of education shall notify the State Superintendent of Public Instruction in writing of the parties' inability to agree;

7. Within fifteen (15) calendar days of the date of notification of the parties' inability to agree any party may appeal for judicial review of the committee's findings and recommendations in the district court of the county in which the administrative office of the school district is located. The review shall be conducted by the court without a jury and shall be confined to the written record consisting of the dispute resolution committee's findings and recommendations, written statements furnished to the dispute resolution committee by the parties, and written statements exchanged among the parties as required in this section. In cases of alleged irregularities in procedures required in this section, the court may take testimony. The court, upon request or upon its own motion, shall hear oral argument and receive written briefs; and

8. The court shall accept the dispute resolution committee's findings and order the parties to comply with the dispute resolution committee's recommendations if the findings and recommendations are found to be valid and the proceedings are found to be free of prejudicial error to any party. Provided the court may enter an order overruling the committee's findings and recommendations, in whole or in part, and order its resolution of the dispute, if the court finds that the committee's findings, inferences, conclusions, or decisions are:

- a. in violation of constitutional provisions,
- b. in excess of the authority of the committee,
- c. made upon unlawful procedure,
- d. affected by other error of law,
- e. clearly erroneous in view of the reliable, material, probative, and competent evidence, including matters properly noticed by the committee, upon examination and consideration of the entire record as submitted but without otherwise substituting its judgment as to the weight of the evidence for that of the committee on question of fact,
- f. arbitrary or capricious, or

- g. lacking findings of fact upon issues essential to the decision.

The court's final order shall be issued no later than sixty (60) days following the date the appeal is filed.

B. An aggrieved party without a motion for a new trial may secure a review of any final judgment of a district court under this section by appeal to the Oklahoma Supreme Court. The appeal shall be taken in the manner and time provided by law for appeal to the Supreme Court from the district court in civil actions.

Added by Laws 1994, c. 190, § 3, eff. July 1, 1994.

§70-509.3. Local board representatives.

The local board shall choose representatives who shall bargain for the board, and the recognized organization shall choose representatives who shall bargain for the organization. The local board representatives shall be presently serving on the board or employed by said board and no other person shall represent the board. Provided nothing herein shall prohibit the employment of legal counsel for consultative purposes by local board or organization. Amended by Laws 1986, c. 130, § 2, emerg. eff. April 14, 1986.

§70-509.4. Repealed by Laws 1986, c. 130, § 7, emerg. eff. April 14, 1986.

§70-509.5. Repealed by Laws 1986, c. 130, § 7, emerg. eff. April 14, 1986.

§70-509.6. Meetings with representatives - Good-faith negotiations.

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

Added by Laws 1971, c. 325, § 6. Amended by Laws 1986, c. 130, § 3, emerg. eff. April 14, 1986; Laws 1986, c. 293, § 1; Laws 1994, c. 319, § 5, eff. Sept. 1, 1994; Laws 2015, c. 56, § 2, eff. Nov. 1, 2015.

§70-509.7. Impasses - Procedure.

A procedure for resolving impasses will be developed by the board of education and the representatives of the organization. Said procedure shall include the actions set forth in this section and may include such other actions as are agreed to by both parties. Unless otherwise provided for by law, "days" means calendar days. Time limits set forth herein may be extended by mutual agreement of the parties.

A. If negotiations are not successfully concluded by the first day of school, impasse shall exist. At any earlier time, either party may declare impasse. Upon reaching of impasse, the items causing the impasse shall be referred to a three-member fact-finding committee. This committee shall consist of:

1. One member who shall be selected by the representatives of the organization within five (5) days after the reaching of impasse;

2. One member who shall be selected by the local board of education within five (5) days after the reaching of impasse; and

3. One member who shall serve as chairperson of the committee and shall be selected as follows:

a. The State Board of Education shall appoint as fact-finders not less than twenty nor more than thirty persons to be placed on the State Superintendent's list of fact-finders. The appointees must reside in Oklahoma, must be neutral and unbiased and must be knowledgeable in the fields of school operations, school finance, personnel management, dispute resolution and hearing procedures. The appointees shall not currently be elected public officers or employees of a board of education or officers or employees of an organization of education employees. No person who is related within the second degree by consanguinity or affinity to an elected public officer, to an employee of the local board of education that is involved in the impasse, or to an employee of an organization of education employees shall be eligible to serve as a fact-finder.

b. An appointee shall serve until such appointee resigns or is removed by the State Board of Education from the State Superintendent's list of fact-finders. An appointee must be removed immediately if he or she becomes an elected public officer or employee of a

board of education or an officer or employee of an organization of education employees.

- c. Within ten (10) days of being notified that a fact-finder is needed, the State Superintendent of Public Instruction or designee shall provide the names of five potential fact-finders selected at random from the list of appointees who are available to serve as a member and the chairperson of the committee. The parties shall select the fact-finder from the five names within fifteen (15) days after receiving the list of fact-finders.
- d. It shall be the responsibility of the State Board of Education to establish rules, regulations, training, hearing procedures, and payment schedules to implement the provisions of this paragraph.

B. Within five (5) days after the selection of the chairperson, the representatives who have been negotiating for the board and for the organization shall meet to exchange written language on each item at impasse. The exchanged documents shall also be furnished by each party to the chairperson and other members of the committee.

C. The chairperson shall convene the committee for fact finding. This committee shall meet with the representatives of both parties. Within twenty (20) days after the chairperson is selected, the committee shall present written recommendations to the local board and to the organization.

D. If either party decides it must reject one or more of the committee's recommendations, said party must, within seven (7) days after the committee has presented its recommendations, request a meeting of the representatives who have been negotiating for the board and for the organization. The parties shall meet within seven (7) days of the request, unless both parties deem it unnecessary. At such meeting, the representatives shall exchange written statements expressing each party's rationale for rejecting each recommendation found unacceptable and shall attempt to clarify any remaining differences. The representatives shall then resume good faith effort to resolve the remaining differences; provided, after fourteen (14) days after the exchange of the written statements, either party may discontinue such effort.

E. The local board shall file a copy of the fact-finding report with the office of the State Superintendent of Public Instruction. If the effort to resolve differences is successful, the parties shall draft a written agreement and present the agreement to both parties for ratification, and such agreement shall also be forwarded to the State Superintendent of Public Instruction. If the effort to resolve differences is unsuccessful, the local board of education shall forward to the State Superintendent of Public Instruction in writing

its final disposition of the negotiations impasse process within thirty (30) days of the effective date of implementation.

Laws 1971, c. 325, § 7; Laws 1986, c. 130, § 4, emerg. eff. April 14, 1986; Laws 1986, c. 293, § 2; Laws 1992, c. 102, § 1, eff. July 1, 1992; Laws 1994, c. 190, § 2, eff. July 1, 1994.

§70-509.8. Strikes illegal.

The procedure provided for herein for resolving impasses shall be the exclusive recourse of the organization. It shall be illegal for the organization to strike or threaten to strike as a means of resolving differences with the board of education. Any member of an organization engaging in a strike shall be denied the full amount of his wages during the period of such violation. If the organization or its members engage in a strike, then the organization shall cease to be recognized as representative of the unit and the school district shall be relieved of the duty to negotiate with such organization or its representatives.

Amended by Laws 1986, c. 130, § 5, emerg. eff. April 14, 1986.

§70-509.9. Discrimination prohibited - Certain acts prohibited.

No employee shall be discriminated against by the board of education, superintendent or any other administrative officer of a district or by any employee organization, its officers or any member thereof because of his exercise or nonexercise of rights under this act. It shall be prohibited for an employee organization, employee or employer to impede, restrain or coerce an employer or employees in the exercise of the rights guaranteed in Sections 509.1 through 509.10 of this title.

Amended by Laws 1983, c. 120, § 2, emerg. eff. May 17, 1983; Laws 1986, c. 130, § 6, emerg. eff. April 14, 1986.

§70-509.10. Prior agreements not affected.

Nothing in this act shall be construed to annul or modify or to preclude the renewal or continuation of any lawful agreement heretofore entered into between any school district and any representative of its employees, except to the extent that such agreement is in conflict with the provisions of this act.

Laws 1971, c. 325, § 10.

§70-509.11. Denial of statewide professional educators' association access to employees prohibited.

A. No school district, employee of a school district, or employee organization shall deny by any means, including a collective bargaining agreement, a statewide professional educators' association equal access to employees of the school district, to the same extent that access is granted to other educators' associations. For

purposes of this section, access shall include, but is not limited to:

1. Setting up informational tables at in-service or other similar teacher meetings;
2. Speaking at in-service or other similar teacher meetings;
3. Distributing information in school mail boxes or through the school e-mail system;
4. Utilizing school district meeting rooms during nonworking hours;
5. Representing employees in employment matters, when requested by the employee;
6. Posting information on school district bulletin boards; and
7. Utilizing school district printing services.

B. Any association which utilizes school district facilities or services shall reimburse the district for any costs incurred by the district.

Added by Laws 2005, c. 432, § 12, eff. July 1, 2005.

§70-510.1. Interstate Compact on Educational Opportunity for Military Children.

The Interstate Compact on Educational Opportunity for Military Children is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

INTERSTATE COMPACT ON EDUCATIONAL
OPPORTUNITY FOR MILITARY CHILDREN
ARTICLE I. PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

1. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements;
2. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;
3. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;
4. Facilitating the on-time graduation of children of military families;
5. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

6. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact;

7. Promoting coordination between this compact and other compacts affecting military children; and

8. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

1. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Military Reserve on active duty orders pursuant to 10 U.S.C., Sections 1209 and 1211;

2. "Children of military families" means a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member;

3. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this Compact;

4. "Deployment" means the period one (1) month prior to the service members' departure from their home station on military orders though six (6) months after return to their home station;

5. "Education(al) records" means those official records, files, and data directly related to a student and maintained by the school or local education agency including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs;

6. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities;

7. "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission;

8. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth grade public educational institutions;

9. "Member state" means a state that has enacted this compact;

10. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects;

11. "Nonmember state" means a state that has not enacted this compact;

12. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought;

13. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of administrative rules in a member state, and includes the amendment, repeal, or suspension of an existing rule;

14. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought;

15. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and any other U.S. Territory;

16. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth grade;

17. "Transition" means:

- a. the formal and physical process of transferring from school to school, or
- b. the period of time in which a student moves from one school in the sending state to another school in the receiving state;

18. "Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services; and

19. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III. APPLICABILITY

A. Except as otherwise provided in subsection B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Military

Reserve on active duty orders pursuant to 10 U.S.C., Sections 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the National Guard and Military Reserves;

2. Members of the uniformed services now retired, except as provided in subsection A of this article;

3. Veterans of the uniformed services, except as provided in subsection A of this article; and

4. Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records/transcripts - Simultaneously with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations - Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and First grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V. PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathway courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs shall include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services.

1. In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A., Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his/her current individualized education program (IEP).

2. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A., Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A., Sections 12131 through 12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming

students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education.

This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI. ELIGIBILITY

A. Eligibility for enrollment.

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII. GRADUATION

A. In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

1. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would

qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

2. Exit exams - States shall accept:

- a. exit or end-of-course exams required for graduation from the sending state,
- b. national norm-referenced achievement tests, or
- c. alternative testing in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of subsection B of this article shall apply.

B. Transfers during Senior year - Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with subsection A of this article and this subsection.

ARTICLE VIII. STATE COORDINATION

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least:

1. The State Superintendent of Public Instruction;
2. The superintendent of a school district with a high concentration of military children;
3. A representative from a military installation;
4. One representative each from the legislative and executive branches of government; and
5. Other offices and stakeholder groups the State Council deems appropriate.

B. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

C. The State Council of each member state shall appoint or designate a military family education liaison to assist military

families and the state in facilitating the implementation of this compact.

D. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

E. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX. INTERSTATE COMMISSION ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children". The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

1. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective Legislatures of the member states in accordance with the terms of this compact;

2. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

a. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

b. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

c. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

d. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication;

3. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include, but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational

Personnel and other interstate compacts affecting the education of children of military members;

4. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

5. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve one-year terms. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The United States Department of Defense shall serve as an ex officio, nonvoting member of the executive committee;

6. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

7. Public notice shall be given by the Interstate Commission of all meetings, and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds (2/3) vote that an open meeting would be likely to:

- a. relate solely to the Interstate Commission's internal personnel practices and procedures,
- b. disclose matters specifically exempted from disclosure by federal and state statute,
- c. disclose trade secrets or commercial or financial information which is privileged or confidential,
- d. involve accusing a person of a crime, or formally censuring a person,
- e. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,
- f. disclose investigative records compiled for law enforcement purposes, or
- g. specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

8. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission;

9. The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, insofar as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules; and

10. The Interstate Commission shall create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X. POWERS AND DUTIES
OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

1. To provide for dispute resolution among member states;

2. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of administrative rules and shall be binding in the compact states to the extent and in the manner provided in this compact;

3. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions;

4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means including, but not limited to, the use of judicial process;

5. To establish and maintain offices which shall be located within one or more of the member states;

6. To purchase and maintain insurance and bonds;
7. To borrow, accept, hire or contract for services of personnel;
8. To establish and appoint committees including, but not limited to, an executive committee as required by paragraph 5 of Article IX, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;
9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;
11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;
12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;
13. To establish a budget and make expenditures;
14. To adopt a seal and bylaws governing the management and operation of the Interstate Commission;
15. To report annually to the Legislatures, Governors, judiciary, and State Councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;
16. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity;
17. To establish uniform standards for the reporting, collecting and exchanging of data;
18. To maintain corporate books and records in accordance with the bylaws;
19. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and
20. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI. ORGANIZATION AND
OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within twelve (12) months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as

may be necessary or appropriate to carry out the purposes of the compact including, but not limited to:

1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee and such other committees as may be necessary;
3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and
7. Providing "start-up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive committee, officers, and personnel.

1. The executive committee shall have such authority and duties as may be set forth in the bylaws including, but not limited to:
 - a. managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission,
 - b. overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions, and
 - c. planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.
2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for

such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. 1. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

3. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

4. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission

employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII. RULEMAKING FUNCTIONS
OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the Legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII. OVERSIGHT,
ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight.

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as administrative rules.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, technical assistance, suspension and termination.

If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's Legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination;

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state; and

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

C. Dispute resolution.

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant, and the

report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided, that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extends beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of compact.

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the

business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable and, if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws.

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the Legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Added by Laws 2008, c. 435, § 2, eff. July 1, 2008.

§70-510.2. Oklahoma State Council for Educational Opportunity for Military Children.

A. There is hereby created the Oklahoma State Council for Educational Opportunity for Military Children in accordance with Article VIII of the Interstate Compact on Educational Opportunity for Military Children. The Council shall consist of:

1. The compact commissioner, as provided for in subsection G of this section;

2. The military family education liaison who shall be a nonvoting member, as provided for in subsection G of this section;

3. The State Superintendent of Public Instruction or a designee; and

4. Five appointed members as follows:

a. one member of the Senate, who shall serve an initial term of three (3) years, who shall be appointed by the President Pro Tempore of the Senate,

b. one member of the House of Representatives, who shall serve an initial term of three (3) years, who shall be

appointed by the Speaker of the House of Representatives,

- c. one superintendent of a school district with a high concentration of military children, who shall serve an initial term of two (2) years, who shall be appointed by the Speaker of the House of Representatives,
- d. a representative of a military installation located in this state, who shall serve an initial term of two (2) years, who shall be appointed by the President Pro Tempore of the Senate, and
- e. a member of the State Board of Education, who shall serve an initial term of one (1) year, who shall be appointed by the Governor.

B. Except for the initial appointments, appointed members shall be appointed for three-year terms. The members appointed to initial terms shall serve staggered terms as prescribed in this section. Terms of office shall expire on June 30. Members may be reappointed as deemed appropriate by the appointing authority. Members may be removed by the appointing authority for incompetence, willful neglect of duty, corruption in office, or malfeasance in office. Vacancies shall be filled in the same manner as the original appointment. The members of the Council shall not be subject to the dual-office-holding prohibitions set forth in Section 6 of Title 51 of the Oklahoma Statutes.

C. Appointments to the Council shall be made by September 1, 2008. The State Superintendent of Public Instruction shall convene the first meeting of the Council. The members of the Council shall elect from their membership a chair and vice-chair to serve for one-year terms. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Council. The Council shall meet at least annually and at the call of the chair.

D. The Council shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

E. Members of the Council shall receive no compensation for serving on the Council, but shall receive travel reimbursement as follows:

1. Legislative members of the Council shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Council shall be reimbursed by the State Department of Education for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. The Council shall provide for the coordination among this state's governmental agencies, school districts and military installations concerning the state's participation in, and compliance

with, the compact and Interstate Commission on Educational Opportunity for Military Children activities. The State Department of Education shall provide administrative services and staff support to the Council. The State Board of Education may promulgate rules to implement operations and procedures necessary for administration of the compact upon recommendation of the Council.

G. 1. Before September 1, 2008, the Governor shall appoint the compact commissioner who shall serve at the pleasure of the Governor. The compact commissioner shall serve as this state's commissioner on the Interstate Commission on Educational Opportunity for Military Children. In the event the compact commissioner cannot attend a meeting of the Interstate Commission, the Council shall appoint a Council member to represent this state at the meeting. The compact commissioner shall be responsible for the administration and management of the state's participation in the compact.

2. The State Superintendent of Public Instruction shall designate an employee of the State Department of Education to serve as the military family education liaison. The liaison shall assist military families and the state in facilitating the implementation of the compact, subject to the direction of the Council.

3. The Department shall pay any expenses the compact commissioner and military family education liaison incur in fulfilling duties related to the compact.

Added by Laws 2008, c. 435, § 3, eff. July 1, 2008.

§70-521. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-522. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-523. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-524. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-525. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-526. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-527. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-528. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-529. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-530. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-531. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-532. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-533. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-541. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-542. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-543. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-544. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-545. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-546. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-547. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-561. Repealed by Laws 1949, p. 607, art. 20, § 9.

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§70-565. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-571. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-572. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-573. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-574. Repealed by Laws 1941, p. 462, § 1.

§70-575. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-581. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-582. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-583. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-591. Repealed by Laws 1941, p. 462, § 1.

§70-592. Repealed by Laws 1949, p. 607, art. 20, § 9.

- §70-593. Repealed by Laws 1943, p. 78, § 43.
- §70-594. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-595. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-596. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-597. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-598. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-599. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-600. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-611. Management of permanent school fund.

The Commissioners of the Land Office, consisting of the Governor, the Lieutenant Governor, State Auditor and Inspector, Superintendent of Public Instruction, and the President of the Board of Agriculture, are hereby authorized and empowered to manage, loan, invest and deposit, the permanent school fund donated to the State of Oklahoma by the Congress of the United States, or arising from the sale of lands and from other sources.

R.L.1910, § 7652; Laws 1979, c. 30, § 51, emerg. eff. April 6, 1979.

§70-612. Disposition of funds until invested.

Until such time as said funds may be safely and advantageously invested in the securities mentioned in the preceding section, said Commissioners of the Land Office are hereby authorized and empowered to deposit said sums in such banks or trust companies as they may select, but shall in every case take as security for such deposits the following classes of securities and no others: Bonds of the State of Oklahoma, bonds of the counties, school districts, cities and towns of this state, state and county warrants, and approved State, county and municipal bonds of other states, bonds of the United States, first mortgages on real estate, warrants or other legal evidence of indebtedness authorized by law to be issued by municipalities in payment of paving, sewer, waterworks, electric light, or other public indebtedness and for the payment of which a special tax is authorized to be levied and collected, and as additional security on any deposit which said Board may make the said Commissioners of the Land Office shall have authority to accept surety companies or trust companies as sureties, but in each case said Board of Land Commissioners shall accurately investigate the value of securities offered for such deposits: Provided, however,

that such surety company or trust company shall neither be in any manner interested directly or indirectly in any bank or trust company for which it becomes additional surety; nor shall any surety, bonding or trust company be accepted as additional surety that has more than one-fourth (1/4) of its paid capital invested in bank stock. The said Board of Land Commissioners may, whenever they deem it advisable require additional securities after a deposit is made as they deem necessary to secure the safety of the deposit.
R.L.1910, § 7654.

§70-613. Report to Legislature.

The Commissioners of the Land Office shall report to each Legislature the condition and management of such funds.
R.L.1910, § 7656.

§70-614. Apportionment and payment of income to schools.

The Commissioners of the Land Office shall apportion the income accruing from the Permanent School Fund. All monies remaining in the hands of the Commissioners of the Land Office and in the State Treasury at the close of each calendar month shall be apportioned and paid over to the schools by the last business day of the following month.

R.L. 1910, § 7657. Amended by Laws 1917, c. 244, p. 453, § 1; Laws 1992, c. 111, § 6, emerg. eff. April 21, 1992; Laws 2010, c. 41, § 50, emerg. eff. April 2, 2010.

§70-615. Basis of apportionment.

The apportionment shall be made to the school districts of the county on the basis of school population as determined pursuant to the provisions of Section 56 of this act for the preceding school year as certified by the State Board of Education. The Commissioners of the Land Office, in distributing all funds mentioned in this section, shall draw their order on the State Treasurer or other officer having custody of such funds, in favor of the schools of the counties respectively, entitled to school monies, using electronic funds transfer as defined by the Office of the Oklahoma State Treasurer: Provided, that the federal appropriation made shall be apportioned by said Commissioners, to the several schools, entitled to the same under Act of Congress providing for said appropriation, in proportion to the number of children of school age shown by the last federal census.

R.L. 1910, § 7658; Laws 1986, c. 259, § 58, operative July 1, 1986; Laws 1992, c. 111, § 7, emerg. eff. April 21, 1992.

§70-616. Commissioners may make rules.

The Commissioners of the Land Office are hereby authorized and empowered to make all necessary rules and regulations, for the

purpose of carrying into effect the provisions of this law. R.L. 1910 Sec. 7659.
R.L.1910, § 7659.

§70-617. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-618. Repealed by Laws 1979, c. 47, § 109, emerg. eff. April 9, 1979.

§70-619. Designation of fund.

The State Auditor and Inspector, Treasurer, Commissioners of the Land Office, and all other officers of the state, are hereby directed and required to use the term "Section Thirteen Fund State Educational Institutions" upon all their records as the proper name for designating the fund created by virtue of the Enabling Act and the Constitution.

R.L.1910, § 7662; Laws 1979, c. 30, § 52, emerg. eff. April 6, 1979.

§70-620. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-621.1. Purposes for which funds expended.

The institutions of higher learning eligible for participation in the Section Thirteen Fund and the New College Fund, as provided in the Enabling Act, Sections 8 and 12; the Constitution of the State of Oklahoma, Article XI, Sections 1 and 5; Title 70, Section 617, O.S. 1951; and Title 64, Section 355, O.S. 1951, are hereby authorized to expend said funds from time to time as needs arise for the construction and purchase of buildings, for the purchase of equipment, and for other capital additions. The provisions of this act shall be cumulative to existing laws.

Laws 1947, p. 510, § 1.

§70-621.2. Partial invalidity.

It is the intention of the Legislature to enact each and every part of this act and if any section, paragraph, sentence, item, or clause of this act shall for any reason be held unconstitutional such decision shall not affect the validity of the remaining portions of this act.

Laws 1947, p. 511, § 2.

§70-622. Fund established.

There is hereby established in the State Treasury the Student Educational Assistance Fund, for the purposes hereinafter stated. The State Treasurer's office is hereby authorized to receive on behalf of the fund such future appropriations, gifts, grants, and donations as may be made thereto by the Legislature and received from other sources.

Laws 1965, c. 482, § 1, emerg. eff. July 14, 1965.

§70-623. Guaranteeing of loans - Conditions - Rules.

A. The Oklahoma State Regents for Higher Education are hereby authorized to utilize the Student Educational Assistance Fund and to administer the student loan guarantee program under the federal Higher Education Act of 1965, as amended, for guaranteeing loans made by private or public lending institutions to loan guarantee applicants for the purpose of obtaining financial assistance for attendance at any participating school, to participate in any other federal student loan program and to provide support services for students and others in conjunction with the United States Department of Education in areas including, but not limited to, default prevention, financial literacy, financial aid awareness, college access and outreach and other areas as permitted or mandated by current or future federal legislation. The State Regents are authorized to provide the student and parent borrower assistance services described in this section for any and all federal student loan programs through contracts and agreements with the United States Department of Education or other entities.

B. No loan guaranteed by the State Regents, except as required by federal regulation, shall require repayment while the student is pursuing at least a half-time course of study on a continuing basis in a participating school. The rate of interest on the loan shall be as established in the Higher Education Act of 1965, as amended.

C. The State Regents are further authorized and empowered to promulgate rules and procedures with respect to applicant eligibility, terms of loans, repayment agreements and other matters considered appropriate, as will facilitate the program authorized by this section and the Higher Education Act of 1965, as amended, and as will not conflict with the terms hereof. The procedures may include, but not be limited to, entering into agreements with other federal loan program participants such as schools, lenders, servicers, secondary markets, collection agencies, guarantee agencies, the United States Department of Education and other entities.

D. 1. A licensing agency shall provide information indexed by social security number to the State Regents when the information is requested for use in the default prevention efforts or collection of defaulted student loans guaranteed by the State Regents.

2. Any information disclosed under the provision of this subsection shall be utilized for the purpose outlined in this subsection and shall be held strictly confidential by the State Regents.

3. No member or employee of any entity who discloses information pursuant to this subsection shall be criminally or civilly liable for any error or omission in the disclosure of the information.

4. In addition to other collection methods authorized by law, the State Regents may establish and implement programs for administrative garnishment and wage withholding, in accordance with applicable federal laws and regulations, to collect on defaulted student loans.

Added by Laws 1965, c. 482, § 2, emerg. eff. July 14, 1965. Amended by Laws 1967, c. 3, § 1, emerg. eff. Feb. 8, 1967; Laws 1984, c. 131, § 1, emerg. eff. April 10, 1984; Laws 1996, c. 261, § 1, eff. July 1, 1996; Laws 1999, c. 66, § 1, eff. July 1, 1999; Laws 2010, c. 131, § 1, eff. July 1, 2010; Laws 2017, c. 104, § 1, eff. July 1, 2017.

§70-623.1. Licensees in default - Suspension of licenses.

A. For licensees determined to be in default, pursuant to the applicable federal regulation, the Oklahoma State Regents for Higher Education shall prescribe rules and procedures to provide an opportunity for the licensee to enter into a satisfactory repayment agreement and an opportunity for a hearing prior to notification of a licensing board. At least thirty (30) days prior to notification of the appropriate licensing board, the State Regents shall mail to the licensee's last-known address, a written notice of:

1. The nature and amount of the debt;
2. The intention of the State Regents to issue notification of default to the appropriate licensing board or boards; and
3. The explanation of the licensee's rights.

B. Following the determination of default, as defined by federal law, the licensee shall be provided the opportunity of a hearing conducted by a hearing official appointed by the State Regents. The hearing official may be any qualified individual, including an administrative law judge, not under the direct supervision or control of the State Regents. Upon written request by the licensee, the decision of the hearing official may be appealed to the State Regents. The State Regents may notify each licensing board in this state of any person who has been determined to be in default on a student loan; provided, the State Regents may consider hardship circumstances in their decision whether to proceed with notification. Except as otherwise provided in this section, upon receipt of the notice, the licensing boards shall suspend and not renew the license of the licensee until further notification by the State Regents.

C. Except as otherwise provided in this section, no further administrative review or contested case proceeding within or by the licensing board is required upon notification of the State Regent's determination of default. No licensing board shall be held liable for any suspension or nonrenewal of a license or commercial driver license pursuant to the provisions of this act.

D. The State Regents shall notify, as soon as possible and no later than ten (10) business days, each licensing board when a formerly reported licensee is no longer in default status due to

repayment in full, loan rehabilitation or some other action that discharges the licensee of responsibility for repayment or when the licensee achieves satisfactory repayment status. Except as otherwise provided in this section, the issuing licensing board shall reinstate or renew the license of the licensee within thirty (30) days of receiving notice from the State Regents, contingent upon the requirements of the licensing board.

E. If the Oklahoma Bar Association receives notice that a licensed attorney is in default, the Bar Association must begin proceedings by which the attorney may be suspended pursuant to Rules Governing Disciplinary Proceedings. If suspended, the attorney may be reinstated pursuant to reinstatement procedures as provided in the Rules Governing Disciplinary Proceedings.

F. For purposes of this act:

1. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;

2. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a profession, occupation or business, including Class A, B or C commercial driver licenses issued pursuant to Title 47 of the Oklahoma Statutes; and

3. "Licensee" means any individual who is issued a license by any licensing board in this state.

Added by Laws 1996, c. 261, § 2, eff. July 1, 1996. Amended by Laws 1999, c. 66, § 2, eff. July 1, 1999.

§70-624. Revocation or termination of student loans, grants, etc. - Grounds

Any student loan, grant, fellowship, teaching fellowship or other means of financial assistance authorized by and/or under the control of the Oklahoma State Regents for Higher Education, any operating Board of Regents of Oklahoma Universities or Colleges, or any employee or employees of any university, college or other institution of higher learning, whether such loan, grant, fellowship, teaching fellowship or other means of financial assistance be financed by state or federal funds, or both, may be revoked or terminated by the person or persons authorizing and/or controlling same for any of the following reasons:

1. unlawful participation in a riot as defined by the Penal Code;

2. unlawful manufacture, preparation, delivery, sale, offering for sale, barter, furnishing, giving away, possession, control, use or administering of narcotic drugs, marijuana, barbiturates or stimulants;

3. willful or unlawful destruction of or damage to state property;

4. conviction, while enrolled in such university, college or other institution of higher learning, of a crime involving conversion of property or moral turpitude.

Added by Laws 1970, c. 146, § 1, emerg. eff. April 7, 1970.

§70-625.1. Fund established.

There is hereby established the Oklahoma Rural Medical Education Loan and Scholarship Fund. The fund shall be administered by the Physician Manpower Training Commission under the provisions of Section 625.9 of this title.

Added by Laws 1970, c. 82, § 1, emerg. eff. March 26, 1970. Amended by Laws 1976, c. 212, § 13, emerg. eff. June 7, 1976.

§70-625.2. Scholarships - Power to grant

The Physician Manpower Training Commission shall be authorized and empowered to grant scholarships to qualified students who are bona fide residents of the State of Oklahoma and who would not otherwise have funds necessary to finance the cost of a program of study leading to the Degree of Doctor of Medicine, or to the Degree of Doctor of Osteopathic Medicine, to be granted by an accredited and recognized college of medicine or college of osteopathic medicine.

Added by Laws 1970, c. 82, § 2, emerg. eff. March 26, 1970. Amended by Laws 1972, c. 13, § 1, emerg. eff. Feb. 7, 1972; Laws 1975, c. 258, § 2, emerg. eff. June 4, 1975; Laws 1976, c. 212, § 14, emerg. eff. June 7, 1976.

§70-625.3. Terms and conditions.

A. The terms and conditions governing the scholarships shall be as prescribed and formulated by the Physician Manpower Training Commission, but shall include the condition that each recipient, upon completion of his course of study, shall repay his scholarship by practicing his profession in a rural community in Oklahoma having a population of seven thousand five hundred (7,500) persons or less according to the last preceding United States Decennial Census and having a need therefor, as determined by the Commission, for one (1) year for each one (1) year the scholarship is financed; provided, however, that the recipient will be given no credit for payment and reduction of the obligation by serving in the defined rural communities for a period less than two (2) years.

B. The maximum rural population criteria specified in subsection A of this section may be waived by the Commission.

C. The terms of this subsection shall apply to recipients who accept assistance on or after July 1, 1993. The contract shall provide that in the event the recipient breaches the terms of the contract by not serving the designated community for the specified

period of time, the Commission shall be entitled to recover an amount equal to three times the principal disbursed, pursuant to the contract, plus interest. Interest on all amounts paid to or on behalf of the participant shall be computed at the current prime rate plus one percent (1%) with the interest to accrue from the date each payment is made, pursuant to the contract. The amount the Commission is entitled to recover shall be paid within ninety (90) days of the date the recipient becomes liable as determined by the Commission. Added by Laws 1970, c. 82, § 3, emerg. eff. March 26, 1970. Amended by Laws 1971, c. 156, § 1, emerg. eff. May 24, 1971; Laws 1975, c. 162, § 1, emerg. eff. May 20, 1975; Laws 1976, c. 212, § 15, emerg. eff. June 7, 1976, Laws 1977, c. 220, § 1, emerg. eff. June 14, 1977; Laws 1982, c. 96, § 3, operative Oct. 1, 1982; Laws 1993, c. 361, § 10, eff. July 1, 1993; Laws 2018, c. 286, § 3, eff. Nov. 1, 2018.

§70-625.4. Rules and regulations.

The Commission shall promulgate and adopt such rules and regulations as may be necessary to carry out the provisions of this act. The Commission shall prescribe the form and regulate the submission of applications for scholarship; conduct conferences and interviews with applicants; determine the eligibility of applicants; allow or disallow all applications for scholarships or renewal of scholarships; contract, increase, decrease, terminate and otherwise regulate all grants for scholarships and their repayment in cash or services; and manage, operate and control all funds and property appropriated or otherwise contributed for this purpose. The Commission may acquire property or money by the acceptance of gifts, grants, bequests or devise, and may contract with the federal government in order to secure the benefit of any federal program consistent with the provisions of this act. Monies received by the Commission in repayment of scholarships granted from appropriated funds shall be deposited with the State Treasurer who shall place the same to the credit of the Commission in depository funds to be known as the "Rural Medical Education Scholarship Fund" and the "Community Physician Education Scholarship Fund" depending on the program in which the recipient participated, under and subject exclusively to the control of the Commission for the purpose of fulfilling and accomplishing the conditions and purposes of the Physician Manpower Training Commission. All monies so collected and deposited in the State Treasury as aforesaid shall constitute a continuing fund, shall not be subject to fiscal limitations, and the unexpended balance shall at all times be available for expenditures for the purposes and in the manner and form provided by this act. All funds and property, and income therefrom, received by the Commission through the acceptance of gifts, grants, bequests or devise shall be held by the Commission in trust, and may be sold, transferred, invested and reinvested by the Commission in accordance with the provisions of the

Oklahoma Trust Act, and all such funds and property, and income therefrom, shall be used by the Commission in fulfilling and accomplishing the conditions and purposes of the Physician Manpower Training Commission.

Amended by Laws 1987, c. 236, § 115, emerg. eff. July 20, 1987.

§70-625.4a. Physician Manpower Training Commission Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Physician Manpower Training Commission to be designated the "Physician Manpower Training Commission Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all payments received by the Commission pursuant to Sections 625.3 and 625.10a of this title. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Physician Manpower Training Commission for any expenses incurred in the implementation of its duties. 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.

Added by Laws 1988, c. 245, § 6, operative July 1, 1988. Amended by Laws 2012, c. 304, § 614; Laws 2018, c. 286, § 4, eff. Nov. 1, 2018.

§70-625.5. Eligibility - Amount - Renewal - Reports.

A. An applicant may be eligible for the award of a scholarship upon demonstration that the applicant:

1. Desires a scholarship to any accredited school of medicine or school of osteopathic medicine in the United States of America;
2. Is a bona fide resident of Oklahoma;
3. Has personal financial resources such that, in the absence of scholarship aid, will be unable to pursue the program of study desired;
4. Is a person of good moral character;
5. Has successfully completed the program of instruction prerequisite for admission to the program of study provided for in Section 625.1 et seq. of this title and has applied for admission to a medical school;
6. Has capacity to profit by the course of study for which the applicant seeks aid;
7. Desires to practice medicine in a rural community in Oklahoma; and
8. Submits proof that the applicant has not accepted or will not accept any other scholarship assistance which has a conflicting service obligation requirement.

In determining an applicant's capacity to profit by the course of study desired, the Commission shall consider the applicant's previous scholastic record, the results of examinations conducted under the

provisions of Section 625.1 et seq. of this title, and the results of interviews and such other tests or examinations which the Commission may deem advisable. In establishing an applicant's financial need, the Commission shall conduct a thorough and complete investigation of the financial resources of the applicant and family.

B. The amount of each scholarship grant shall not exceed Fifteen Thousand Dollars (\$15,000.00) per academic year for students engaged in their first, second, third or fourth year of study, or equivalent number of terms completed in an education program in a given period of months.

C. The method of payment of funds to each recipient of a scholarship grant shall be in accordance with rules formulated by the Commission governing the grants for each type of scholarship.

D. Each scholarship is renewable annually for the number of years required to complete the course of study in which the recipient is engaged. The Commission shall grant such an annual renewal only upon the recipient's application and upon the Commission's finding that the recipient:

1. Has completed successfully the work of the preceding year and presented evidence that the recipient is a student in good standing;

2. Remains a resident of Oklahoma; and

3. Is in a financial situation that warrants the award of a scholarship under the standards set forth in Section 625.1 et seq. of this title.

E. The Commission shall make an annual report to the Governor and Legislature on the activities of the Commission. This report shall include the names of the recipients of the scholarships, the amount of the scholarship awards, an accounting of the funds expended on scholarships and on the administration of the program and a budget requesting the funds necessary for the operation of the Commission. The report shall also include an accounting of repayments of scholarships, whether by services or in cash including interest.

Laws 1970, c. 82, § 5, emerg. eff. March 26, 1970; Laws 1972, c. 13, § 2, emerg. eff. Feb. 7, 1972; Laws 1975, c. 258, § 5, emerg. eff. June 4, 1975; Laws 1976, c. 212, § 17, emerg. eff. June 7, 1976; Laws 1977, c. 220, § 2, emerg. eff. June 14, 1977; Laws 1981, c. 212, § 11, emerg. eff. June 1, 1981; Laws 1991, c. 270, § 27, eff. July 1, 1991; Laws 2004, c. 80, § 1, eff. July 1, 2004.

§70-625.6. Contracts.

Each applicant, before being granted a scholarship, shall enter into a contract with the Commission agreeing to the terms and conditions upon which the scholarship shall be granted to the applicant. Said contract shall include such terms and provisions as will carry out the full purpose and intent of this act and the form thereof shall be prepared and approved by the Attorney General. Said contracts shall be signed by the Secretary on behalf of the

Commission and by the applicant. The Commission is hereby vested with full and complete authority and power to sue in its own name any applicant for any balance due the Commission on any contract. The Commission shall have authority to cancel any contract made between it and any recipient of a scholarship upon cause deemed sufficient by the Commission.

Added by Laws 1970, c. 82, § 6, emerg. eff. March 26, 1970. Amended by Laws 1972, c. 221, § 7, eff. Aug. 1, 1972; Laws 1976, c. 212, § 18, emerg. eff. June 7, 1976; Laws 2018, c. 286, § 5, eff. Nov. 1, 2018.

§70-625.7. Per diem for Board members.

The members of the Board shall receive no salary but shall be paid a per diem of Twenty-five Dollars (\$25.00) for each day they are actually and necessarily engaged in the transaction of business, together with actual and necessary expenses incurred by them in the performance of their duties, subject to general statutory limitations on such expenses as contained in Title 74 of the Oklahoma Statutes, Sections 500.1, et seq.

Laws 1970, c. 82, § 7, emerg. eff. March 26, 1970.

§70-625.8. Repealed by Laws 1989, c. 154, § 2, oper. July 1, 1989.

§70-625.9. Administration transferred to Physician Manpower Training Commission - Board of Trustees abolished.

The administration of the Oklahoma Rural Medical Education Loan and Scholarship Fund is hereby transferred to the Physician Manpower Training Commission as established by law. All the powers, duties, responsibilities, rules and regulations and functions of the Board of Trustees of the Oklahoma Rural Medical Education Scholarship Fund are hereby transferred to the Physician Manpower Training Commission and The Board of Trustees of the Oklahoma Rural Medical Education Scholarship Fund is hereby abolished and terminated.

Added by Laws 1975, c. 258, § 1, emerg. eff. June 4, 1975.

§70-625.10. Repealed by Laws 1976, c. 212, § 25, emerg. eff. June 7, 1976.

§70-625.10a. Cost-sharing scholarships and loan fund programs - Administration.

The Physician Manpower Training Commission is hereby authorized and empowered to establish and administer cost-sharing scholarships and loan fund programs which shall provide for state assistance to and participation with community physician education and scholarship trust funds which are selected and approved by the Commission. Said state assistance and participation shall be on a state and community matching formula basis for the funding of the educational costs, fees

and charges of a selected and qualified student in good standing and who is duly enrolled in an accredited college of medicine or college of osteopathic medicine and pursuing a course of study leading to the degree of Doctor of Medicine or to the degree of Doctor of Osteopathic Medicine. Said student shall be a bona fide resident of the State of Oklahoma who desires and agrees to practice his profession on completion of the course of study and training required for licensure and certification in the community providing the initial funds to be matched by the state funds. Communities shall deposit the initial trust funds with the Physician Manpower Training Commission to be administered and matched by the Commission for the education of selected and qualified students to serve and to practice in the communities with trust funds so established for that purpose with the Commission. The Commission shall aid and advise communities in the selection of qualified students to participate in a given community scholarship program and the Commission shall approve the selection of a given student for a particular community physician education scholarship trust fund matching program. The Commission shall determine the percentage share for the state in the scholarship matching program with a given community to educate a given and duly selected student on the basis of the extent of need of the community and its surrounding area for the services of a practicing physician, the amount of the initial trust funds the community has raised and deposited in the physician education scholarship trust fund that is duly established and the matching funds schedule developed by the Commission and based upon both the population of the community determined by the latest Federal Decennial Census and the estimated median family annual income level as determined on the basis of the estimates of the Oklahoma Department of Commerce. The state matching assistance and participation in a given scholarship trust fund program shall not exceed seventy-five percent (75%) of the total amount calculated to be necessary to fund the costs of a course of study for the degree of Doctor of Medicine or the degree of Doctor of Osteopathic Medicine as determined annually by the Commission. Repayment of the total amount of the scholarship by the student on completion of his course of study and on the establishment of his practice in the community shall be made to the state fund and to the community trust fund in accordance with the percentage and total amounts contributed by the state and by the community to the matching scholarship trust fund program and in accordance with the provisions of Section 625.5 of this title and contract requirements of Section 625.6 of this title which shall apply in all cases to students participating in said community physician education scholarship trust fund programs administered by the Commission with the exception of the maximum amount allowable in payment to the student which shall be based on an annual review of the costs, fees and charges of the school of medicine or school of osteopathic medicine in which the

student is enrolled and participating which shall be made by the Commission.

The procedures, terms and conditions governing the scholarships and how they are administered shall be as prescribed and formulated by the Physician Manpower Training Commission but shall include the following:

1. Communities desiring to participate in a loan and scholarship program shall select a student who meets the requirements for participation and give notice to the Commission.

2. The Commission shall aid and advise communities in the selection of qualified students to participate in a given community loan and scholarship program.

3. The communities shall deposit with the Commission the initial year scholarship funds provided by the community which funds shall be a percentage of the total educational and associated costs of the student in the course of study in an accredited college of medicine or college of osteopathic medicine and which funds are to be used in the education of the selected student.

4. The Commission shall review and approve the selection of a given student and shall then match the initial community funds with state funds from the Oklahoma Community Physician Education Loan and Scholarship Program Fund in the amount needed to meet the total cost for educating the student for one (1) year as agreed by the Commission and the community in each particular case.

5. The Commission shall determine the percentage share for the state in the loan and scholarship program with a given community to educate a selected student on the basis of:

a. the extent of need of the community and its surrounding area for the services of a practicing physician;

b. the amount of the initial trust funds the community has raised and deposited with the Commission for the education of a selected student;

c. the population of the community which shall be determined on the basis of the current estimates made by the Oklahoma Department of Commerce.

6. The state matching assistance and participation by the Commission in a given loan and scholarship program for a particular student shall not exceed seventy-five percent (75%) of the total amount calculated to be necessary to fund one (1) year of study for the degree of Doctor of Medicine or the degree of Doctor of Osteopathic Medicine as determined annually by the Commission at the school of medicine or osteopathic medicine in which the selected student is enrolled.

7. Each scholarship recipient, upon completion of his course of study, shall repay his loan and scholarship to the state and to the community and receive forgiveness on repayment of the funds from the state and from the community by practicing his profession in the

community in Oklahoma providing the initial funds at a minimum for one (1) year for each Five Thousand Dollars (\$5,000.00) the community and the state financed the scholarship program for the student; provided, however, that the recipient will be given no credit for payment, repayment and reduction of said obligation to the community and the state by serving the given community for a period less than two (2) years or, when approved by the Commission in agreement with the community and terms of the contracts involved, repayment may be made in cash with interest at the rate of twelve percent (12%) per annum, said interest to accrue from the date each payment of funds pursuant to the loan and scholarship program is made. In addition, should a recipient who accepts financial assistance after July 1, 1977, elect not to perform his obligated service in the sponsoring community, the agreed upon sum denoted as liquidated damages in the contract shall be assessed the recipient. No interest shall accrue on the principal during any one period of time that the recipient thereof is required to serve in the Armed Forces of the United States, or during his internship or residency, if in a primary care area and the required service, internship or residency does not exceed four (4) years. Provided that no interest shall accrue for six (6) months following each of the above exceptions.

Each student who applies to participate in a community and state matching loan and scholarship program shall enter into a contract administered by the Commission on behalf of the state and a given community which has provided the initial scholarship funds to educate a selected student. The contract shall be between the State of Oklahoma and the selected student by which contract the student agrees to return to the community which provided the initial loan and scholarship funds and to practice his profession, on completion of the course of study and training required for licensure and certification, for the number of years for which the student received assistance from the community and the state and in accordance with the conditions specified in the contract agreed to by the student and the given community which selected the student. Any repayment of the total amount of the scholarship or any portion thereof as provided in this act and in the contract between the state and the student shall be made to the state deposited into the Community Matching Loan and Scholarship Repayment Revolving Fund hereby created in the State Treasury. The community portion of any repayment monies deposited in said fund shall be withdrawn from the revolving fund and returned to the community on request or, if the community so chooses, said repayment monies shall be held available in said fund for reallocation by the community and the state to the Community Physician Education Loan and Scholarship Program Fund to educate another student selected by the community and approved by the Commission. The form of the contracts shall be prepared and approved by the Attorney General. The Commission is hereby vested with full

and complete authority and power to sue in its own name any applicant for any balance due the Commission for repayment of the scholarship on any contract or for failure by the applicant to fulfill the terms of his contract in any way. Said contracts shall be signed by the Chairman of the Commission and by the student for and by a representative of the community which selected the student. The Commission shall have authority to cancel the contract it makes between the Commission and any recipient of a scholarship upon cause deemed sufficient by the Commission.

Amended by Laws 1982, c. 96, § 2, operative Oct. 1, 1982; Laws 1986, c. 207, § 63, operative July 1, 1986.

§70-625.11. Community Physician Education Scholarship Program Fund.

There is hereby created and established the Oklahoma Community Physician Education Scholarship Program Fund which fund shall be administered by the Physician Manpower Training Commission for the purposes of providing the state matching funds assistance for scholarship programs with given communities. The Commission shall be empowered to contract for services with any state agencies, institutions or any public or private corporation involved in and conducting programs in physician manpower placement in order that the Commission may perform its functions in an efficient and timely fashion.

Laws 1975, c. 258, § 4, emerg. eff. June 4, 1975.

§70-625.12. Scholarship - Conditions for eligibility.

A. A student may be eligible to apply for and be granted a scholarship under the community and state matching program when the following conditions are met:

1. That the student desires a scholarship to cover the costs and expenses of pursuing the degree of Doctor of Medicine or the degree of Doctor of Osteopathic Medicine at any accredited school of medicine or school of osteopathic medicine in the United States of America;

2. That the student is a bona fide resident of the State of Oklahoma;

3. That the student desires and agrees to practice his profession in the community in Oklahoma providing the initial funds and subject to the terms and conditions of the contract between the student and the community and the contract between the student and the state;

4. That the student is a person of good moral character;

5. That the student has a capacity to profit by the course of study for which he seeks aid;

6. That the student has successfully completed the program of instruction prerequisite for admission to or continuation in the program of study provided for in this act and has applied and been

accepted or is currently a student at an accredited school of medicine or school of osteopathic medicine;

7. That the personal financial resources of the student are such that he can demonstrate need for assistance to pursue successfully the course of study in which he is engaged; and

8. That the student submits proof that he has not accepted or will not accept any other scholarship assistance which has a conflicting service obligation requirement.

In determining an applicant student's capacity to profit by the course of study he desires to pursue, the Commission shall consider his previous scholastic record, the results of examinations conducted under the provisions of this act, and the results of interviews and such other tests or examinations which the Commission may deem advisable.

In establishing an applicant student's financial need, the Commission shall conduct a thorough and complete investigation of the financial resources of the applicant and his family.

B. The method of payment of funds to each student participating in the scholarship program shall be in accordance with rules formulated by the Commission governing the grants for each type of scholarship involved.

C. Each scholarship shall be renegotiated annually by the Commission to determine if a change has occurred in the ability of the community to match funds at the agreed level or if a change has occurred in the student's financial need or desire to practice in the community providing the initial funds. Each scholarship may be renewed annually for the number of years required to complete the course of study in which the recipient is engaged. The Commission shall grant such an annual renewal only upon the recipient's application and upon the Commission's finding that the student has completed successfully the work of the preceding year and presented evidence that he is a student in good standing, and that he remains a resident of Oklahoma.

Laws 1976, c. 212, § 20, emerg. eff. June 7, 1976; Laws 1977, c. 220, § 4, emerg. eff. June 14, 1977.

§70-625.13. Community Match Rural Scholarship Incentive Program.

A. There is hereby created the "Community Match Rural Scholarship Incentive Program" which shall be conducted and administered by the Physician Manpower Training Commission. The purpose of this program is to provide for the fair and necessary distribution of funds allocated to it by the Legislature to provide monies to the following programs under the Physician Manpower Training Commission:

1. The Community Matching Intern/Resident Program;
2. The Oklahoma Rural Medical Education Loan Scholarship Program;

3. The Family/General Practice Resident Rural Scholarship Loan Program, created pursuant to this section; and

4. The Family/General Practice Residency Grant Program, created pursuant to this section.

The Physician Manpower Training Commission is hereby authorized to distribute such monies to the funds specified in Sections 625.1, 625.4a and 697.18 of this title necessary to fund the programs specified in this section.

B. The Physician Manpower Training Commission shall establish and administer a Family/General Practice Resident Rural Scholarship Loan Program for the purpose of assisting Oklahoma's rural communities by providing financial assistance through a scholarship loan forgiveness program to residents enrolled in an accredited Family Practice or General Practice residency program. The Commission shall establish the eligibility standards, the amount of the loan not to exceed One Thousand Dollars (\$1,000.00) per month, the service obligation of the recipient of the loan, and any penalties related to the breach of the service contract or failure to repay such loan plus interest and penalty.

C. The Physician Manpower Training Commission shall establish and administer a Family/General Practice Residency Grant Program for the purpose of assisting Oklahoma's rural communities by providing financial assistance through a grant program to residents enrolled in an accredited Family Practice or General Practice residency program. The Commission shall establish the eligibility standards, the amount of the grant not to exceed Five Thousand Dollars (\$5,000.00) per year, up to three (3) years, the program obligations of the recipient of the grant, and any penalties related to the breach of the grant obligations or failure to repay the grant plus interest. Added by Laws 1992, c. 324, § 19, eff. July 1, 1992.

§70-625.14. Internship and residency physician training - Cost - Sharing programs.

The Physician Manpower Training Commission shall establish and administer cost-sharing programs for internship and residency physician training, which Commission shall provide for state assistance by sharing the cost on a percentage basis, as may be prescribed by law or as determined by the Commission, of the salary, fringe benefits, training and program administration of the interns and residents as may be arranged by contract for reimbursement with an accredited and approved hospital and accredited clinical programs throughout the state in cooperation with the University of Oklahoma College of Medicine and the University of Oklahoma College of Medicine at Tulsa, which physician training institutions in the state shall serve as the administrative agent for internship and residency programs which are located in hospitals and clinical training programs throughout the state, which programs are affiliated with

said institutions and approved for funding by the Commission. The Commission shall conduct the planning, coordination and selection of said training programs to assure the effective and efficient operation of these programs. Not less than fifty percent (50%) of the subsidy for these programs shall be used in the training of primary health care and family practice physicians for the rural and medically underserved areas of the state. Provided that such subsidy may be used for the primary purpose of increasing the total number of residencies funded by the State of Oklahoma, wherever located within the state, during that period in which residency programs are being established in rural areas; provided further, that as said residency programs are established and accredited in rural hospitals, residency positions in such programs shall be first provided for by the Commission. The Commission shall present a report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate within one (1) month of the beginning of each regular legislative session on the operation of the programs including the progress made in accomplishing the goals of physician training as to type of specialties and manpower placement of the kind necessary to provide adequate health care to the people throughout the State of Oklahoma. The subsidy to the participating hospital, clinical situation or training institution per resident or intern shall not exceed any maximum or minimum amount as may be prescribed by law or as determined by the Commission. The actual amount of subsidy for physician training program situations shall be based upon a determination by the Commission of:

1. The type of primary care residency and internship programs involved and being conducted;
2. The extent of reimbursement available through third-party payers and all other sources; and
3. The program and salary costs incurred in the given training situation.

Added by Laws 1992, c. 324, § 22, eff. July 1, 1992.

§70-626.1. Short title.

This act shall be known and may be cited as the "Oklahoma Higher Education Tuition Aid Act."

Added by Laws 1971, c. 149, § 1, emerg. eff. May 22, 1971.

§70-626.2. Aid grants created.

There are hereby created state tuition aid grants which shall be maintained by the state, awarded and administered pursuant to the provisions of the Oklahoma Higher Education Tuition Aid Act, and used by the holders thereof for study in nonprofit, accredited institutions of higher education in Oklahoma.

Laws 1971, c. 149, § 2, emerg. eff. May 22, 1971. Amended by Laws 1990, c. 263, § 87, operative July 1, 1990.

§70-626.3. Administration.

It shall be the duty of the Oklahoma State Regents for Higher Education to administer the provisions of this act.

Added by Laws 1971, c. 149, § 3, emerg. eff. May 22, 1971.

§70-626.4. Number of grants - Work schedule - Certain students to be defined - Minimum eligibility requirements.

State tuition aid grants shall be awarded to all eligible applicants without any limitation on the number to be awarded in any year other than the amount of appropriations available therefor. The institution involved may appropriately schedule work to permit recipients to earn the amount of said tuition grants.

Definitions of full-time and part-time undergraduate and graduate students shall be established by the Oklahoma State Regents for Higher Education.

Added by Laws 1971, c. 149, § 4, emerg. eff. May 22, 1971. Amended by Laws 1982, c. 20, § 1, emerg. eff. March 23, 1982; Laws 1999, c. 379, § 1, eff. July 1, 1999.

§70-626.5. Discrimination.

State tuition aid grants shall be awarded without regard to race, religion, creed, or sex.

Added by Laws 1971, c. 149, § 5, emerg. eff. May 22, 1971.

§70-626.6. Qualifications for grant.

No person shall be awarded a state tuition aid grant unless the person:

1. Is a resident of the State of Oklahoma. Such residency shall meet requirements as set out by the Oklahoma State Regents for Higher Education;

2. Has demonstrated financial need for such tuition aid as determined by Sections 626.2 and 626.7 of this title and in accordance with procedures to be established by the Oklahoma State Regents for Higher Education;

3. Is not incarcerated in a state, federal or private correctional facility;

4. Has demonstrated high moral character, good citizenship and dedication to American ideals;

5. Has applied for state tuition aid and has been determined to be eligible for such tuition aid; and

6. Has complied with all the rules adopted pursuant to the Oklahoma Higher Education Tuition Aid Act for the award, regulation and administration of state college tuition aid.

Added by Laws 1971, c. 149, § 6, emerg. eff. May 22, 1971. Amended by Laws 1995, c. 247, § 1, eff. July 1, 1995.

§70-626.7. Awarding of grant - Amount.

A college tuition aid grant shall be awarded annually to each eligible, qualified full-time or part-time undergraduate or graduate student enrolled in a curriculum leading to a degree or certificate in an institution of collegiate grade or postsecondary institution providing a program of training to prepare students for employment in a recognized occupation in Oklahoma approved or accredited by the Oklahoma State Regents for Higher Education or appropriate postsecondary agency in accordance with the following:

1. Eligibility. Each full-time or part-time resident student will be eligible to receive a grant in an amount as provided in paragraph 2 of this section. The Oklahoma State Regents for Higher Education shall determine by rules and regulations the maximum number of semesters a student may be eligible for grants. No student shall be eligible for grants unless the student maintains such minimum standards of academic performance as are required by the institution in which the student is enrolled.

In the event a student for any reason ceases to continue to be enrolled during the course of an academic year, the student shall cease to be eligible for tuition aid.

2. Amount of grant. The amount of tuition aid grant to any student under this act for any semester shall represent a percentage not greater than seventy-five percent (75%) of the tuition and enrollment fees normally charged to residents of the State of Oklahoma by the institution of attendance. The Oklahoma State Regents for Higher Education shall determine by rules the annual maximum award amount based on an annual assessment of funds availability. The State Regents shall not increase the annual maximum award amount unless funding is sufficient to serve at least the same number of students as the previous academic year.

For the 2000-2001 academic year and each academic year thereafter, the percentage of aid shall be based on a need analysis system that is consistent with federal student financial aid regulations. The Oklahoma State Regents for Higher Education shall set an annual award payment schedule based upon a maximum grant of seventy-five percent (75%) of tuition and fees with grants based on lower percentages of tuition and fees being awarded to students who demonstrate lower financial need.

Any student who receives an award for the 1999-2000 academic year shall not be denied additional awards because of inability to meet the financial standards established in this act as long as other eligibility criteria continue to be met and as long as the award status of the student is renewed on an annual basis. The Oklahoma State Regents for Higher Education are authorized to establish procedures to determine the financial need of the student under the standards used during the 1999-2000 academic year until the initial degree requirements are met by the student.

Financial assistance received under this act will be considered as part of a student's financial aid package.

Added by Laws 1971, c. 149, § 7, emerg. eff. May 22, 1971. Amended by Laws 1982, c. 20, § 2, emerg. eff. March 23, 1982; Laws 1990, c. 263, § 88, operative July 1, 1990; Laws 1999, c. 379, § 2, eff. July 1, 1999.

§70-626.8. Effectuating provisions of act - Determining priorities for participation.

The Oklahoma State Regents for Higher Education may adopt rules and regulations, prescribe and provide appropriate forms for application and employ such persons, contract for such services and make such additional expenditures as may be necessary or appropriate for effectuating the provisions of this act.

The Oklahoma State Regents for Higher Education are hereby authorized to determine priorities for participation in this tuition aid program by full-time, part-time, undergraduate and graduate students based on available state funding.

Amended by Laws 1982, c. 20, § 3, emerg. eff. March 23, 1982.

§70-626.9. Policies of institutions unaffected.

This act shall not be construed as granting any authority to control or influence the policies of any educational institution because it accepts students receiving tuition aid grants, nor to require any such institution to admit or once admitted to continue in such institution any tuition aid recipient.

Added by Laws 1971, c. 149, § 9, emerg. eff. May 22, 1971.

§70-626.10. Legislative intent - Funding.

It is the intent of the Oklahoma Legislature that the provisions of this act become effective only after funding for this purpose has been provided through special appropriations, or funding is otherwise provided by gifts or grants for this purpose or both.

Added by Laws 1971, c. 149, § 10, emerg. eff. May 22, 1971.

§70-627.1. Fund established - Administration.

There is hereby established the Osteopathy Education Assistance Fund which shall be administered by the Oklahoma State Regents for Higher Education and shall serve the purpose of assisting bona fide citizens of Oklahoma pursuing the study of osteopathy at approved schools of osteopathy and making satisfactory progress toward meeting the requirements for graduation. The State Regents are authorized and directed to promulgate appropriate rules and regulations for the administration of this program similarly as the Dental Education Assistance Program is operated, provided, however that the maximum assistance paid to any one student in a calendar year shall not exceed the amount of the fees and tuition charged nonresident

students at the institutions at which the Oklahoma students are in attendance.

Added by Laws 1971, c. 284, § 1, emerg. eff. June 17, 1971.

§70-628.1. Repealed by Laws 1976, c. 220, § 17, emerg. eff. June 9, 1976.

§70-628.2. Study of income received for revolving funds.

The State Regents should make a thorough study of the income received for the revolving fund of each institution and other budget agency to determine that all educational budget income, as defined by the law creating the revolving fund, the State Budget Law, and the manual of the National Committee on Standard Reports, is being collected and deposited by each institution into the revolving fund of the State Treasury as provided by law; but, in keeping with the definition of "revolving fund" recommended in the Second Annual Report of the Oklahoma Commission on Education, income from gifts, research grants and contracts which is deposited for the revolving fund of any institution shall not be considered by the Oklahoma State Regents for Higher Education in determining the allocation of state appropriated funds to each institution.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 2, emerg. eff. June 17, 1971.

§70-628.3. Needs of community junior colleges.

The State Regents should give particular attention to the needs of existing community junior colleges, when allocating funds appropriated by the Legislature, in order to carry out the spirit of Sections 1402 and 1408, Chapter 100, O.S.L. 1967 (70 O.S.Supp. 1970, Sections 4402 and 4408), as amended; provided further that the Legislature desires that the community junior colleges be funded with a minimum of seventy-five percent (75%) FTE per capita costs for fiscal year 1972 and one hundred percent (100%) for fiscal year 1973, as compared to state-supported junior colleges.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 3, emerg. eff. June 17, 1971.

§70-628.4. Oklahoma Medical Center.

The State Regents should allocate to the University of Oklahoma Medical Center, from appropriations made by the Legislature, funds as needed for special support in lieu of tuition for the School for the Deaf operated as a laboratory for the Speech and Hearing Clinic of the Medical Center; providing that no tuition shall be charged.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 4, emerg. eff. June 17, 1971.

§70-628.5. Dentistry.

A program of assistance to citizens of Oklahoma studying dentistry outside the state is hereby authorized for administration by the Oklahoma State Regents for Higher Education. The State Regents are authorized to provide direct assistance to bona fide citizens of Oklahoma pursuing the study of dentistry at accredited dental schools, and making satisfactory progress in their study, in an amount not to exceed the equivalent of the nonresident tuition charged at state-supported schools of dentistry, to be administered under rules and regulations formulated by the State Regents for this purpose. Provided, further, that the State Regents may operate an assistance program for citizens of the state studying optometry similar to that operated for dental students. It is the intent of the Legislature that the State Regents allocate from appropriations made by the Legislature sufficient funds for carrying out the purpose of this program.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 5, emerg. eff. June 17, 1971.

§70-628.6. Jane Brooks School for the Deaf.

The State Regents should allocate to the Oklahoma College of Liberal Arts, from appropriations made by the Legislature, funds as needed for special support of the Jane Brooks School for the Deaf as a laboratory for the training of special education teachers at this institution.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 6, emerg. eff. June 17, 1971.

§70-628.7. Student Educational Assistance Fund.

The sum of One Hundred Thousand Dollars (\$100,000.00) of the appropriation made by the Legislature in House Bill No. 1124 of the 1st Session of the 33rd Oklahoma Legislature shall be allocated to the Student Educational Assistance Fund provided for in Sections 1 and 2, Chapter 482, O.S.L. 1965, as amended by Section 1, Chapter 3, O.S.L. 1967 (70 O.S. Supp. 1970, Sections 622 and 623), and be utilized in carrying out the provisions of this act as amended, and the State Regents shall allocate, hold, maintain and administer funds so appropriated under the same regulations and procedures as are followed in administering the federally guaranteed Student Loan Program.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 7, emerg. eff. June 17, 1971.

§70-628.8. Oklahoma School of Nursing.

The State Regents should provide to the University of Oklahoma School of Nursing sufficient funds for planning during the year 1971-72 and sufficient funds thereafter to fully implement House

Concurrent Resolution No. 1038 adopted by the 2nd Session of the 32nd Oklahoma Legislature.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 8, emerg. eff. June 17, 1971.

§70-628.9. Fire Service Training.

The State Regents may provide to Oklahoma State University, in addition to that institution's regular budget allocation for educational and general operating functions, a separate allocation of sufficient funds for underwriting the costs of special programs in fire protection to be carried out through Oklahoma State University Fire Service Training; and the Legislature further expresses its intent that the Oklahoma State Regents for Higher Education provide sufficient funds to expand the program of fire training adequate to meet the needs of the State of Oklahoma, since such program is a matter of essential public interest and safety.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 9, emerg. eff. June 17, 1971. Amended by Laws 2013, c. 220, § 2, eff. Nov. 1, 2013.

§70-628.10. Cameron College - Library.

The State Regents should provide sufficient funds to Cameron College for equipping the library with adequate books and materials as necessary to meet the standards for accreditation by the North Central Association of Colleges and Secondary Schools as it operates to carry out the new function of four-year college education recently assigned this institution by the State Regents. This section shall be interpreted to include but not be limited to the thirty thousand (30,000) volumes purchased from Xavier College, Silver Springs, Maryland.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 10, emerg. eff. June 17, 1971.

§70-628.11. Repealed by Laws 1990, c. 218, § 10, eff. July 1, 1991.

§70-628.12. Repealed by Laws 1990, c. 218, § 10, eff. July 1, 1991.

§70-628.13. High school students - Concurrent enrollment in college or university courses - Tuition waiver.

A. 1. The Oklahoma State Regents for Higher Education, in cooperation with the State Board of Education, shall actively encourage the concurrent enrollment in college or university courses of eligible high school students on high school campuses, on college and university campuses and via online courses.

2. The State Regents and State Board shall establish concurrent enrollment requirements with an emphasis on determining course readiness and take all necessary actions to ensure the availability

of concurrent enrollment opportunities to students in all Oklahoma high schools.

B. The State Board of Education in cooperation with the Oklahoma State Regents for Higher Education shall prepare promotional materials explaining the requirements, features and opportunities of concurrent enrollment and shall ensure that the independent school districts distribute the materials to each student prior to enrollment for each year of high school.

C. No institution of The Oklahoma State System of Higher Education shall deny enrollment in any course to any otherwise eligible high school student, or student of at least thirteen (13) years of age who is receiving high-school-level instruction at home, who meets the requirements of concurrent enrollment, nor shall any independent school district prohibit any student who meets the requirements of concurrent enrollment from participating.

D. 1. Each high school senior who meets the eligibility requirements for concurrent enrollment shall be entitled to receive a tuition waiver equivalent to the amount of resident tuition for a maximum of eighteen (18) credit hours in their senior year.

2. Subject to the high school senior concurrent enrollment program being fully funded, each high school junior who meets the eligibility requirements for concurrent enrollment shall be entitled to receive a tuition waiver equivalent to the amount of resident tuition for a maximum of nine (9) credit hours in their junior year, subject to the availability of funds.

3. Tuition waivers provided pursuant to this section shall be granted without any limitation on the number of waivers granted in any year other than the amount of funds available for the program and the number of eligible applicants.

E. When a student earns college credit through concurrent enrollment, school districts shall provide academic credit for any concurrently enrolled higher education courses that are correlated with the academic credit awarded by the institution of higher education. Academic credit shall only be transcribed as elective credit if there is no correlation between the concurrent enrollment higher education course and a course provided by the school district.

F. On or before December 1 of each year, the Oklahoma State Regents for Higher Education shall issue an annual report on the concurrent enrollment program implemented pursuant to this section. The annual report shall include but not be limited to the following information:

1. The number of students participating in concurrent enrollment;

2. The number of students participating in concurrent enrollment who received tuition waivers pursuant to subsection D of this section;

3. The high school graduation rate of students described in paragraphs 1 and 2 of this subsection; and

4. The number of students described in paragraphs 1 and 2 of this subsection who earned an associate's degree or a bachelor's degree at an institution of higher education.

The annual report shall be posted on the websites of the Oklahoma State Regents for Higher Education and the State Department of Education.

Added by Laws 1971, S.J.R. No. 38, p. 1034, § 13, emerg. eff. June 17, 1971. Amended by Laws 1977, c. 131, § 1, emerg. eff. June 3, 1977; Laws 1988, c. 91, § 1, emerg. eff. March 29, 1988; Laws 1989, c. 299, § 4, emerg. eff. May 24, 1989; Laws 2005, c. 432, § 11, eff. July 1, 2005; Laws 2009, c. 129, § 1, eff. July 1, 2009; Laws 2018, c. 236, § 1, eff. July 1, 2018.

§70-628.14. Medical education in Tulsa.

The Oklahoma State Regents for Higher Education are requested to authorize an extension of the administrative functions of the University of Oklahoma School of Medicine for the purpose of developing medical education in the Tulsa metropolitan area and for cooperation with appropriate institutions and agencies in the implementation of education programs for interns, residents and practicing physicians; and further, to request that the implementation thereof be accomplished by requesting that the University of Oklahoma Medical School establish an administrative office in Tulsa staffed by a vice-dean of the School of Medicine or other appropriate administrative officer to carry out the extension of the administrative functions of the University of Oklahoma School of Medicine as may be authorized by the State Regents.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 14, emerg. eff. June 17, 1971.

§70-628.15. Certain written commitments exempt.

Pursuant to the provisions of Section 2 of Article XIII-A which reserves to the Legislature the exclusive authority to prescribe student fees, any written commitments made by a Board of Regents pursuant to the authority of Section 1013, Chapter 396, O.S.L. 1965 (70 O.S. Supp. 1970, Section 4013) prior to the effective date of Section 2, Chapter 250, O.S.L. 1970 (70 O.S. Supp. 1970, Section 4014) shall be exempt from the provisions of said Section 2 and such Boards of Regents may issue bonds as provided in such commitment.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 15, emerg. eff. June 17, 1971.

§70-628.16. East Central State College.

The State Regents should provide sufficient funds to East Central State College to fully implement the new educational program in

Environmental Science recently approved by the State Regents for operation at this institution and encourage the development of this program to its full potential, consistent with House Concurrent Resolution No. 1022 of the First Session of the Thirty-third Oklahoma Legislature, relating to the designation of this college as the media information center for education of this type for the entire state system.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 16, emerg. eff. June 17, 1971.

§70-628.17. Separate and additional allocations.

It is the intent of the Legislature that monies to fund the policies and programs set out above shall be by separate allocations made by the State Regents to the affected institutions and in each case shall be in addition to that institution's regular budgetary allocation for educational and general operating functions.

Laws 1971, p. 1034, S.J.R. No. 38, § 17, emerg. eff. June 17, 1971.

§70-628.18. Appropriation - Amendment.

Not less than One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) of the funds appropriated by Section 4 of this act shall be used for the purpose of establishing new special education classes in school districts. Provided, none of such appropriation shall be allocated to school districts for existing programs or classes. If a school district qualifies under the rules and regulations which the State Board of Education is hereby authorized to promulgate, such district shall be allocated Five Thousand Dollars (\$5,000.00) per class.

Added by Laws 1971, p. 1034, S.J.R. No. 38, § 18, emerg. eff. June 17, 1971.

§70-629. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-630. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-631. Transfer of fund to Permanent School Fund.

The Commissioners of the Land Office of the State of Oklahoma are hereby authorized and directed to ascertain the amount of the Home Loan Fund, created by the Act of March 28, 1919, and now in the hands of said Commissioners, and to transfer and deposit said amount into the Permanent School Fund of the State of Oklahoma.

Laws 1931, p. 89, § 1.

§70-632. Transfer of monies collected to permanent fund.

The Commissioners of the Land Office are further directed, as collections are made from outstanding loans made from said Home Loan

Fund, to transfer all sums coming into their hands, when and as collected, into the said permanent fund.
Laws 1931, p. 89, § 2.

§70-633. Repealed by Laws 1941, p. 464, § 7.

§70-634. Default - Foreclosure - Receivership.

In case of default in the payment of interest due upon any loan made by the Commissioners of the Land Office or upon the failure of the mortgagor, or his assigns, to comply with any of the terms or conditions of any mortgage as therein provided, it shall be the duty of any court of competent jurisdiction in action to foreclose such mortgage upon the application of the Commissioners and a showing of default or breach of any of the terms of said mortgage to appoint a receiver to take charge of the real estate covered by said mortgage which said receiver shall be authorized and empowered to take full charge of said real estate pending the final determination of said action, and the occupant of said premises, whether he be the fee owner of said real estate or otherwise, shall surrender possession of said real estate to the said receiver or secure a lease on said premises from the said receiver and shall account to said receiver for all rents arising from said real estate, and the court wherein said action is pending shall have authority to enforce the provisions hereof by ordering the removal of the occupant of the premises involved in any action, in case said occupant should fail to comply with the provisions hereof.

Laws 1919, c. 194, p. 273, § 10; Laws 1933, c. 91, p. 166, § 10.

§70-635. Security for home loan mortgages and notes - Transfer to Permanent School Fund.

It shall be the duty of the Commissioners of the Land Office and all the officers of this State who have any control or management of the fund paid to the Corporation Commissioners by the express companies or other companies as refunds for overcharges, and escheated to the State as provided in Chapter 10, Session Laws of 1913, the balance of which fund was, under Section 2, Chapter 194, Session Laws of 1919, being Section 9475, Oklahoma Compiled Statutes of 1921, placed by said Corporation Commissioners and other officers of the state having control or management of said fund, in the hands of the Commissioners of the Land Office, as a security and guarantee fund of second mortgage and notes sold under said Chapter 194, Session Laws of 1919, to place said fund to the credit of the Permanent Common School Fund of the State of Oklahoma, as provided by Article XI, Section 3, of the Constitution of the State of Oklahoma, for escheats.

Laws 1925, c. 24, p. 24, § 2.

§70-649. Repealed by Laws 1941, p. 406, § 11.

§70-649a. Repealed by Laws 1941, p. 406, § 11.

§70-649b. Repealed by Laws 1941, p. 406, § 11.

§70-649c. Repealed by Laws 1941, p. 406, § 11.

§70-649d. Repealed by Laws 1941, p. 406, § 11.

§70-649e. Repealed by Laws 1941, p. 406, § 11.

§70-649f. Repealed by Laws 1941, p. 406, § 11.

§70-649g. Repealed by Laws 1941, p. 406, § 11.

§70-649h. Repealed by Laws 1941, p. 406, § 11.

§70-649i. Repealed by Laws 1941, p. 406, § 11.

§70-649j. Repealed by Laws 1941, p. 406, § 11.

§70-649k. Repealed by Laws 1941, p. 406, § 11.

§70-650. Repealed by Laws 1943, p. 207, § 11.

§70-650a. Repealed by Laws 1943, p. 207, § 11.

§70-650b. Repealed by Laws 1943, p. 207, § 11.

§70-650c. Repealed by Laws 1943, p. 207, § 11.

§70-650d. Repealed by Laws 1943, p. 207, § 11.

§70-650e. Repealed by Laws 1943, p. 207, § 11.

§70-650f. Repealed by Laws 1943, p. 207, § 11.

§70-650g. Repealed by Laws 1943, p. 207, § 11.

§70-650h. Repealed by Laws 1943, p. 207, § 11.

§70-650i. Repealed by Laws 1943, p. 207, § 11.

§70-651.1. Repealed by Laws 1947, p. 510, art. III, § 12.

§70-651.2. Repealed by Laws 1947, p. 510, art. III, § 12.

§70-651.3. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.4. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.5. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.6. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.7. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.8. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.9. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.10. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.11. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-651.12. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.13. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-651.14. Repealed by Laws 1947, p. 510, art. III, § 12.
§70-652.1. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.2. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.3. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.4. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.5. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.6. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.7. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.8. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.9. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.10. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-652.11. Repealed by Laws 1949, p. 607, art. 20, § 9.

- §70-654. Repealed by Laws 1951, p. 235, § 34.
- §70-661. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-662. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-663. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-664. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-665. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-666. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-667. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-668. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-669. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-681. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-682. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-683. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-684. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-688. Repealed by Laws 1967, c. 329, § 2, eff. May 16, 1967.
- §70-688.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-691. Interest on county deposits credited to common school fund.
The county treasurer shall immediately upon the passage and approval of this act place to the credit of the common school fund of the county for distribution, as all other common school funds, all the interest money now on hand accrued on the average daily balances of money deposited with banks in pursuance of the provisions of the county depository law: All such interest monies hereafter collected shall at the close of each month be apportioned and credited to the common school fund of the county.
Laws 1915, c. 146, § 1; Laws 1917, c. 221, p. 405, § 1.
- §70-692. Mortgage tax turned into school fund.
The county treasurer shall, immediately upon the passage and approval of this act, place to the credit of the common school fund

of the county for distribution as all other common school funds, all the money now on hand derived from the real estate mortgage tax law as provided in chapter 246 of the Session Laws of 1913; provided, that all money hereafter collected as provided in chapter 246 of Session Laws, 1913, shall immediately be placed to the credit of the common school fund.

Laws 1915, c. 146, § 3.

§70-695.1. Citation.

This act may be cited as the "Oklahoma Student Loan Act." Laws 1972, c. 125, § 1, emerg. eff. April 6, 1972.

§70-695.2. Definitions.

As used in the Oklahoma Student Loan Act:

1. "Authority" means the Oklahoma Student Loan Authority;
2. "Participating institution" means any educational institution, public or private, including junior colleges and vocational-technical schools, which qualifies as an eligible institution for the federal insured loan program under the Federal Higher Education Act of 1965, as amended, and participating in student loan programs under the Oklahoma Student Loan Act;
3. "Qualified person" means a person who is eligible for a student loan insured by the United States; and
4. "Bond" or "Bonds" means revenue bonds and notes issued by the Authority.

Laws 1972, c. 125, § 2, emerg. eff. April 6, 1972; Laws 1987, c. 81, § 1, operative July 1, 1987; Laws 1992, c. 278, § 1, eff. July 1, 1992.

§70-695.3. Oklahoma Student Loan Authority - Bonds - Legal investments - Tax exemption.

The Governor is hereby authorized to accept beneficial interest on behalf of the State of Oklahoma in an express trust which shall be an agency of the state for the specific object and purpose of providing student loan funds pursuant to requirements of any appropriate federal agency to qualified persons as provided herein. Said state trust shall be entitled the Oklahoma Student Loan Authority. The Authority shall be created in accordance with the provisions of Title 60 of the Oklahoma Statutes, Section 176 et seq. It shall issue bonds or other obligations from time to time for and on behalf of the State of Oklahoma as such funds are needed to underwrite loans insured by the United States to qualified persons at participating institutions as provided herein. Bonds issued by the Authority, or interest thereon, shall be paid through funds received by the Authority as provided in Section 695.7 of this title.

All bonds issued under the Oklahoma Student Loan Act are legal and authorized investments for banks, savings banks, trust companies,

savings and loan associations, insurance companies, credit unions, fiduciaries, trustees and guardians, and for the State of Oklahoma and any of its political subdivisions, departments, institutions and agencies. When accompanied by all unmatured coupons appurtenant thereto, the bonds are sufficient security for all deposits of state funds and of all funds of any board in control at the par value of the bond. The bonds and the income therefrom are free from taxation within this state.

Amended by Laws 1987, c. 81, § 2, operative July 1, 1987.

§70-695.4. Trustees.

Any trustee appointed to the Authority shall, at the time of the appointment, be a citizen and resident of the State of Oklahoma for at least one (1) year prior to the date of appointment. The Authority shall consist of five (5) members appointed by the Governor with the advice and consent of the Senate. The members shall be removable for cause. The regular term of each member shall be five (5) years.

The trustees shall elect a chairman and secretary and each shall serve until a successor is elected and qualified and shall perform such duties as the trustees direct.

The trustees shall adopt rules and regulations as they deem necessary for the governing of the Authority and the discharge of its duties and may do all things necessary or convenient to make the Authority effective for the purpose for which it is created.

The trustees shall be reimbursed pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes from funds available to the Authority while traveling to and from official meetings of the Authority and for travel on other official business of the Authority.

Amended by Laws 1985, c. 178, § 57, operative July 1, 1985; Laws 1990, c. 218, § 1, emerg. eff. May 18, 1990.

§70-695.5. Student Loan Fund.

There shall be created in the Authority the "Student Loan Fund". The Authority may use the Student Loan Fund to purchase loans insured by the United States made to qualified persons at participating institutions and such other expenses as may be appropriate in connection herewith.

Amended by Laws 1987, c. 81, § 3, operative July 1, 1987.

§70-695.6. Conditions of loans.

The amount of any loan to a qualified person shall be determined according to regulations promulgated by the Student Loan Authority. No payment shall be made to any qualified person until he has executed a note, insured by the United States and payable to a fund which shall be created to be known as the "Student Loan Sinking

Fund", for the full amount of the loan and interest thereon. For the purpose of the Oklahoma Student Loan Act, Section 695.1 et seq. of this title, a qualified person has the capacity to contract and is bound by any contract executed by him; the defense that he was a minor at the time he executed a note is not available to him in any action arising on his note. Payments to qualified persons executing notes may be made annually, semiannually, or for each semester as determined by the Authority. The rate of interest charged the student shall not exceed the maximum authorized by federal regulations. Disbursements may be made to a participating institution pursuant to a contract between the Authority and the participating institution executed under the Oklahoma Student Loan Act. Amended by Laws 1987, c. 81, § 4, operative July 1, 1987.

§70-695.7. Accumulation of loan applications - Disbursal of funds - Interest - Default - Institutional representative.

A. The Authority shall accumulate individual loan applications from the several participating institutions and shall submit these applications to the appropriate federally approved guarantor for approval and insurance. The Authority may fix deadlines for the receipt of applications relative to each academic term.

B. The Authority may disburse to each of the participating institutions funds sufficient only to enable payments to those participating students whose loans have been approved and insured. Any funds not so disbursed shall be returned to the Authority by the participating institution. The Authority may also disburse loan funds directly to participating students and through institutional officials.

C. The Authority shall collect interest payments and interest subsidies paid on behalf of the qualified person by the United States and shall also collect all interest and principal payments made by the student under the terms of his obligation to the Student Loan Fund. When any person who has received a loan fails to make payments due in accordance with an executed note, the Authority may declare the full amount of remaining principal and interest due and payable immediately. In the event of default of payment, the Authority shall undertake collection and, in the event of failure to collect after such reasonable efforts as are prescribed by federal regulations, shall file a claim for payment under the terms of the federal insurance.

D. The Authority is authorized to designate the president of each participating institution, or an official of the institution designated by the president, as a representative for the purpose of facilitating and processing loan applications, disbursement and delivery of loan funds to participating students and the receipt of executed notes and payments thereon by participating students. The Authority may promulgate such rules and regulations as shall be

deemed necessary and proper to carry out the duties imposed upon the Authority and any institutional representative under the provisions of the Oklahoma Student Loan Act.

Amended by Laws 1987, c. 81, § 5, operative July 1, 1987.

§70-695.8. Repealed by Laws 1987, c. 81, § 11, oper. July 1, 1987.

§70-695.9. Oklahoma Student Loan Bonds - Oklahoma Student Loan Notes.

Upon determination that a need exists under the Oklahoma Student Loan Act, the Authority shall by resolution provide for the issuance of negotiable revenue bonds called the "Oklahoma Student Loan Bonds" or the issuance of notes called the "Oklahoma Student Loan Notes", or both. The bonds of each issue shall be dated and bear interest as prescribed by the Authority. The bonds shall mature serially or otherwise not later than thirty (30) years from their date and may be redeemable before maturity at the option of the Authority at prices and under terms and conditions fixed by the Authority in its resolution providing for the issuance of the bonds. The resolution shall also determine the form of the bonds, including the form of any interest coupon to be attached thereto, and shall fix the denominations of the bonds and the place of the payment of the principal and interest thereon. The bonds shall be executed on behalf of the Authority payable only from the funds specified in the Oklahoma Student Loan Act, and shall not be payable from funds received or to be received from taxation. The bonds shall be signed by the chairman and the secretary of the Authority in accordance with the Uniform Facsimile Signature of Public Officials Act. Interest coupons shall bear the facsimile signature of the secretary of the Authority. If any officer whose manual or facsimile signature appears on any bond or coupon ceases to be an officer before delivery of the bonds, the signature is valid as if he had remained in office until the delivery had been made. The resolution may provide for registration of the bonds as to ownership and for successive conversion and reconversion from registered to bearer bonds and vice versa. Before any bonds are delivered to the purchasers, the record pertaining thereto shall be examined by the Attorney General, and the record and bonds shall be approved by him. After approval, the bonds shall be registered with the Authority. After approval and delivery to the purchasers, the bonds shall constitute obligations of the Authority, and are negotiable instruments under the laws of the state. The bonds may be sold at public or private sale by the Authority at prices and in accordance with procedures and terms it determines to be advantageous and reasonably obtainable. The Authority may provide for replacement of any bond which may be mutilated or destroyed.

Neither the bonds issued under this act nor any loans made pursuant hereto shall be guaranteed by the State of Oklahoma, and the state shall not place the full faith and credit under obligation under the terms of this act.

Added by Laws 1972, c. 125, § 9, emerg. eff. April 6, 1972. Amended by Laws 1987, c. 81, § 6, operative July 1, 1987; Laws 1992, c. 278, § 2, eff. July 1, 1992; Laws 1995, c. 305, § 21, eff. July 1, 1995.

§70-695.10. Refunding bonds.

The Authority may, by resolution, provide for the issuance of refunding bonds to refund any outstanding bonds issued under the Oklahoma Student Loan Act, together with accrued interest thereon. Provisions governing the issuance and sale of bonds under the Oklahoma Student Loan Act govern the issuance and sale of refunding bonds insofar as applicable. Refunding bonds may be exchanged for the outstanding bonds or may be sold and the proceeds used to retire the outstanding bonds.

Laws 1972, c. 125, § 10, emerg. eff. April 6, 1972.

§70-695.11. Deposit of proceeds from bond sales.

All proceeds from the sale of bonds under the Oklahoma Student Loan Act, except amounts set aside as reserves and the expenses of selling the bonds and other essential administrative costs, which may also be paid from the proceeds, shall be deposited to the credit of the Student Loan Fund.

Laws 1972, c. 125, § 11, emerg. eff. April 6, 1972.

§70-695.12. Repayments to Student Loan Sinking Fund.

All money received by the Oklahoma Student Loan Authority as repayment of student loans granted under the Oklahoma Student Loan Act and interest on the loans shall be credited to the "Student Loan Sinking Fund" of the Authority. The resolution authorizing the issuance of the bonds may provide for deposit from bond proceeds of not to exceed twenty-four (24) months' interest, and may provide for use of bond proceeds as a reserve for the payment of principal and interest on the bonds. The Authority shall pay or cause to be paid from the "Student Loan Sinking Fund" the principal and interest on the bonds as they mature and come due.

Amended by Laws 1987, c. 81, § 7, operative July 1, 1987.

§70-695.13. Investment of monies.

A. Money in the "Student Loan Sinking Fund" and money in the Student Loan Fund in excess of the amount necessary for student loans may be invested by the Authority in:

1. Direct obligations of or obligations whose principal and interest are guaranteed by the United States;

2. Direct obligations of or participation certificates guaranteed by the federal intermediate credit bank, federal land banks, Federal National Mortgage Association, federal home loan banks or banks for cooperatives;

3. Certificates of deposit of any bank or trust company whose deposits are fully secured by a pledge of securities of any kind specified in this subsection; and

4. Bonds of the state or its political subdivisions.

B. Money in the "Student Loan Sinking Fund" may be invested only in obligations which are scheduled to mature prior to the date the money must be available for its intended purpose.

C. All investments under this section may be sold at the prevailing market price. Income from these investments shall be credited to the "Student Loan Sinking Fund."

Laws 1972, c. 125, § 13, emerg. eff. April 6, 1972.

§70-695.14. Annual audits of accounts.

Accounts of the Authority shall be audited annually by the State Auditor and Inspector or by a certified public accountant designated by the Authority.

Laws 1972, c. 125, § 14, emerg. eff. April 6, 1972; Laws 1979, c. 30, § 134, emerg. eff. April 6, 1979.

§70-695.15. Authority of Governor.

The Governor of Oklahoma is hereby authorized to certify that the State of Oklahoma agrees and undertakes to carry out the provisions of this act.

Added by Laws 1972, c. 125, § 15, emerg. eff. April 6, 1972.

§70-695.16. Rules and regulations.

Notwithstanding any provisions of this act, the Authority may adopt such rules and regulations as they deem necessary in order to comply with federal laws and regulations governing the Federally Insured Student Loan Program.

Laws 1972, c. 125, § 16, emerg. eff. April 6, 1972.

§70-695.17. Authority to make loans.

The Oklahoma Student Loan Authority and the Oklahoma State Regents for Higher Education functioning as the fiscal agent for the Authority in the administration of the Oklahoma Student Loan Act (Chapter 125, Oklahoma Session Laws 1972; 70 O.S. Supp. 1975, Sections 695.1 to 695.16) shall have authority to make loans to qualified students under provisions of said act if the loans are insured or coinsured by the United States under either Title IV-A or Title IV-B of the Higher Education Act of 1965, as amended.

Added by Laws 1976, S.J.R. No. 69, p. 610, § 1, emerg. eff. May 4, 1976.

§70-695.18. Supplemental loan program.

The Oklahoma Student Loan Authority shall establish and operate a supplemental loan program for qualified students who are not eligible for loans under the federally insured student loan program, pursuant to the following:

A. "Qualified students" shall be those students enrolled in collegiate education who have completed federal needs analysis and require additional financial assistance as certified by the institution of enrollment but are ineligible for a Guaranteed Student Loan sufficient to meet that need, provided that in no instance shall a supplemental loan be made to any student whose family income, if dependent, or whose personal income, if independent, exceeded Eighty Thousand Dollars (\$80,000.00), or the income limitation as adjusted pursuant to this subsection, in the previous tax year. Beginning with the fiscal year ending June 30, 2002, the Authority shall prescribe a cost-of-living adjustment to the income limitation provided in this section. The adjustment shall be based on the maximum percentage increase, if any, not to exceed the previous year's Consumer Price Index for All Urban Consumers (CPI-U) as prepared by the United States Bureau of Labor Statistics.

B. The Authority may enter into agreements with the Commissioners of the Land Office for funding this loan program or may obtain funding through authorized procedures as provided for in the Oklahoma Student Loan Act.

C. The Authority may enter into agreements with the State Guarantee Agency or any nationally recognized guarantor approved by the United States Secretary of Education for the insurance of such loans.

D. The Authority shall collect its loans when due; and, in the event of a possible default after due diligence has been performed to collect, a claim shall be filed with the State Guarantee Agency for collection under the insurance program, which guarantor shall pay the claim for the Authority, following which it shall take whatever action may be necessary to collect from the borrower in order to assure that the State of Oklahoma will not suffer any loss in connection with default payments; and if insurance of the loan is with a nationally recognized guarantor, the same procedure shall apply.

E. The Authority shall establish the rate of interest to be paid on loans, which shall be paid by the borrowers to the Authority on a quarterly basis, which rate shall be as modest as possible for the benefit of the student but shall be at sufficient level to assure repayment of the debt incurred to underwrite the loans and expenses incurred by the Authority in administration of the program.

F. The Authority shall promulgate rules as may be necessary and appropriate for the full and effective administration of the loan

program provided for in the Oklahoma Student Loan Act, and it shall be the sole state agency for providing loans to eligible persons under the federal and state student loan programs.

G. As in the case of other trust agencies, the State of Oklahoma is not obligated to support with state-appropriated funds the loan program provided for in the Oklahoma Student Loan Act.

Added by Laws 1987, c. 81, § 8, operative July 1, 1987. Amended by Laws 2001, c. 303, § 1, eff. July 1, 2001.

§70-695.19. Transfer of records, files, equipment and other property of Oklahoma Student Loan Program.

All records, files, equipment and other property associated with the operation of the fiscal agency, also known as the Oklahoma Student Loan Program (OSLP), shall be and are hereby transferred to the Oklahoma Student Loan Authority.

Added by Laws 1987, c. 81, § 9, operative July 1, 1987.

§70-695.20. Special audits - Filing of report.

The State Auditor and Inspector shall perform a special audit on the Oklahoma Student Loan Authority during the fiscal year beginning July 1, 1992, and at least once each five (5) years thereafter. The State Auditor and Inspector shall have the power to take custody of any records necessary to the performance of the audit but shall minimize actual physical removal of or denial of access to such records. At the conclusion of the audit, the State Auditor and Inspector shall meet with the chief executive officer and the audit committee of the board of trustees of the Authority to review the audit report to be issued. The report, when issued, shall include any responses to the audit which the chief executive officer or the audit committee wishes to have included. The State Auditor and Inspector shall file the report with the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the chairs of the Education Committees of the Senate and the House of Representatives, and the Oklahoma State Regents for Higher Education. The costs of the audit shall be borne by the Authority.

Added by Laws 1992, c. 188, § 1, eff. July 1, 1992.

§70-695.21. Annual budget.

On or before June 30 of each year the Oklahoma Student Loan Authority shall submit a budget for the next fiscal year to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The budget shall include amounts to be spent on administration as well as amounts to be allocated for loans.

Added by Laws 1992, c. 188, § 2, eff. July 1, 1992.

§70-696.1. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§70-697.1. Legislative intent.

The Legislature recognizes that there is a need to upgrade the availability of health care services for people of Oklahoma, and thus, there is a need to improve the balance of physician manpower distribution in the state both by type of practice and by geographic location. Furthermore, the Legislature recognizes the need to accommodate the increasing number of graduates from the medical and osteopathic colleges of Oklahoma by retaining their services as practicing physicians in the state and by attracting graduates from schools outside the state. Therefore, it is the intent of the Legislature to increase the number of internship and residency programs offered for the training of physicians throughout the state through the sharing by the state of the costs of such internships and residencies with hospitals and other clinical residency training establishments. These programs shall be designed primarily to emphasize the training of primary health care and family practice physicians and to develop manpower programs to service directly the rural and nonmetropolitan areas of the state.

Laws 1975, c. 271, § 1, emerg. eff. June 5, 1975.

§70-697.2. Physician Manpower Training Commission - Cost-sharing programs for internship and residency physician training.

The Physician Manpower Training Commission is authorized to establish and administer cost-sharing programs for internship and residency physician training, which Commission shall provide for state assistance by sharing the cost on a percentage basis, as may be prescribed by law or as determined by the Commission, of the salary, fringe benefits, training and program administration of the interns and residents as may be arranged by contract for reimbursement with an accredited and approved hospital and accredited clinical programs throughout the state in cooperation with the Oklahoma State University College of Osteopathic Medicine, which physician training institutions in the state shall serve as the administrative agent for internship and residency programs which are located in hospitals and clinical training programs throughout the state, which programs are affiliated with said institutions and approved for funding by the Commission. The Commission shall conduct the planning, coordination and selection of said training programs to assure the effective and efficient operation of these programs. Not less than fifty percent (50%) of the subsidy for these programs shall be used in the training of primary health care and family/general practice physicians for the rural and medically underserved areas of the state. Provided that such subsidy may be used for the primary purpose of increasing the total number of residencies funded by the State of Oklahoma, wherever located within the state, during that period in which residency programs are being established in rural areas; provided further, that

as said residency programs are established and accredited in rural hospitals, residency positions in such programs shall be first provided for by the Commission. The Commission shall present a report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate within one (1) month of the beginning of each regular legislative session on the operation of the programs including the progress made in accomplishing the goals of physician training as to type of specialties and manpower placement of the kind necessary to provide adequate health care to the people throughout the State of Oklahoma. The subsidy to the participating hospital, clinical situation or training institution per resident or intern shall not exceed any maximum or minimum amount as may be prescribed by law or as determined by the Commission. The actual amount of subsidy for physician training program situations shall be based upon a determination by the Commission of:

1. The type of primary care residency and internship programs involved and being conducted;

2. The extent of reimbursement available through third-party payers and all other sources; and

3. The program and salary costs incurred in the given training situation.

Added by Laws 1975, c. 271, § 2, emerg. eff. June 5, 1975. Amended by Laws 1976, c. 212, § 10, emerg. eff. June 7, 1976; Laws 1979, c. 250, § 1; Laws 1981, c. 272, § 17, eff. July 1, 1981; Laws 1982, c. 96, § 1, operative Oct. 1, 1982; Laws 1983, c. 333, § 25, emerg. eff. June 29, 1983; Laws 1992, c. 324, § 20, eff. July 1, 1992; Laws 2018, c. 286, § 6, eff. Nov. 1, 2018.

§70-697.3. Membership of Commission - Travel expenses.

The Physician Manpower Training Commission shall be composed of seven (7) members appointed by the Governor with the advice and consent of the Senate. Three members shall be practicing allopathic physicians, two shall be practicing osteopathic physicians, and two shall not be physicians. The membership shall be appointed from diverse geographic areas of the state. No board member serving on the effective date of this act shall be removed from the board to satisfy the requirements of this act, but appointments to fill vacancies subsequent to the effective date of this act shall be subject to the requirements of this act. Three members of the Commission shall be appointed for one-year terms, two members shall be appointed for three-year terms and two members shall be appointed for five-year terms, and at the expiration of the initial terms, succeeding terms of office shall be five (5) years in duration. There shall be also twelve additional nonvoting ex officio members of the Commission who shall serve in an advisory capacity only and include the Dean of the University of Oklahoma College of Medicine or designee, the Dean of the University of Oklahoma College of Medicine

- Tulsa or designee, the Chair of the Department of Family Medicine of the University of Oklahoma Health Sciences Center or designee, the Chair of the Department of Family Practice of the University of Oklahoma College of Medicine - Tulsa or designee, the Chair of the Department of General Practice of the Oklahoma College of Osteopathic Medicine and Surgery or designee, the President of the Oklahoma Academy of Family Physicians or designee, the President of the Oklahoma State Medical Association or designee, the President of the Oklahoma State Osteopathic Association or designee, the President of the Oklahoma Hospital Association or designee, the Chair of the State Board of Health or designee, the Provost of the University of Oklahoma Health Sciences Center or designee, and the Dean of the Oklahoma College of Osteopathic Medicine and Surgery or designee. Members of the Commission shall serve without salary, but may be reimbursed for travel expenses in attending meetings and performing their duties pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

Added by Laws 1975, c. 271, § 3, emerg. eff. June 5, 1975. Amended by Laws 1977, c. 220, § 5, emerg. eff. June 14, 1977; Laws 1982, c. 330, § 1, emerg. eff. June 1, 1982; Laws 1983, c. 313, § 12, operative July 1, 1983; Laws 1984, c. 260, § 14, operative July 1, 1984; Laws 1985, c. 178, § 58, operative July 1, 1985; Laws 1988, c. 326, § 35, emerg. eff. July 13, 1988; Laws 1989, c. 227, § 37, operative July 1, 1989; Laws 2001, c. 127, § 1, eff. Nov. 1, 2001.

§70-697.4. Chairman and vice-chairman - Meetings - Quorum.

The members of the Commission shall elect annually by a simple majority of the total members present at a regular meeting, a member to serve as chairman and a member to serve as vice-chairman. The chairman shall preside at all meetings of the Commission and shall have the power to call meetings of the Commission with proper notice. The vice-chairman shall perform these functions in the absence or incapacity of the chairman. A quorum shall consist of a simple majority of the total membership of the Commission. A quorum shall be necessary to conduct any official business.

Laws 1975, c. 271, § 4, emerg. eff. June 5, 1975.

§70-697.5. Powers, duties and responsibilities.

The Physician Manpower Training Commission, in order to perform its official function in establishing and administering physician training programs, shall have the following specific powers, duties and responsibilities:

1. To review all available data on physician manpower in Oklahoma in order to determine the current and projected distribution of physicians by geographic location and by type of practice, and, to accomplish this review, the Commission shall obtain information from

and work in conjunction with the State Department of Health and all other agencies which gather data and evaluate health manpower needs;

2. To review data and information on accredited physician internship and residency programs currently operated by Oklahoma hospitals and other approved clinical situations, in order to ascertain the number and distribution by physician specialty training and by geographic location of available internship and residency positions and to evaluate the impact of internship and residency placement on the establishment of practices by physicians in that geographic area or similar areas within the state where their services are urgently needed;

3. To serve as an agent to advise hospitals, clinics, and communities on setting up and planning internship and residency programs which emphasize the provision of additional primary care physicians to service the rural areas of Oklahoma with primary care specialties to be defined to include training in the area of internal medicine, obstetrics and gynecology, pediatrics, emergency trauma, and family practice;

4. To provide general counsel and advice in the development, operation and evaluation of physician internship and residency programs throughout the State of Oklahoma in cooperation with the efforts of the Oklahoma State Regents for Higher Education and the state's physician training institutions such as the Oklahoma University College of Medicine, Oklahoma City and Tulsa campuses, and the Oklahoma College of Osteopathic Medicine and Surgery, and subject to accreditation by official and appropriate accrediting agencies;

5. To develop the criteria for determining the physician training cost component or associated clinical and hospital training costs which are or may be nonreimbursable by third party payers in programs proposed by accredited hospitals, clinical situations, or hospital and clinical programs affiliated with and administered by the College of Medicine, College of Medicine - Tulsa or College of Osteopathic Medicine and Surgery in order to determine the share for the state in supporting the salary, benefits, training and program administration costs incurred by hospitals in supporting of the interns and residents;

6. To develop the criteria and procedure by which state matching funds will be awarded to hospitals, accredited clinical situations, in cooperation with the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine - Tulsa, and the Oklahoma College of Osteopathic Medicine and Surgery which shall administer programs in hospital and clinical situations in the state to be used to underwrite the salaries, benefits and associated training and administration costs provided for the physician interns and residents during their period of training in such a way as to create an incentive for the development and establishment of residency and internship positions by hospitals, clinical establishments or by

affiliation agreement with the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine - Tulsa and the Oklahoma College of Osteopathic Medicine and Surgery by providing funds to cover and to supplement the nonreimbursable or additional costs incurred in hospitals for training activities or for delivery of service in outreach and ambulatory clinical situations which are outside but associated with the hospitals and clinical establishments participating in the program;

7. To review and to approve for inclusion in the programs funded the applications for funds submitted by accredited hospitals and clinical situations participating in physician training programs in cooperation with the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine - Tulsa and the Oklahoma College of Osteopathic Medicine and Surgery for the costs of supplying residents and interns in programs which they administer by affiliation agreements with hospitals and clinical situations throughout the state in which the interns and residents are supervised and funded by the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine - Tulsa and the Oklahoma College of Osteopathic Medicine and Surgery and the hospitals and clinical establishments pay for the patient care services rendered in their institutions by these residents and interns during the period of training;

8. To determine the specific level of funding and the priorities used for granting state support to approved hospitals and clinical situations, in cooperation with the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine - Tulsa and the Oklahoma College of Osteopathic Medicine and Surgery for approved hospital physician training programs for interns and residents and to recommend to the Governor and the Oklahoma Legislature the total funds needed to carry out the purpose of this program;

9. To employ a director and any staff personnel required to administer the funding of approved physician training programs and to contract with other state agencies and institutions to conduct and to perform specified services, functions and aspects in administering state funds on the specified cost-sharing basis determined by the Commission or for developing programs and community and institutional participation in these training programs;

10. To ensure that hospitals or clinical situations that can qualify in all sections of Oklahoma be utilized, and to take all steps necessary to assist such hospitals or clinics in obtaining necessary recognition or status, or in meeting standards for accreditation or affiliation so that they may participate in these physician training programs;

11. To ensure that in programs administered and operated by the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine - Tulsa and the Oklahoma College of Osteopathic

Medicine and Surgery in hospitals and clinical situations throughout the state that funds allocated to the colleges are paid by the hospitals and clinical situations in which the patient care services are rendered, the funds are expended for such purposes in funding residents and interns in the physician training programs that the colleges have established with the approved hospitals and clinical situations which programs are designed to provide primary health care services to the rural and medically underserved parts of the state;

12. To conduct and to administer a program of physician and health manpower placement services throughout the State of Oklahoma. Placement services shall be made available to communities, hospitals, health care facilities, physician and health professional training institutions, health professional associations and organizations, individual physicians, health professionals, students in physician and health professional training institutions and schools, and other interested parties in such a way so as to further the purposes of improving the distribution of physicians and health professionals practicing or available for practice in the state and improving in the availability of health care services to the people of the state. Said placement service shall include but not be limited to assisting communities in matching with, contacting and recruiting physicians and health professionals to practice in communities in the state. The Commission shall develop criteria and procedures for the conduct and performance of placement services and employ any staff, contract for services with any private agency, nonprofit corporation or institution to facilitate the performance of placement services. Laws 1975, c. 271, § 5, emerg. eff. June 5, 1975; Laws 1976, c. 212, § 11, emerg. eff. June 7, 1976.

§70-697.6. Allocation of funds.

Funds appropriated to carry out the provisions of this act shall be allocated so that no less than forty percent (40%) of all participating residents and interns in each school year must participate in a rural program outside the Oklahoma City and Tulsa metropolitan areas. The Physician Manpower Training Commission, in accordance with primary care specialty accreditation standards, shall promulgate and adopt rules designating the time allocation spent by the residents and interns participating in this program outside the Oklahoma City and Tulsa metropolitan areas.

Laws 1975, c. 271, § 6, emerg. eff. June 5, 1975; Laws 1977, c. 220, § 6, emerg. eff. June 14, 1977; Laws 1979, c. 250, § 2; Laws 1982, c. 330, § 2, emerg. eff. June 1, 1982; Laws 1994, c. 36, § 1, eff. July 1, 1994.

§70-697.7. Contractual arrangement with medical programs - Residency Revolving Fund.

The Physician Manpower Training Commission is hereby authorized to enter into contractual arrangements with residency training programs at the University of Oklahoma College of Medicine, University of Oklahoma-Tulsa Medical College, or the Oklahoma College of Osteopathic Medicine and Surgery, in order to enhance available funding for the training of primary care residents and to pay the cost of the salary stipend and expenses of the resident physician for the period of time spent in the residency programs. Monies received by the Commission from the participating residency training program under the provisions of this section shall be deposited to, and disbursed from, the "Residency Revolving Fund" hereby created in the State Treasury. The fund shall be a continuing fund not subject to legislative appropriation or fiscal year limitations. Expenditures from the fund shall be made on warrants issued by the State Treasurer against claims filed by the Commission with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1975, c. 271, § 7, emerg. eff. June 5, 1975. Amended by Laws 1976, c. 212, § 12, emerg. eff. June 7, 1976; Laws 1979, c. 47, § 77, emerg. eff. April 9, 1979; Laws 2011, c. 310, § 1; Laws 2012, c. 304, § 615.

§70-697.8. Contracts with residents - Community Residency Revolving Fund.

A community may enter into a contract with a resident physician in training whereby the resident agrees to establish a practice in the community upon the completion of his residency. The Physician Manpower Training Commission shall have the authority to receive funds direct from that community for the purpose of paying the resident involved to the extent of the contractual arrangements. Monies received by the Commission under the provisions of this section shall be deposited to, and disbursed from, the "Community Residency Revolving Fund" hereby created in the State Treasury. The fund shall be a continuing fund not subject to legislative appropriation or fiscal year limitations. Expenditures from said fund shall be made on warrants issued by the State Treasurer against claims filed by the Commission with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1975, c. 271, § 8, emerg. eff. June 5, 1975. Amended by Laws 1979, c. 47, § 78, emerg. eff. April 9, 1979; Laws 2012, c. 304, § 616.

§70-697.9. Community Preceptor Physician Training and Work Experience Scholarship Fund

There is hereby created and established the Community Preceptor Physician Training and Work Experience Scholarship Fund which fund shall be administered by the Physician Manpower Training Commission

for the purpose of providing state matching funds assistance and encouraging the development of a program whereby the state in conjunction with given communities, hospitals or clinical training situations funds the stipends and living expenses for medical students who agree to work in these given communities during the vacation times during the course of their education in the University of Oklahoma College of Medicine or the Oklahoma College of Osteopathic Medicine and Surgery. The Commission shall develop procedures for determining the matching funds participation of communities and of the state for a given student and coordinate with the physician training institutions in the state for the selection of students to participate in the program and the selection of physicians who will supervise students and hospitals and clinical situations in which the training and experience occurs in the delivery of primary health care to rural and medically underserved areas with the purpose of providing medical and osteopathic students an opportunity to develop relationships with communities and encourage them to locate their practices in areas of medical need. Laws 1976, c. 212, § 7, emerg. eff. June 7, 1976.

§70-697.10. Contracts - Intern or resident salary and insurance liability costs - Intern and Residents Professional Liability Insurance Fund.

A. The Physician Manpower Training Commission is authorized to enter into contractual arrangements with individual hospitals and clinical programs for the reimbursement of intern or resident salary cost not to exceed the limits established by Section 697.2 of this title. Provided, that residency and internship positions created prior to the spring semester 1975 shall be eligible for participation in the cost-sharing program for internship and residency training as established by Sections 697.1 through 697.8 of this title, only if partial funding of said positions will allow the creation of additional positions in whole or in part at the participating hospital or clinical situation. The participating hospital or clinical situation shall document in a manner specified by the Commission the extent to which funding of a previously created and established position contributes directly to the creation of additional positions at the participating hospital or clinical situation.

B. The Commission is authorized, in cooperation with the Oklahoma Health Care Authority, to enter into contractual arrangements with the University of Oklahoma College of Medicine and the Oklahoma State University College of Osteopathic Medicine for the reimbursement of intern and resident professional liability insurance cost which shall not be subject to the limits established in Section 697.2 of this title. Any and all intern and resident positions are

eligible for reimbursement of intern and resident professional liability insurance cost.

C. There is hereby created in the State Treasury a revolving fund for the Physician Manpower Training Commission to be designated the "Intern and Residents Professional Liability Insurance Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Physician Manpower Training Commission for reimbursement of intern and residency professional liability insurance costs. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Physician Manpower Training Commission for such costs. 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.

Added by Laws 1976, c. 212, § 8, emerg. eff. June 7, 1976. Amended by Laws 2005, c. 288, § 1, eff. July 1, 2005; Laws 2012, c. 304, § 617.

§70-697.11. Critical Need Internship and Residency Program - Revolving fund.

A. In addition to internship and residency programs previously established and funded, it is the intent of the Legislature that the Physician Manpower Training Commission, in cooperation with the Oklahoma Health Care Authority, establish a Critical Need Internship and Residency Program. The purpose of the Program is to fund internship and residency programs across the state in areas of critical need. The determination of areas of critical need shall be made through a cooperative effort between the University of Oklahoma College of Medicine and the Oklahoma State University College of Osteopathic Medicine. The findings shall be reported to the Commission by July 1, 2006, and every three (3) years thereafter.

B. The University of Oklahoma College of Medicine and the Oklahoma State University College of Osteopathic Medicine shall annually provide to the Commission a report outlining the areas of physician shortages in each specialty area. The report shall be the basis for the cooperative funding of critical need physician specialties for the current fiscal year.

C. There is hereby created in the State Treasury a revolving fund for the Physician Manpower Training Commission to be designated the "Critical Need Internship and Residency Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Physician Manpower Training Commission for funding internship and residency programs in areas of critical need. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Physician Manpower Training Commission for such costs. 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.

Added by Laws 1976, c. 212, § 9, emerg. eff. June 7, 1976. Amended by Laws 1978, c. 181, § 6, emerg. eff. April 11, 1978; Laws 1982, c. 330, § 3, emerg. eff. June 1, 1982; Laws 2005, c. 288, § 2, eff. July 1, 2005; Laws 2012, c. 304, § 618.

§70-697.12. Cost-sharing scholarship program for physician services at correctional facilities.

The Physician Manpower Training Commission shall establish and administer a cost-sharing scholarship program for the provision of physician services at the various correctional facilities under the Department of Corrections and the surrounding or nearby communities. Except as otherwise specified herein, the scholarship program shall be administered pursuant to the requirements prescribed by law for and as part of the Oklahoma Community Education Scholarship Program. Each scholarship available hereunder shall be funded on a percentage cost-sharing basis as follows: One-half (1/2) of the costs to be provided by the Commission, one-fourth (1/4) of the costs to be provided by the Department of Corrections and one-fourth (1/4) of the costs to be provided by a community. Each physician, who has participated in the scholarship program hereunder, shall devote one-half (1/2) of his or her professional time to medical care and treatment of inmates at a state correctional facility and one-half (1/2) of his or her professional time to medical services in the community which shared the cost of a scholarship hereunder, for the period of time as required under the Oklahoma Community Education Scholarship Program.

Laws 1979, c. 250, § 3.

§70-697.13. Residency of students.

This act shall pertain to students who are residents of the State of Oklahoma.

Laws 1979, c. 250, § 4.

§70-697.14. Failure to comply with provision of contract.

If the recipient of these funds does not fully comply with all provisions of contract, that person shall refund all monies plus interest at the rate of twelve percent (12%) from date of disbursement.

Laws 1979, c. 250, § 5.

§70-697.15. Eligibility to receive funds - Conditions.

In order for any hospital or clinic to be eligible to receive funds through the Physician Manpower Training Commission for

residency or internship positions, such hospital or clinic shall affirm that students receiving their medical education in Oklahoma will be given special consideration for all residency and internship positions.

Laws 1981, c. 212, § 10, emerg. eff. June 1, 1981.

§70-697.16. Certain employees to become subject to Merit System - Exemptions - Examinations.

Effective July 1, 1982, all positions of the Physician Manpower Training Commission except the Executive Director who shall remain in the unclassified service, shall become subject to the Merit System of Personnel Administration. All incumbent employees shall be classified without the need to pass examinations and shall be allocated in accordance with the recommended classifications as proposed by the Merit System.

Added by Laws 1982, c. 308, § 11, emerg. eff. May 28, 1982.

§70-697.17. Nursing Student Assistance Program.

A. There is hereby established the Nursing Student Assistance Program which shall be administered by the Physician Manpower Training Commission. The purpose of the program shall be to encourage persons to enter nursing education programs and to practice in areas of this state in which there is an urgent need for nursing services or in institutions or agencies of this state which provide funds on a matching basis with the Physician Manpower Training Commission for the support of nursing students. The Nursing Student Assistance Program shall be administered by rules adopted by the Physician Manpower Training Commission.

B. Only students who are residents of this state shall be eligible to participate in the Nursing Student Assistance Program.

C. If a person receiving Nursing Student Assistance Program funds fails to fully comply with the provisions of the contract for the funds, the person shall refund to the Physician Manpower Training Commission all monies received by the person pursuant to the provisions of the contract plus a one-time liquidated damages assessment of five percent (5%) of the total amount dispersed to the person in lieu of interest. The Commission shall prorate the amount to be repaid in the event the obligation was partially fulfilled.

D. There is hereby created in the State Treasury a revolving fund for the Physician Manpower Training Commission to be designated the "Nursing Student Assistance Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all nonappropriated monies, including community match money of appropriated funds, grants, gifts, and repayment of scholarships received by the Physician Manpower Training Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Physician Manpower Training

Commission for such scholarships as may be provided for pursuant to the Nursing Student Assistance Program. 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. Added by Laws 1984, c. 260, § 13, operative July 1, 1984. Amended by Laws 2012, c. 304, § 619; Laws 2018, c. 286, § 7, eff. Nov. 1, 2018.

§70-697.18. Contracts between communities and nonresident physicians - Community Match Revolving Fund.

A community may enter into a contract with a physician who is a graduate from an accredited medical school whereby such physician agrees to establish a practice in that community. The Physician Manpower Training Commission shall have the authority to receive funds direct from that community for the purpose of paying the physician involved to the extent of the contractual arrangement. Monies received by the Commission under the provisions of this section shall be deposited to and disbursed from, the "Community Match Revolving Fund" hereby created in the State Treasury. The fund shall be a continuing fund not subject to legislative appropriation of fiscal year limitations. Expenditures from said fund shall be made on warrants issued by the State Treasurer against claims filed by the Commission with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1989, c. 36, § 5, operative July 1, 1989. Amended by Laws 1990, c. 263, § 124, operative July 1, 1990; Laws 2012, c. 304, § 620.

§70-697.19. Omnibus Budget Reconciliation Act Program.

A. There is hereby established the Omnibus Budget Reconciliation Act Program (OBRA) which shall be administered by the Physician Manpower Training Commission. The purpose of the program shall be to encourage persons to enter nursing education programs and to practice in nursing homes of this state in which there is an urgent need for nursing services which provide funds on a matching basis with the Physician Manpower Training Commission for the support of nursing students. The OBRA Program shall be administered by rules under the Oklahoma Nursing Student Assistance Program adopted by the Physician Manpower Training Commission.

B. Only students who are residents of this state shall be eligible to participate in the OBRA Program.

C. If a person receiving OBRA Program funds fails to fully comply with the provisions of the contract for said funds, the person shall refund to the Physician Manpower Training Commission all monies received by the person pursuant to the provisions of the contract plus interest at the rate of twelve percent (12%) from the date of

disbursement of said funds and shall be liable for any other liquidated damages as specified in the contract.

D. There is hereby created in the State Treasury a revolving fund for the Physician Manpower Training Commission to be designated the "OBRA Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all nonappropriated monies, including local nursing home association match money of appropriated funds, grants, gifts, and repayment of scholarships received by the Physician Manpower Training Commission. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Physician Manpower Training Commission for such scholarships as may be provided for pursuant to the OBRA Program. Expenditures from said 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.

Added by Laws 1989, c. 369, § 22, operative July 1, 1989. Amended by Laws 2012, c. 304, § 621.

§70-697.20. Osteopathic Internship and Residency Program.

A. There is hereby created the "Osteopathic Internship and Residency Program" which shall be conducted and administered by the Physician Manpower Training Commission. The purpose of this program is to provide for the fair and necessary distribution of funds allocated to it by the Legislature to provide monies to the following programs under the Physician Manpower Training Program:

1. The Doctor of Osteopathy Residency Program (OSU/COM);
2. The Osteopathic General Practice Residency Program (OSU/COM);

and

3. The Osteopathic Internship Program (OSU/COM).

B. The Physician Manpower Training Commission is hereby authorized to distribute such monies to the funds specified in Sections 697.2 and 697.6 of this title necessary to fund the programs specified in this section.

Added by Laws 1992, c. 324, § 21, eff. July 1, 1992.

§70-697.21. Physician Assistant Scholarship Program - Revolving fund.

A. There is hereby established the Physician Assistant Scholarship Program. The purpose of the program is to encourage persons to enter physician assistant education programs and to practice in rural and medically underserved areas of this state. The Physician Assistant Scholarship Program shall be administered by the Physician Manpower Training Commission pursuant to rules promulgated by the Commission and shall be funded based on an annual estimate of need as determined by the Commission. Awards made pursuant to this Program shall be subject to the availability of funds. The number of

and amount of each award shall be determined by the Commission based on the availability of funds.

B. Only students who have been admitted as a student in an accredited physician assistant program shall be eligible to participate in the Physician Assistant Scholarship Program.

C. If a person receiving Physician Assistant Scholarship Program monies fails to fully comply with the provisions of the contract for the monies, the person shall refund to the Physician Manpower Training Commission all monies received by the person pursuant to the provisions of the contract plus interest at a rate that equals the prime interest rate plus one percent (1%) from the date of disbursement of the funds and shall be liable for any other liquidated damages as specified in the contract.

D. There is hereby created in the State Treasury a revolving fund for the Physician Manpower Training Commission to be designated the "Physician Assistant Scholarship Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Physician Manpower Training Commission for implementation of the Physician Assistant Scholarship Program. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Physician Manpower Training Commission for such scholarships as may be provided for pursuant to the Physician Assistant Scholarship Program. 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.

Added by Laws 2005, c. 288, § 3, eff. July 1, 2005. Amended by Laws 2012, c. 304, § 622; Laws 2018, c. 286, § 8, eff. Nov. 1, 2018.

§70-697.21a. Promulgation of rules.

The Physician Manpower Training Commission shall promulgate rules to enforce the provisions of this act.

Added by Laws 2018, c. 286, § 9, eff. Nov. 1, 2018.

§70-697.22. Short title.

This act shall be known and may be cited as the "Oklahoma Hospital Residency Training Program Act".

Added by Laws 2012, c. 348, § 1, eff. July 1, 2012.

§70-697.23. Definitions.

As used in the Oklahoma Hospital Residency Training Program Act:

1. "Eligible hospital" means a hospital which qualifies for new residency training programs under the rules established by the Centers for Medicare and Medicaid Services or other federal entities authorized to establish residency training programs;

2. "Residency training program" means post-medical-school graduate training programs approved by the Centers for Medicare and Medicaid Services and accredited by the appropriate governing bodies of either the osteopathic or allopathic professions in the training disciplines of family medicine, general internal medicine, general pediatrics, and obstetrics/gynecology and emergency medicine; and

3. "Medically underserved areas" means areas having too few primary care providers, high infant mortality, high poverty, a high elderly population, and/or a population census of at least fifty percent (50%) Medicare, Medicaid and uninsured mix.

Added by Laws 2012, c. 348, § 2, eff. July 1, 2012.

§70-697.24. Purpose.

A. There is hereby created the Oklahoma Hospital Residency Training Program to be administered by the Oklahoma Health Care Authority.

B. The purpose of the Oklahoma Hospital Residency Training Program shall be to establish new residency training programs affiliated with the Oklahoma State University College of Osteopathic Medicine and the University of Oklahoma College of Medicine in eligible hospitals, focused on meeting the healthcare needs of medically underserved areas, subject to the availability of funding.
Added by Laws 2012, c. 348, § 3, eff. July 1, 2012.

§70-697.25. Powers and duties.

A. The Oklahoma Health Care Authority shall, in consultation with the Oklahoma State University College of Osteopathic Medicine and the University of Oklahoma College of Medicine, designate eligible hospitals for the creation of new residency training programs to serve medically underserved areas.

B. The Oklahoma Health Care Authority is authorized to contract with the Oklahoma State University of Osteopathic Medicine and the University of Oklahoma College of Medicine to provide funding for the establishment of new residency training programs created under the Oklahoma Hospital Residency Training Program Act.

C. The Oklahoma Health Care Authority shall, with the assistance of the Oklahoma State University College of Osteopathic Medicine and the University of Oklahoma College of Medicine, provide technical assistance and funding for the colleges' costs incurred in supporting the programs to ensure that residency training programs established pursuant to the Oklahoma Hospital Residency Training Program Act become funded by the Centers for Medicaid and Medicare Services. Any student who is a resident of this state or who is in good academic standing with an accredited medical college in this state shall receive priority consideration in the process of assigning clinical rotations at a health care facility that accepts state funding. For

purposes of this section, "resident" means an individual who resided in this state at the time of graduation from an Oklahoma high school.

D. The Oklahoma Health Care Authority shall establish reporting mechanisms for eligible hospitals for the monitoring of progress of the new residency training programs.

E. The Oklahoma Health Care Authority shall present a report on the operation of the Oklahoma Hospital Residency Training Program to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives within one (1) month of the beginning of each regular session of the Legislature which shall include, but shall not be limited to, information on the progress made in implementing the Oklahoma Hospital Residency Training Program Act.

Added by Laws 2012, c. 348, § 4, eff. July 1, 2012. Amended by Laws 2017, c. 304, § 1, eff. Nov. 1, 2017.

§70-697.26. Oklahoma Hospital Residency Training Program Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Health Care Authority to be designated the "Oklahoma Hospital Residency Training Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Health Care Authority from state funds, federal funds, grants, contracts, and private gifts or bequests dedicated to or for the Oklahoma Hospital Residency Training Program. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Health Care Authority for the purpose of administering the Oklahoma Hospital Residency Training Program. 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 State Finance for approval and payment.

Added by Laws 2012, c. 348, § 5, eff. July 1, 2012.

§70-698. Professional training institutes.

A. The Oklahoma State Regents for Higher Education are authorized to develop professional training institutes for the purpose of increasing the available pool of qualified teachers in subject areas that are in critically short supply in the elementary and secondary public schools of this state. Said program shall be in conjunction with Title II of Public Law 98-377, "The U.S. Education for Economic Security Act of 1984", as amended. The professional training institutes shall be located at and utilize the existing facilities of one or more of the Oklahoma public or private higher education institutions which provide programs of teacher education. The professional training institutes shall provide instruction for:

1. Graduates of accredited colleges who hold degrees with majors in and who wish to become certified in subject areas which are experiencing a shortage of qualified teachers; and

2. Teachers currently certified in subject areas which are experiencing an oversupply of qualified teachers and who hold degrees with majors in and who wish to be certified in subject areas which are experiencing a shortage of qualified teachers.

Initially, the professional training institutes shall provide instruction in the subject areas of mathematics, science, computer learning, and foreign languages and in teacher education in those subject areas. After three (3) years of operation, the Oklahoma State Regents for Higher Education shall have authority to redesignate, based on data supplied by the State Department of Education, the subject areas which are experiencing a shortage of qualified teachers and to change the institutes accordingly.

B. Each professional training institute shall offer an intensive academic credit program in a designated subject area of need or in teacher education.

C. Upon successful completion of a professional training institute, a participant shall be eligible to teach full-time in the subject area of need for one (1) year in the public schools of this state during the school year following completion of the institute.

D. To the extent that funding permits, it is the intent of the Oklahoma Legislature that participants not be required to pay for general enrollment fees, tuition, books, or special fees associated with a professional training institute. The Legislature further intends that participants be allowed to utilize campus housing and food services at the lowest available rate.

Added by Laws 1985, c. 354, § 2, emerg. eff. July 30, 1985.

§70-698.1. Incentive scholarship program.

A. The Oklahoma State Regents for Higher Education are authorized to establish and maintain an incentive scholarship program to encourage the preparation of teachers, including minority teachers, in critical shortage areas for the public schools at one or more of the Oklahoma public or private higher education institutions. Prospective teachers, whether planning to pursue an undergraduate teacher education program or to become qualified to teach after earning a bachelor's degree in a critical shortage area, shall be considered if they have graduated from high school with a grade point average ranking them in the top fifteen percent (15%) of their graduating class. To the extent that funds are available, scholarships of One Thousand Five Hundred Dollars (\$1,500.00) per year, renewable for up to three (3) additional years, shall be awarded to cover costs of general enrollment fees, other fees, books, materials, and services provided by the institution, including room and board.

B. It is the intent of the Oklahoma Legislature that the Oklahoma State Regents for Higher Education create a committee composed of educators, teacher educators from the participating institutions, other professionals from the shortage area fields, and representatives of the public schools and the State Department of Education to recommend to the State Regents the following:

1. Further criteria for the selection of participants;
2. Procedures for admission;
3. Procedures and instruments for assessing the effectiveness of the program; and
4. Any other criteria or procedures deemed necessary by the State Regents.

The Committee shall prepare and deliver a report on the program to the Legislature on or before July 1 of each year.

C. Each participant, prior to entry into the program, shall have agreed to teach in the shortage areas in the public schools of this state for a minimum of three (3) consecutive years upon graduation and licensure as a teacher. Any participant failing to maintain a 2.5 grade point average, changing to an inappropriate area of study, withdrawing or otherwise leaving school, or failing to meet requirements for licensure and certification to teach as established by law shall be subject to disqualification from the program.

Added by Laws 1985, c. 354, § 3, emerg. eff. July 30, 1985. Amended by Laws 1990, c. 106, § 2, operative July 1, 1990.

§70-698.2. Repealed by Laws 2001, c. 201, § 12.

§70-698.3. Mathematics or science teacher shortage employment incentive program.

A. It is the intent of the Oklahoma Legislature that, beginning with the 2001-2002 school year, the Oklahoma State Regents for Higher Education establish a teacher shortage employment incentive program for students enrolled in a major course of study in mathematics or science at the undergraduate level or graduate level who declare an intention to serve and who subsequently serve this state by teaching in a secondary level public school of this state for a minimum of five (5) years in the subject areas of mathematics or science. Students meeting the criteria provided in this section shall be given the opportunity to enter into participation in the program.

B. The Oklahoma State Regents for Higher Education are authorized to make employment incentive payments pursuant to the provisions of this section to persons who actually render a minimum of five (5) years of service as teachers in the public schools of this state if not less than seventy-five percent (75%) of the teaching assignment meets the criteria specified in subsection A of this section. The total amount of the employment incentive payments for any qualified person shall not exceed an amount equal to three

times the average annual cost of undergraduate resident tuition and fees for full-time enrollment at institutions which offer teacher education programs within The Oklahoma State System of Higher Education, as defined by the State Regents. Any amount not necessary to repay the balance of a student's loan(s) shall be paid directly to any person otherwise eligible for employment incentive payments pursuant to this section.

C. The Oklahoma State Regents for Higher Education shall require the execution of appropriate contracts with eligible persons. Persons failing to comply with the requirements of this section shall not be eligible for the employment incentive payments provided for in this section. The Chancellor of the Oklahoma State Regents for Higher Education, with approval of the State Regents, may contract with any other appropriate organization or unit of government for the administration of the provisions of this section.

D. If insufficient funds are available for employment incentive payments to qualified persons during any fiscal year, the Chancellor may make reductions in the payments made to those qualifying. Added by Laws 2000, c. 242, § 1, eff. July 1, 2000. Amended by Laws 2001, c. 201, § 5.

§70-699. Financial assistance applicant to prove compliance with Military Selective Service Act.

Any student who applies for any type of state-provided financial assistance, including, but not limited to, grants, loans, scholarships or other types of aid provided pursuant to the Student Educational Assistance Fund established pursuant to Section 622 of this title, the Oklahoma Rural Medical Education Loan and Scholarship Fund, established pursuant to Section 625.1 of this title, the Oklahoma Higher Education Tuition Aid Program, established pursuant to the Oklahoma Higher Education Tuition Aid Act, the Osteopathy Education Assistance Fund established pursuant to Section 627.1 of this title, or the Oklahoma Student Loan program established pursuant to the Oklahoma Student Loan Act, before receiving such aid, shall prove to the satisfaction of the issuing agency that such student is in compliance with the provisions of the Military Selective Service Act, 50 U.S.C.A. App. Sections 451 through 471a. Added by Laws 1987, c. 81, § 10, operative July 1, 1987.

§70-701. Repealed by Laws 1941, p. 416, § 8.

§70-702. Repealed by Laws 1941, p. 416, § 8.

§70-703. Repealed by Laws 1941, p. 416, § 8.

§70-704. Repealed by Laws 1941, p. 416, § 8.

§70-705. Repealed by Laws 1941, p. 416, § 8.

§70-711. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-712. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-713. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-714. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-715. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-716. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-717. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-718. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-719. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-720. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-741. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-742. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-743. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-744. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-745. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-746. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-747. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-748. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-749. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-750. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-761. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-762. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-763. Repealed by Laws 1949, p. 607, art. 20, § 9.

- §70-764. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-765. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-766. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-771. Repealed by Laws 1941, p. 407, § 4 and Laws 1941, p. 464, § 7.
- §70-771a. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-771b. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-772. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-773. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-774. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-775. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-776. Repealed by Laws 1941, p. 462, § 1.
- §70-777. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-778. Repealed by Laws 1941, p. 462, § 1.
- §70-779. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-780. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-781. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-782. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-791. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-792. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-801. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-802. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-803. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-804. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-805. Repealed by Laws 1941, p. 464, § 6.

§70-811. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-812. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-813. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-814. Repealed by Laws 1941, p. 464, § 4.

§70-815. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-816. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-817. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-821.1. Application of law.

The provisions of this act are applicable to all independent school districts in which is included a city having a population of not less than one hundred forty thousand (140,000) according to the last Federal Census.

Laws 1947, p. 513, § 1.

§70-821.2. Grant of powers - Public right and public benefit.

Any such independent school district is hereby authorized to acquire or construct within its corporate boundaries, one or more stadia, sport arenas or other recreational facilities or to build additions thereto or additions to existing stadia, sport arenas or other recreational facilities, including land and equipment therefor, and to own, maintain and operate, or to own and (in addition to any and all other uses to which this property may be placed and disposition which can be made of it) lease to, or cause to be maintained and operated by, a financially responsible operating company, corporation, or individual, experienced in similar types of business, or to own and lease to a responsible person, firm or corporation who shall construct, finance and operate one or more stadia, sport arenas or other recreational facilities, and when operated by the independent school district to charge fees, rent and tolls for the use of such facilities. Such independent school district is authorized to prescribe and enforce the fees, rent and tolls which are to be charged for such facilities by any lessee or operator thereof, as more fully provided in Section 6, and in addition to any and all other means to assure prompt payment of rentals by such lessee or operator, the independent school district may in the lease or operating contract reserve a lien on the money collected by the lessee or operator from such fees, tolls and other

charges and revenue until the rental consideration for such current term of the lease or operating contract shall have been paid to the independent school district or its nominee. The right of the independent school district to own, maintain, operate and cause to be operated such facilities and to fix and collect fees, rent, tolls and other revenue for the use of such facilities is hereby declared to be a public right and use and such right and facilities to constitute a public benefit.

Laws 1947, p. 513, § 2.

§70-821.3. Revenue bonds - Powers of districts - Provisions - Lien and charge on income - Restrictions on additional bonds - Approval.

(a) To provide for the acquisition or construction of such stadia, sport arenas or other recreational facilities thereto and/or additions to existing stadia, sport arenas or other recreational facilities, including land and equipment therefor, the governing body of any such independent school district is authorized to issue negotiable revenue bonds of the independent school district secured by a pledge of, and payable from, the net revenues of any one or more of such stadia, sport arenas or other recreational facilities, together with all future extensions or additions therefor or replacements thereof. If bonds are issued solely for acquirement or construction of additions to existing stadia, sport arenas or other recreational facilities, then such bonds may be payable from the net revenue of the entire project, including the original existing stadia, sport arenas or other existing recreational facilities, and additions thereto, together with all future extensions and additions thereto or replacements thereof. Within the discretion of the governing body of any such independent school district such bonds may be secured further by a trust indenture on such stadia, sport arenas or other recreational facilities. Whenever such governing body shall execute any character of trust agreement imposing duties on a corporate trustee in reference to the payment of the bonds or enforcement of any rights under the bonds, for convenience such instrument may be and in this act is sometimes referred to as the "Indenture". Any such independent school district is authorized to issue a separate and independent series of revenue bonds to provide for the acquirement or construction of each stadium, sport arena or other recreational facility or additions thereto, or additions to existing stadia, sport arenas or recreational facilities, including land and equipment therefor, or in the discretion of the governing body of the independent school district a single series of bonds may be issued to provide for the acquirement or construction of two or more stadia, sport arenas or other recreational facilities and/or additions referred to, including land and equipment therefor. No election shall be required for the issuance of said bonds.

Negotiable revenue bonds may also be issued by the governing body of any such independent school district for the purpose of refunding bonds issued under this section, which may be secured in the manner herein provided for original bonds. No election shall be had for the issuance of such refunding bonds.

(b). The revenue bonds hereby authorized shall contain substantially the following provisions:

"The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation." No such bonds shall ever be a liability or debt of such independent school district but solely a charge upon the pledged revenues.

(c). The expense of operation and maintenance of any such stadium, sport arena or other recreational facility shall always be a first lien and charge against the income thereof. So long as any of said bonds or any interest thereon remain outstanding, the independent school district shall charge or require the payment of fees, rent, tolls, and other revenue for the use of the facilities of any such stadium, sport arena or other recreational facility which shall be equal and uniform within classes defined by the governing body of such independent school district and which shall be at least sufficient to pay expenses of operation and maintenance and to pay the principal of and interest on the outstanding bonds as such principal matures and as such interest accrues, and to establish and maintain such reserve or reserves, if any, as may be prescribed in the resolution authorizing the bonds or in the Indenture.

(d). So long as any such revenue bonds are outstanding, no additional bonds of equal dignity shall be issued against the pledged revenues or the pledged revenues and properties, except to the extent and in the manner expressly permitted in the resolution which authorized such outstanding revenue bonds, or the Indenture.

(e). Such bonds, and proceedings incident to their issuance shall be submitted to and approved by the Attorney General of Oklahoma, in the manner and with the effect provided in Title 62, Oklahoma Statutes 1951, Sections 11, 13 and 14.

Laws 1947, p. 514, § 3.

§70-821.4. Fees and charges - Maturity and interest - Redemption - Negotiability - Registration - Proceeds - Recitals - Exemption from taxation - Corporate trustee - Rights of bondholders - Depository.

The provisions set forth in this section shall be applicable to all bonds issued under authority of this act.

(a). It shall be the mandatory duty of the governing body of any independent school district to fix such fees, tolls, rent and other charges for use of the facilities of any such stadium, sport arena or other recreational facility and for additions thereto and for additions to existing stadium, sport arena or other recreational

facility, in this act sometimes referred to as the "Project," as will yield revenues fully sufficient to operate and maintain such Project, pay the principal of and interest on the bonds when due, and to establish and maintain such reserve as may be prescribed in the resolution authorizing the bonds or in the Indenture securing them.

(b). The bonds shall mature serially or otherwise at such time or times, and shall bear interest at such rate or rates, as shall be prescribed in the resolution authorizing the bonds or in the Indenture securing them; provided that the sale of the bonds shall be for cash at not less than par and accrued interest and shall be sold after competitive bidding to produce the maximum sale price at the lowest possible interest rate. The interest cost shall not exceed four percent (4%) per annum, computed on average maturities according to Standard Tables of Bond Values.

(c). The resolution authorizing, or the Indenture securing the bonds, shall prescribe the rights, if any, which the independent school district may have to redeem all or any part of said bonds prior to maturity, and the conditions under which and the prices not in excess of par and accrued interest at which they may be redeemable and the rights of the independent school district to redeem the bonds prior to scheduled maturity dates shall be limited to such provisions.

(d). All bonds issued hereunder shall have and are hereby declared to have all of the qualifications and incidents of negotiable instruments.

(e). The resolution authorizing, or the Indenture accruing any such bonds, may contain provisions that the bonds shall be registerable as to principal or as to both principal and interest.

(f). The proceeds of the bonds shall be used solely to pay the cost of the Project. There may be included in the cost of the Project for which bonds are to be issued reasonable allowance for legal and engineering services, interest during construction and for six (6) months after estimated date of completion of construction. Such proceeds shall be disbursed under such restrictions as may be provided in the bond resolution or Indenture, and there shall be and there is hereby created and granted a lien upon such monies, until so applied, in favor of the holders of the bonds or of any trustee provided for in respect to such bonds. If so provided in such resolution or Indenture in the event that proceeds of the bonds prove insufficient to pay the cost of the project additional bonds may be issued to the amount of the deficit and shall be deemed to be of the same issue and entitled to payment from the same fund without preference or priority of the bonds first issued. Any surplus remaining from bond proceeds after the cost of the project has been paid in full shall be used in retiring bonds.

(g). The resolution authorizing the bonds may provide that such bonds shall contain a recital that they are issued pursuant to this act.

(h). Any bond issued pursuant to the provisions of this act shall be exempt from taxation by the State of Oklahoma or by any county or municipal corporation, or other political subdivision therein.

(i). If so provided in the resolution authorizing the bonds the Indenture may be executed by and between such independent school district and a corporate trustee, which may be any trust company or bank within or outside of the State of Oklahoma, having powers of a trust company.

(j). Either the resolution providing for the issuance of the bonds or such Indenture may contain such provisions for protecting or enforcing the rights of remedies of the bondholders as may be reasonable or proper and not in violation of law, including covenants setting forth the duties of the independent school district in relationship to the acquisition of properties and the construction, maintenance, operation or repair and insurance of the project and the custody, safeguarding and application of all monies received from the sale of the bonds and from the operation of the Projects.

(k). It shall be lawful for any bank or trust company in this state to act as depository for the proceeds of bonds or revenues derived from the operation of the Project and to furnish such indemnity bonds or to pledge such securities as may be required by the independent school district. Such Indenture or resolution may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual rights of action of the bondholders. In addition such bond resolution or Indenture may contain such other provisions as the governing body of such independent school district may deem reasonable and proper for the security of the bondholders including, but without limitation, covenants prescribing all happenings, or occurrences which constitute events of default and the terms and conditions upon which all or any of the bonds shall become or may be declared to be due before maturity, and as to the rights, liabilities, powers and duties arising from the breach by the independent school district of any of its duties or obligations.

(l). That any holder or holders of bonds issued hereunder, including a trustee or trustees for such holders, shall have the right in addition to all other rights by mandamus or other proceedings in any Court of competent jurisdiction to enforce his or their rights against the independent school district and its employees and against any Board of trustees which may be created to operate the Project, the agents and employees thereof, or any lessee of any such Project, including, but not limited to, the right to require the independent school district and such board to impose and

collect sufficient income, tolls, fees, rents, charges and other revenues to carry out the agreements contained in the bond resolution or Indenture and to perform all agreements and covenants therein contained and duties arising therefrom, and in the event of default as defined in the resolution authorizing the bonds or in the Indenture, to apply for and obtain the appointment of a receiver for any properties involved. If such receiver be appointed, he may enter and take possession of the project and until the independent school district may no longer be in default or until relieved by the Court retain possession of the properties involved, and collect and receive all revenues and tolls arising therefrom in the same manner as the independent school district itself might do and shall dispose of such monies and apply same in accordance with the obligations of the independent school district under the bond or resolution or Indenture and as the court may direct. Nothing in this act shall authorize any bondholder to require the independent school district to use any funds in the payment of the principal of, or interest on, such bonds except out of revenues pledged to their payment.

(m). The resolution authorizing, or the Indenture securing bonds issued under this act may contain provisions to the effect that so long as the revenues of the Project are pledged to the payment of bonds no fee admission or use can be given.

(n). The provisions contained in the resolution authorizing the bonds and in the Indenture and the applicable provisions of this act shall constitute an irrevocable contract between such independent school district and the holders of such bonds.

Laws 1947, p. 515, § 4.

§70-821.5. Board of Trustees.

During the time any such Project is encumbered by the pledge of its revenues, the resolution authorizing the bonds or the Indenture may vest its management and control in a Board of Trustees, to be named in such resolution or Indenture, consisting of three members, or maybe a corporation organized for such purpose. The compensation of the members of such board of trustees shall be fixed by such resolution or Indenture, but shall never exceed one percent (1%) of the gross receipts of such Project in any one (1) year. The terms of office of the members of such board of trustees, whether individuals, or the corporation referred to their powers and duties, and manner of exercising same the manner of the selection of their successors, and all matters pertaining to their duties and the organization of such board of trustees shall be specified in such resolution or Indenture. Any such board of trustees may adopt bylaws regulating the procedure of the board and fixing the duties of its officers, but the bylaws shall not contain any provision in conflict with the covenants and provisions contained in the resolution authorizing the bonds or the Indenture. In all matters wherein the resolution or Indenture are

silent as to the powers, duties, obligations and procedure of the board, the laws and rules governing the governing body of such independent school district shall control the board of trustees in so far as applicable. The board may be granted by the resolution or Indenture, and in that event shall have, all or any of the powers and authority, which could be exercised by the governing body of the independent school district, insofar as the management and operation of any such Project is concerned.

Laws 1947, p. 517, § 5.

§70-821.6. Operation of project by lessee or operator.

In the discretion of the governing body of such independent school district (or within the discretion of the board of trustees, if the Project is under control of a board of trustees) and for such period of time as may be determined by such governing body or board of trustees, such Project may be operated by, or leased for operation to, a company, corporation, or individual, provided that the fees, rent and tolls or rates charged for admission or use of the Project shall be sufficient to yield in the aggregate money necessary to pay the reasonable operation and maintenance expenses, the annual consideration of rental, and a reasonable return to the lessee or operator. The charges and tolls or rates to be charged by such lessee or operator shall be under the control of the governing body of the independent school district or such board of trustees as the case may be. The annual consideration or lease rental to be charged by the independent school district shall not be less than an amount equal to the annual debt service requirements, plus an additional amount to assure establishment and maintenance of the reserves required in such resolution or Indenture. The operating or lease contract may provide for payment of the annual consideration or rental in monthly installments approximately equal, and that failure to pay any required sum when due may be declared to be a breach of contract entitling the independent school district (or board of trustees), under regulations prescribed therein, to declare the lease or operating contract forfeited and to take over the operation and maintenance of such Project.

Laws 1947, p. 518, § 6.

§70-821.7. Acquisition of property - Eminent domain.

Any such independent school district or board of trustees is hereby authorized to acquire property real or personal in any manner in which property may be acquired by any person or corporation, and in addition thereto any such independent school district acting for itself or for such board of trustees, may acquire by eminent domain the fee simple title to any property within the corporate limits of such independent school district which is needed for such purposes in the discretion of such governing body. The procedure prescribed for

railroad companies in Title 66, Chapter 2, Oklahoma Statutes 1951, shall be followed in acquiring property by eminent domain. Laws 1947, p. 518, § 7.

§70-821.8. Judicial determination of validity of bonds.

That the governing body of such municipality is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any series of bonds to be issued hereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to give such applications precedence over the other business of the Court and to consider and pass upon the application and any protest which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the independent school district that on a day named the board will ask the Court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with this act and that when issued they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the governing body of said independent school district, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.

Laws 1947, p. 519, § 8.

§70-821.9. Partial invalidity.

In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstance, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Laws 1947, p. 519, § 9.

§70-821.51. Boxing in physical education or training program.

The governing board of each state educational institution and of each school district in the State of Oklahoma is hereby authorized to provide as part of any physical training or educational program the art, technique and practice of boxing.

Added by Laws 1971, c. 206, § 1, emerg. eff. June 8, 1971.

§70-821.61. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.62. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.63. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.64. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.65. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.66. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.67. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.68. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.69. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.70. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.71. Repealed by Laws 2003, c. 375, § 20, eff. Jan. 1, 2004.

§70-821.81. Short title.

Sections 1 through 19 of this act shall be known and may be cited as the "Uniform Athlete Agents Act".

Added by Laws 2003, c. 375, § 1, eff. Jan. 1, 2004.

§70-821.82. Definitions.

As used in the Uniform Athlete Agents Act:

1. "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or an endorsement contract, including an agreement for current or future representation in which a student-athlete authorizes a person to assess and plan the financial situation of the student-athlete regarding his or her professional athletics career;

2. "Athlete agent" means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency

contract. The term includes, but is not limited to, an individual who:

- a. Contributes a causal nexus to a student-athlete becoming the signator to an agency contract;
- b. Represents to the public that the individual is an athlete agent; or
- c. Enters into an agreement for current or future representation with a student-athlete regarding his or her future athletics career or, directly or indirectly, recruits or solicits a student-athlete to enter into such an agreement.

The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization, unless such individual acts on behalf of an athlete agent in exchange for any compensation, gift or reward or promise of compensation, gift or reward from, or on behalf of, an athlete agent;

3. "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate;

4. "Contact" means any type of communication, direct or indirect, between an athlete agent and a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;

5. "Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;

6. "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics;

7. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity;

8. "Professional-sports-services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;

9. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

10. "Registration" means registration as an athlete agent pursuant to the Uniform Athlete Agents Act;

11. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and

12. "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

Added by Laws 2003, c. 375, § 2, eff. Jan. 1, 2004. Amended by Laws 2009, c. 222, § 1, eff. Nov. 1, 2009; Laws 2011, c. 211, § 1, eff. Nov. 1, 2011.

§70-821.83. Service of process - Subpoenas.

A. By acting as an athlete agent in this state, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this state related to the individual's acting as an athlete agent in this state.

B. The Secretary of State or Attorney General may issue subpoenas for any material that is relevant to the administration of the Uniform Athlete Agents Act.

Added by Laws 2003, c. 375, § 3, eff. Jan. 1, 2004. Amended by Laws 2011, c. 211, § 2, eff. Nov. 1, 2011.

§70-821.84. Certificate of registration required - Exception.

A. Except as provided in subsection B of this section, an individual shall not act as an athlete agent in this state without holding a certificate of registration pursuant to Section 6 or 8 of this act.

B. Before being issued a certificate of registration, an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if:

1. A student-athlete or another person acting on behalf of the student-athlete initiates communication with the individual; and

2. Within seven (7) days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

C. An agency contract resulting from conduct in violation of this section is void and the athlete agent shall return any consideration received under the contract.

Added by Laws 2003, c. 375, § 4, eff. Jan. 1, 2004.

§70-821.85. Application for registration - Submission of out-of-state application and registration.

A. An applicant for registration shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. An application filed under this section is a public record. The application shall be in the name of an individual and, except as provided in subsection B of this section, signed or otherwise authenticated by the applicant under penalty of perjury and state or contain:

1. The name of the applicant and the address of the applicant's principal place of business;
2. The name of the applicant's business or employer, if applicable;
3. Any business or occupation engaged in by the applicant for the five (5) years next preceding the date of submission of the application;
4. A description of the applicant's:
 - a. formal training as an athlete agent,
 - b. practical experience as an athlete agent, and
 - c. educational background relating to the applicant's activities as an athlete agent;
5. The names and addresses of three individuals not related to or residing with the applicant who are willing to serve as references;
6. The name, sport, and last-known team for each individual for whom the applicant acted as an athlete agent during the five (5) years next preceding the date of submission of the application;
7. The names and addresses of all persons who are:
 - a. with respect to the athlete agent's business if it is not a corporation, the partners, members, officers, managers, associates, or profit-sharers of the business, and
 - b. with respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation having an interest of five percent (5%) or greater;
8. Whether the applicant or any person named pursuant to paragraph 7 of this subsection has been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony, and identify the crime;
9. Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to paragraph 7 of this subsection made a false, misleading, deceptive, or fraudulent representation;
10. Any instance in which the conduct of the applicant or any person named pursuant to paragraph 7 of this subsection resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student-athlete or educational institution;

11. Any sanction, suspension, or disciplinary action taken against the applicant or any person named pursuant to paragraph 7 of this subsection arising out of occupational or professional conduct; and

12. Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew, the registration or licensure of the applicant or any person named pursuant to paragraph 7 of this subsection as an athlete agent in any state.

B. An individual who has submitted an application for, and holds a certificate of, registration or licensure as an athlete agent in another state, may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection A of this section. The Secretary of State shall accept the application and the certificate from the other state as an application for registration in this state if the application to the other state:

1. Was submitted in the other state within six (6) months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

C. Every applicant for registration shall also submit to the Secretary of State a valid surety bond in the penal sum of Fifty Thousand Dollars (\$50,000.00) conditioned upon the athlete agent not violating any provision of this act. Every athlete agent registered under the provisions of this act shall thereafter maintain such a surety bond in like amount as a condition of continued registration. Added by Laws 2003, c. 375, § 5, eff. Jan. 1, 2004. Amended by Laws 2011, c. 211, § 3, eff. Nov. 1, 2011; Laws 2012, c. 173, § 1, eff. Nov. 1, 2012.

§70-821.86. Issuance or refusal to issue certificate of registration - Renewal - Submission of out-of-state application for renewal and certificate of registration.

A. Except as provided in subsection B of this section, the Secretary of State shall issue a certificate of registration to an individual who complies with subsection A of Section 5 of this act or whose application has been accepted under subsection B of Section 5 of this act.

B. The Secretary of State may refuse to issue a certificate of registration if the Secretary of State determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. In making the

determination, the Secretary of State may consider whether the applicant has:

1. Been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony;
2. Made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent;
3. Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;
4. Engaged in conduct prohibited by Section 14 of this act;
5. Had a registration or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of registration or licensure as an athlete agent in any state;
6. Engaged in conduct the consequence of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student-athlete or educational institution; or
7. Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

C. In making a determination under subsection B of this section, the Secretary of State shall consider:

1. How recently the conduct occurred;
2. The nature of the conduct and the context in which it occurred; and
3. Any other relevant conduct of the applicant.

D. An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the Secretary of State. An application filed under this section is a public record. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required in an original registration.

E. An individual who has submitted an application for renewal of registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection D of this section, may file a copy of the application for renewal and a valid certificate of registration or licensure from the other state. The Secretary of State shall accept the application for renewal from the other state as an application for renewal in this state if the application to the other state:

1. Was submitted in the other state within six (6) months next preceding the filing in this state and the applicant certifies the information contained in the application for renewal is current;
2. Contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this state; and
3. Was signed by the applicant under penalty of perjury.

F. A certificate of registration or a renewal of a registration is valid for two (2) years.

Added by Laws 2003, c. 375, § 6, eff. Jan. 1, 2004.

§70-821.87. Suspension, revocation or refusal to renew certificate of registration.

A. The Secretary of State may suspend, revoke, or refuse to renew a registration for conduct that would have justified denial of registration under subsection B of Section 6 of this act.

B. The Secretary of State may deny, suspend, revoke, or refuse to renew a certificate of registration or licensure only after proper notice and an opportunity for a hearing. The Administrative Procedures Act shall apply to the Uniform Athlete Agents Act.

Added by Laws 2003, c. 375, § 7, eff. Jan. 1, 2004.

§70-821.88. Temporary certificate of registration.

The Secretary of State may issue a temporary certificate of registration while an application for registration or renewal of registration is pending.

Added by Laws 2003, c. 375, § 8, eff. Jan. 1, 2004.

§70-821.89. Fees.

A. An application for registration or renewal of registration must be accompanied by a fee in the following amount:

1. One Thousand Dollars (\$1,000.00) for an initial application for registration;

2. One Thousand Dollars (\$1,000.00) for an application for registration based upon a certificate of registration or licensure issued by another state;

3. One Thousand Dollars (\$1,000.00) for an application for renewal of registration; or

4. One Thousand Dollars (\$1,000.00) for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state.

B. For the initial registration, the Secretary of State shall credit against the fee required by subsection A of this section the prorated value of any filing fee paid by an athlete agent for registration as an athlete agent prior to January 1, 2004, for the time from January 1, 2004, until the date the prior registration would have expired.

C. The Secretary of State shall return any surety bond deposit filed with the Secretary of State by an athlete agent prior to January 1, 2004.

D. All registration fees collected pursuant to this section shall be deposited in the Revolving Fund for the Office of the Secretary of State.

Added by Laws 2003, c. 375, § 9, eff. Jan. 1, 2004.

§70-821.90. Required form of contract.

A. An agency contract shall be in a record, signed or otherwise authenticated by the parties.

B. An agency contract shall state or contain:

1. The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;

2. The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student-athlete signed the agency contract;

3. A description of any expenses that the student-athlete agrees to reimburse;

4. A description of the services to be provided to the student-athlete;

5. The duration of the contract; and

6. The date of execution.

C. An agency contract shall contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN SEVENTY-TWO (72) HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN (14) DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

D. An agency contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

E. The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student-athlete at the time of execution.

Added by Laws 2003, c. 375, § 10, eff. Jan. 1, 2004.

§70-821.91. Notice to educational institution.

A. Within seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the

student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

B. Within seventy-two (72) hours after entering into an agency contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete shall inform the athletic director of the educational institution at which the student-athlete is enrolled that the student-athlete has entered into an agency contract.

Added by Laws 2003, c. 375, § 11, eff. Jan. 1, 2004.

§70-821.92. Student-athlete's right to cancel.

A. A student-athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within fourteen (14) days after the contract is signed.

B. A student-athlete may not waive the right to cancel an agency contract.

C. If a student-athlete cancels an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

Added by Laws 2003, c. 375, § 12, eff. Jan. 1, 2004.

§70-821.93. Records to be retained by athlete agent.

A. An athlete agent shall retain the following records for a period of five (5) years:

1. The name and address of each individual represented by the athlete agent;

2. Any agency contract entered into by the athlete agent; and

3. Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agency contract.

B. Records required by subsection A of this section to be retained shall be open to inspection by the Secretary of State and the Attorney General during normal business hours.

C. The Secretary of State shall make records required by subsection A of this section available to the Attorney General in an electronic format if so requested.

Added by Laws 2003, c. 375, § 13, eff. Jan. 1, 2004. Amended by Laws 2011, c. 211, § 4, eff. Nov. 1, 2011.

§70-821.94. Prohibited conduct.

A. An athlete agent, with the intent to induce a student-athlete to enter into an agency contract, shall not:

1. Give any materially false or misleading information or make a materially false promise or representation;

2. Furnish anything of value to a student-athlete before the student-athlete enters into the agency contract; or

3. Furnish anything of value to any individual other than the student-athlete or another registered athlete agent.

B. An athlete agent shall not:

1. Initiate contact with a student-athlete unless the athlete agent is currently registered pursuant to the Uniform Athlete Agents Act;

2. Refuse or fail to retain or permit inspection of the records required to be retained by Section 821.93 of this title;

3. Fail to register when required by Section 821.84 of this title;

4. Provide materially false or misleading information in an application for registration or renewal of registration;

5. Predate or postdate an agency contract; or

6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

C. An athlete agent is prohibited from any contact with a student-athlete who is not eligible to enter into a professional-sports-services contract. For the purposes of this subsection, "contact" shall not include general promotional brochures.

D. The Attorney General or a district attorney may bring an action to prosecute any civil or criminal actions as provided by this act. The Attorney General or a district attorney may also bring an action to recover actual damages, expenses, restitution, disgorgement of all compensation, consideration, gifts or profits, and penalties attributed to or flowing from a violation of this act.

Added by Laws 2003, c. 375, § 14, eff. Jan. 1, 2004. Amended by Laws 2009, c. 222, § 2, eff. Nov. 1, 2009; Laws 2011, c. 211, § 5, eff. Nov. 1, 2011.

§70-821.95. Criminal penalties.

A. An athlete agent who violates Section 821.94 of this title is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than Ten Thousand Dollars (\$10,000.00) and not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. An athlete agent who violates Section 821.94 of this title upon a second or subsequent conviction shall be guilty of a felony and subject to a fine of not less than Fifty Thousand Dollars (\$50,000) and not more than Five Hundred Thousand Dollars (\$500,000), or by imprisonment not to exceed three (3) years, or by both such fine and imprisonment. All prior convictions in any state of acts that would constitute a violation under Section 821.94 of this title shall also constitute prior convictions under this section.

C. Fifty percent (50%) of all fines collected pursuant to this section shall be deposited in the Attorney General's Law Enforcement Revolving Fund created in Section 19.1 of Title 74 of the Oklahoma Statutes.

Added by Laws 2003, c. 375, § 15, eff. Jan. 1, 2004. Amended by Laws 2009, c. 222, § 3, eff. Nov. 1, 2009; Laws 2011, c. 211, § 6, eff. Nov. 1, 2011.

§70-821.96. Right of action by educational institution - Damages - Restriction of rights, remedies, or defenses.

A. An educational institution has a right of action against an athlete agent or a former student-athlete for damages caused by a violation of the Uniform Athlete Agents Act.

B. Damages of an educational institution under subsection A of this section include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student-athlete, the educational institution was injured by a violation of the Uniform Athlete Agents Act or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.

C. A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

D. Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

E. The Uniform Athlete Agents Act does not restrict rights, remedies, or defenses of any person under law or equity.

Added by Laws 2003, c. 375, § 16, eff. Jan. 1, 2004.

§70-821.97. Administrative penalties.

A. The Secretary of State may assess an administrative penalty against an athlete agent not to exceed Twenty-five Thousand Dollars (\$25,000.00) for a violation of the Uniform Athlete Agents Act.

B. All administrative penalties collected pursuant to this section shall be deposited in the Revolving Fund for the Office of the Secretary of State.

Added by Laws 2003, c. 375, § 17, eff. Jan. 1, 2004.

§70-821.98. Uniformity of application and construction.

In applying and construing the Uniform Athlete Agents Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Added by Laws 2003, c. 375, § 18, eff. Jan. 1, 2004.

§70-821.99. Electronic records or signatures - Conformity with federal law.

The provisions of the Uniform Athlete Agents Act governing the legal effect, validity, or enforceability of electronic records or signatures, and of contracts formed or performed with the use of such records or signatures conform to the requirements of Section 102 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), and supersede, modify, and limit the Electronic Signatures in Global and National Commerce Act. Added by Laws 2003, c. 375, § 19, eff. Jan. 1, 2004.

§70-822. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§70-822.1. Definitions.

As used in Sections 2 and 3 of this act:

1. "Immediate family" means a spouse, parent, legal guardian, child, sibling, grandparent, domestic partner or any individual whose close association with the student-athlete is the practical equivalent of a family relationship;

2. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, firm or any other legal or commercial entity;

3. "Student-athlete" means a student at any public or private institution of postsecondary education in this state or a student residing in this state who has applied, is eligible to apply, or may be eligible to apply in the future to a public or private institution of postsecondary education who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition or program; and

4. "Transaction" means any action or set of actions occurring between two or more persons for the sale or exchange of any property or services.

Added by Laws 2016, c. 13, § 1, eff. Nov. 1, 2016.

§70-822.2. Prohibited transactions involving student-athletes.

A. Except as provided for in subsection C of this section, no person shall give, offer, promise or attempt to give any money or other thing of value to a student-athlete or member of the immediate family of a student-athlete:

1. To induce, encourage or reward the application, enrollment or attendance of the student-athlete at a public or private institution of postsecondary education in order to have the student-athlete participate in intercollegiate sporting events, contests, exhibitions or programs at that institution; or

2. To induce, encourage or reward the participation in an intercollegiate sporting event, contest, exhibition or program by the student-athlete.

B. No person shall enter into or solicit directly or through an agent a transaction with a student-athlete if the person has, or could be reasonably expected to have, knowledge that the transaction would likely cause the student-athlete to permanently or temporarily lose athletic scholarship eligibility, the ability to participate on an intercollegiate athletic team or the ability to participate in one or more intercollegiate sporting competitions as sanctioned by:

1. A national association for the promotion and regulation of intercollegiate athletics;
2. An athletic conference or other sanctioning body; or
3. The institution of postsecondary education itself as a reasonable self-imposed disciplinary action taken by the institution to mitigate sanctions likely to be imposed by an organization as a result of the transaction or as a violation of the rules of the institution.

C. This section shall not apply to:

1. Any public or private institution of postsecondary education or to any officer or employee of the institution when the institution or the officer or employee of the institution is acting in accordance with an official written policy of the institution which is in compliance with the bylaws of the National Collegiate Athletic Association;
2. Any intercollegiate athletic award approved or administered by the public or private institution of postsecondary education;
3. Grants-in-aid or other full or partial scholarships awarded to a student-athlete or administered by a public or private institution of postsecondary education;
4. Members of the immediate family of the student-athlete; and
5. Money or things of value given by a person to a student-athlete or the immediate family of a student-athlete that do not exceed One Hundred Dollars (\$100.00) in value in the aggregate on an annual basis.

D. Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

Added by Laws 2016, c. 13, § 2, eff. Nov. 1, 2016. Amended by Laws 2017, c. 137, § 1, eff. July 1, 2017.

§70-822.3. Right of action for postsecondary institutions.

A. Each public and private institution of postsecondary education located in this state that participates or engages in intercollegiate athletics shall have a right of action against any

person who engages in any activity concerning student-athletes that results in:

1. The institution being penalized, disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, by an athletic conference or other sanctioning body, or by reasonable self-imposed disciplinary action taken by the institution to mitigate sanctions likely to be imposed by the organizations as a result of the activity; or

2. The student-athlete permanently or temporarily losing athletic scholarship eligibility, the ability to participate on an intercollegiate athletic team, or the ability to participate in one or more intercollegiate sporting competitions as sanctioned by a national association for the promotion and regulation of intercollegiate athletics, by an athletic conference or other sanctioning body or by the institution itself as a reasonable self-imposed disciplinary action taken by the institution to mitigate sanctions likely to be imposed by the organizations as a result of engaging in the activity or as a violation of the rules of the institution.

B. An institution shall be entitled to recover all damages which are directly related to or which flow from and are reasonably related to the improper activity as described in this section and to any penalties, disqualifications and suspensions. Damages shall include, but are not limited to, loss of scholarships, loss of television revenue, loss of bowl revenue and legal and other fees associated with the investigation of the activity and the representation of the institution before the sanctioning organizations in connection with the investigation and resolution of the activity. If the institution is the prevailing party in its cause of action, it shall be entitled to an award of court costs, costs of litigation and reasonable attorney fees. The institution may request and the court may enter an injunction prohibiting any person found liable from having any further contact with the institution, its student-athletes and student-athletes who have expressed or might express an interest in attending the institution. The institution may also request and the court may enter an injunction prohibiting any person found liable from attending athletic contests, exhibitions, games or other events in which one or more student-athletes are participating.

C. The right of action and remedies under this section are in addition to all other rights of action which may be available to the institution.

Added by Laws 2016, c. 13, § 3, eff. Nov. 1, 2016.

§70-831. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-832. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-833. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-834. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-835. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-841. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-842. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-843. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-844. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-845. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-846. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-847. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-848. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-849. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-850. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-851. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-852. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-853. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-854.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-854.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-854.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-865. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-866. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-867. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-868. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-869. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-870. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-876.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-876.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-876.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-876.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-881. Repealed by Laws 1941, p. 462, § 1.

§70-882. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-883. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-884. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-885. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-886. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-887. Repealed by Laws 1941, p. 462, § 1.

§70-888. Repealed by Laws 1941, p. 462, § 1.

§70-889. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-889a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-889b. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-889c. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-889d. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-889e. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-889f. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-890. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-890.1. Repealed by Laws 1943, p. 210, § 11.

§70-890.2. Repealed by Laws 1943, p. 210, § 11.

§70-890.3. Repealed by Laws 1943, p. 210, § 11.

§70-890.4. Repealed by Laws 1943, p. 210, § 11.

§70-890.5. Repealed by Laws 1943, p. 210, § 11.

§70-890.6. Repealed by Laws 1943, p. 210, § 11.

§70-890.7. Repealed by Laws 1943, p. 210, § 11.

§70-890.8. Repealed by Laws 1943, p. 210, § 11.

§70-891.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.7. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.8. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.9. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.10. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-891.11. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-892. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-896.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-896.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-896.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-896.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-896.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-901. Repealed by Laws 1941, p. 462, § 1.

§70-902. Repealed by Laws 1941, p. 462, § 1.

§70-903. Repealed by Laws 1941, p. 462, § 1.

§70-904. Repealed by Laws 1941, p. 462, § 1.

§70-905. Repealed by Laws 1941, p. 462, § 1.

§70-906. Repealed by Laws 1941, p. 462, § 1.

§70-907. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-907.7. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-909. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-911. Repealed by Laws 1941, p. 416, § 8.

§70-912. Repealed by Laws 1941, p. 416, § 8.

§70-913. Repealed by Laws 1941, p. 462, § 1.

§70-914. Repealed by Laws 1941, p. 462, § 1.

§70-915.1. Repealed by Laws 1943, p. 210, § 1.

§70-915.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-915.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-915.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-915.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-915.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-921. Repealed by Laws 1941, p. 483, § 1.

§70-922. Repealed by Laws 1941, p. 483, § 1.

§70-923. Repealed by Laws 1941, p. 483, § 1.

§70-924. Repealed by Laws 1941, p. 483, § 1.

§70-925. Repealed by Laws 1941, p. 483, § 1.

§70-926. Repealed by Laws 1941, p. 483, § 1.

§70-927. Repealed by Laws 1941, p. 483, § 1.

§70-928. Repealed by Laws 1941, p. 483, § 1.

§70-929. Repealed by Laws 1941, p. 483, § 1.

§70-930. Repealed by Laws 1941, p. 483, § 1.

§70-931. Repealed by Laws 1941, p. 483, § 1.

§70-932. Repealed by Laws 1941, p. 483, § 1.

§70-933. Repealed by Laws 1941, p. 483, § 1.

§70-934. Repealed by Laws 1941, p. 483, § 1.

§70-935. Repealed by Laws 1941, p. 483, § 1.

§70-951. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-952. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-953. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-954. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-955. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-956. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-957. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-961. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-962. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-963-1. Repealed by Laws 1941, p. 467, § 18.

§70-963-2. Repealed by Laws 1941, p. 467, § 18.

§70-963-3. Repealed by Laws 1941, p. 467, § 18.

§70-963-4. Repealed by Laws 1941, p. 467, § 18.

§70-963-5. Repealed by Laws 1941, p. 467, § 18.

§70-963-6. Repealed by Laws 1941, p. 467, § 18.

§70-963-7. Repealed by Laws 1941, p. 467, § 18.

§70-963-8. Repealed by Laws 1941, p. 467, § 18.

§70-963-9. Repealed by Laws 1941, p. 467, § 18.

§70-963-10. Repealed by Laws 1941, p. 467, § 18.

§70-963-11. Repealed by Laws 1941, p. 467, § 18.

§70-963-12. Repealed by Laws 1941, p. 467, § 18.

§70-963-13. Repealed by Laws 1941, p. 467, § 18.

§70-963-14. Repealed by Laws 1941, p. 467, § 18.

§70-963-15. Repealed by Laws 1941, p. 467, § 18.

§70-963-16. Repealed by Laws 1941, p. 467, § 18.

§70-963-17. Repealed by Laws 1941, p. 467, § 18.

§70-963-18. Repealed by Laws 1941, p. 467, § 18.

§70-963-19. Repealed by Laws 1941, p. 467, § 18.

§70-963-20. Repealed by Laws 1941, p. 467, § 18.

§70-963-21. Repealed by Laws 1941, p. 467, § 18.

- §70-963-22. Repealed by Laws 1941, p. 467, § 18.
- §70-963-23. Repealed by Laws 1941, p. 467, § 18.
- §70-963-24. Repealed by Laws 1941, p. 467, § 18.
- §70-963-25. Repealed by Laws 1941, p. 467, § 18.
- §70-963-26. Repealed by Laws 1941, p. 467, § 18.
- §70-963-27. Repealed by Laws 1941, p. 467, § 18.
- §70-963-28. Repealed by Laws 1941, p. 467, § 18.
- §70-963-29. Repealed by Laws 1941, p. 467, § 18.
- §70-963-30. Repealed by Laws 1941, p. 467, § 18.
- §70-963-31. Repealed by Laws 1941, p. 467, § 18.
- §70-963-32. Repealed by Laws 1941, p. 467, § 18.
- §70-963-33. Repealed by Laws 1941, p. 467, § 18.
- §70-963-34. Repealed by Laws 1941, p. 467, § 18.
- §70-963-35. Repealed by Laws 1941, p. 467, § 18.
- §70-963-36. Repealed by Laws 1941, p. 467, § 18.
- §70-963-37. Repealed by Laws 1941, p. 467, § 18.
- §70-963-38. Repealed by Laws 1941, p. 467, § 18.
- §70-964.1. Repealed by Laws 1945, p. 333, § 15.
- §70-964.2. Repealed by Laws 1945, p. 333, § 15.
- §70-964.3. Repealed by Laws 1945, p. 333, § 15.
- §70-964.4. Repealed by Laws 1945, p. 333, § 15.
- §70-964.5. Repealed by Laws 1945, p. 333, § 15.
- §70-964.6. Repealed by Laws 1945, p. 333, § 15.

- §70-964.7. Repealed by Laws 1945, p. 333, § 15.
- §70-964.8. Repealed by Laws 1945, p. 333, § 15.
- §70-964.9. Repealed by Laws 1945, p. 333, § 15.
- §70-964.10. Repealed by Laws 1945, p. 333, § 15.
- §70-964.11. Repealed by Laws 1945, p. 333, § 15.
- §70-964.12. Repealed by Laws 1945, p. 333, § 15.
- §70-964.13. Repealed by Laws 1945, p. 333, § 15.
- §70-964.14. Repealed by Laws 1945, p. 333, § 15.
- §70-965.1. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.2. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.3. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.4. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.5. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.6. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.7. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.8. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.9. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.10. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.11. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.12. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.13. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-965.14. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-970.1. Repealed by Laws 1949, p. 607, art. 20, § 9.
- §70-970.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-970.3. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.4. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.5. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.6. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.7. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.8. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.9. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.10. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.11. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.12. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.13. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.14. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.15. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.16. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.17. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.18. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.19. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.20. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.21. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.22. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.23. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-970.24. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-971. Repealed by Laws 1947, p. 533, § 25.

§70-972. Repealed by Laws 1947, p. 533, § 25.

§70-973. Repealed by Laws 1947, p. 533, § 25.

§70-974. Repealed by Laws 1947, p. 533, § 25.

§70-975. Repealed by Laws 1947, p. 533, § 25.

§70-975.1. Repealed by Laws 1947, p. 533, § 25.

§70-976. Repealed by Laws 1947, p. 533, § 25.

§70-977. Repealed by Laws 1947, p. 533, § 25.

§70-978. Repealed by Laws 1947, p. 533, § 25.

§70-979. Repealed by Laws 1947, p. 533, § 25.

§70-980. Repealed by Laws 1947, p. 533, § 25.

§70-981. Repealed by Laws 1947, p. 533, § 25.

§70-982. Repealed by Laws 1947, p. 533, § 25.

§70-983. Repealed by Laws 1947, p. 533, § 25.

§70-984. Repealed by Laws 1947, p. 533, § 25.

§70-985. Repealed by Laws 1941, p. 416, § 1.

§70-985a. Repealed by Laws 1947, p. 533, § 25.

§70-985b. Repealed by Laws 1945, p. 335, § 3.

§70-986. Repealed by Laws 1947, p. 533, § 25.

§70-987. Repealed by Laws 1947, p. 533, § 25.

§70-988. Repealed by Laws 1941, p. 416, § 1, and Laws 1941, p. 418, § 6.

§70-989. Repealed by Laws 1947, p. 533, § 25.

§70-990. Repealed by Laws 1947, p. 533, § 25.

§70-991. Repealed by Laws 1947, p. 533, § 25.

§70-991a. Repealed by Laws 1947, p. 533, § 25.

§70-991b. Repealed by Laws 1947, p. 533, § 25.

§70-992. Repealed by Laws 1947, p. 533, § 25.

§70-1001. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1002. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1003. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1004. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1005. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1006. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1007. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1008. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1021. Repealed by Laws 1941, p. 424, § 20.

§70-1022. Repealed by Laws 1941, p. 424, § 20.

§70-1023. Repealed by Laws 1941, p. 424, § 20.

§70-1024. Repealed by Laws 1941, p. 424, § 20.

§70-1025. Repealed by Laws 1941, p. 424, § 20.

§70-1026. Repealed by Laws 1941, p. 424, § 20.

§70-1027. Repealed by Laws 1941, p. 424, § 20.

§70-1028. Repealed by Laws 1941, p. 424, § 20.

§70-1029. Repealed by Laws 1941, p. 424, § 20.

§70-1030. Repealed by Laws 1941, p. 424, § 20.

§70-1031. Repealed by Laws 1941, p. 424, § 20.

§70-1032. Repealed by Laws 1941, p. 424, § 20.

§70-1033. Repealed by Laws 1941, p. 424, § 20.

§70-1034. Repealed by Laws 1941, p. 424, § 20.

§70-1035. Repealed by Laws 1941, p. 424, § 20.

§70-1036. Repealed by Laws 1941, p. 424, § 20.

§70-1037. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.1a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.7. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.8. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.9. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.10. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.11. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.12. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.13. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.14. Repealed by Laws 1947, p. 499, art. I, § 8.

§70-1037.15. Repealed by Laws 1947, p. 499, art. I, § 8.

§70-1037.16. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.17. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1037.18. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1038. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1051. Repealed by Laws 1941, p. 462, § 1.

§70-1052. Repealed by Laws 1941, p. 462, § 1.

§70-1053. Repealed by Laws 1941, p. 462, § 1.

§70-1054. Repealed by Laws 1941, p. 462, § 1.

§70-1055. Repealed by Laws 1941, p. 462, § 1.

§70-1056. Repealed by Laws 1941, p. 462, § 1.

§70-1061. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1062. Repealed by Laws 1941, p. 464, § 6.

§70-1063. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1064. Repealed by Laws 1941, p. 464, § 6.

§70-1065. Repealed by Laws 1941, p. 464, § 6.

§70-1066. Repealed by Laws 1937, p. 186, § 11.

§70-1067. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1067a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1068. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1069. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1070. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1071. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1072. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1073. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1074. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1075. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1076. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1081. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1082. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1084. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1085. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1091. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1092. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1093. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1101. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105b. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105c. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105d. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105e. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1105f. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1106.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1106.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1106.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1106.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1106.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1107.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1107.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1107.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1108.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1108.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1111. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1112. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1113. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1121. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1122. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1123. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1124. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1125. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1125a. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1125c. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1126. Repealed by Laws 1947, p. 540, § 9.

§70-1126a. Repealed by Laws 1947, p. 540, § 9.

§70-1126b. Repealed by Laws 1947, p. 540, § 9.

§70-1126c. Repealed by Laws 1947, p. 540, § 9.

§70-1126d. Repealed by Laws 1947, p. 540, § 9.

§70-1126e. Repealed by Laws 1947, p. 540, § 9.

§70-1126f. Repealed by Laws 1947, p. 540, § 9.

§70-1127.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1127.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1127.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1127.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1127.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1127.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1127.7. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1131. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1132. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1141. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1142. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1151. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1152. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1153. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.7. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1156.8. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1160. Repealed by Laws 1951, p. 235, § 34.

§70-1161. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1171. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1172. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1173. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1174. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1175. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1176. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1177. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1178. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1179. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1180. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1181. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1182. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1183. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1191. Repealed by Laws 1939, p. 182, § 17.
§70-1192. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1193. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1194. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195a. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195b. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195c. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195d. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195e. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195f. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195g. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195h. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195i. Repealed by Laws 1949, p. 607, art. 20, § 9.
§70-1195j. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1195k. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1195l. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1195m. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1195n. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1196. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.3. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.4. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.5. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.6. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.7. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1199.8. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1201. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1206.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1206.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1207.1. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1207.2. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1208. Repealed by Laws 1949, p. 607, art. 20, § 9.

§70-1209. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.1. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.5E. Remediation in mathematics - Implementation contingency - Verification of expenditure levels.

A. Contingent upon the provision of appropriated funds designated for such purpose, students who do not perform satisfactorily on the mathematics portion of either the norm-referenced or criterion-referenced tests for grades three through eight required pursuant to Section 1210.508 of this title shall be provided remediation. The remediation may include but not be limited to tutorial instruction after regular school hours, on Saturdays and during the summer. Such instruction shall not be counted toward the one-hundred-eighty-day school year required in Section 1-109 of this title.

B. Implementation of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this section, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. This section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.

Added by Laws 1999, c. 320, § 44, eff. July 1, 1999. Amended by Laws 2001, c. 201, § 6; Laws 2002, c. 212, § 1, eff. July 1, 2002.

§70-1210.21. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.22. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.23. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.24. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.25. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.26. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.27. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.28. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.29. Repealed by Laws 1967, c. 327, § 5.

§70-1210.30. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.31. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.32. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1210.34. Special license plates for automobiles furnished by dealers - Insurance - Liability.

(a) Each new motor vehicle loaned and furnished free of charge by a licensed Oklahoma new car dealer to a school district or institution of higher learning in Oklahoma to be used exclusively for instructing pupils or used in the instruction of teachers in the driver education and training program, including any vehicle used exclusively for vocational agriculture purposes, conducted by such school district or institution of higher learning may be operated for such purpose with a special driver education training license plate attached thereto. Such license plates shall be issued without any charge therefor to school districts or institutions of higher learning from the central office of the Oklahoma Tax Commission upon application forms prescribed and furnished by the Commission, and such plates shall be accounted for by the school district or institution of higher learning to which issued, as the Tax Commission may require. Said special license plates shall be used only on such motor vehicles furnished free of charge by dealers and used in the driver education program, including any vehicle used exclusively for vocational agriculture purposes, and for no other purpose except for garaging and safekeeping of said motor vehicle.

(b) The school district or institution of higher learning may provide adequate insurance to cover such motor vehicle and its use for such purposes, and the dealer owning and so furnishing same shall not be liable for any personal injury or property damage resulting from the use of any such motor vehicle while in the possession of the

school district or institution of higher learning, its officials, employees or students.

The use of such motor vehicles for said purposes by school districts or institutions of higher learning is declared to be a public governmental function and no action for damages shall be brought against the school districts or institutions of higher learning and the amount of damages, if any, recoverable against the insurer and collectible from such insurer shall be limited to the amount provided in the insurance contract. Provided that the provisions hereof shall not be construed as creating any liability whatever against any school district or institution of higher learning which has not provided said insurance.

(c) Each new motor vehicle loaned and furnished free of charge by a licensed Oklahoma new car dealer to a parochial, private or nonpublic school in Oklahoma to be used exclusively for instructing pupils in the driver education and training program may be operated for such purpose with a special private driver education training license plate attached thereto. The Oklahoma Tax Commission shall issue said license upon payment of a fee of Ten Dollars (\$10.00) per year. The ten-dollar fee shall be in addition to other fees required by law, excluding the annual license fee established pursuant to the Oklahoma Vehicle License and Registration Act. The revenue collected shall be apportioned as provided by law for such motor vehicles. The Oklahoma Tax Commission shall prescribe and furnish application forms for such purpose and shall promulgate rules and regulations for the issuance and revocation of said license. The motor vehicles provided for in this subsection shall not be subject to the provisions of Sections 1152 through 1155 of Title 47 of the Oklahoma Statutes. Added by Laws 1970, c. 180, § 1, eff. July 1, 1970. Amended by Laws 1971, c. 141, § 1, operative July 1, 1971; Laws 1986, c. 104, § 3, eff. Aug. 1, 1986.

NOTE: Laws 1971, c. 73, § 1 repealed by Laws 1986, c. 104, § 5, eff. Aug. 1, 1986.

§70-1210.35. Penalty - Unauthorized use.

It shall be unlawful for any person to operate a motor vehicle bearing a "Driver Education Training" tag or "Private Driver Education Training" tag as provided for in Section 1210.34 of this title on any street, road or highway in this state for any purpose other than instructing pupils or used in the instruction of teachers in driver education and training; and upon conviction therefor such person shall be punished by a fine of not more than Fifty Dollars (\$50.00). Use of a driver education motor vehicle in a manner unauthorized herein shall create no liability of any kind upon a school district or institution of higher learning.

Added by Laws 1970, c. 180, § 2, eff. July 1, 1970. Amended by Laws 1971, c. 141, § 2, operative July 1, 1971; Laws 1986, c. 104, § 4, eff. Aug. 1, 1986.

NOTE: Laws 1971, c. 73, § 2 repealed by Laws 1986, c. 104, § 5, eff. Aug. 1, 1986.

§70-1210.41. Motor vehicles - Lease or loan agreements - Training or maintenance programs.

Any person, company, corporation, partnership, copartnership, trust or other business entity desiring to do so may enter into a written lease or loan agreement with the board of education of any technology center school or technology center school district covering the lease or loan to such board of education of any motor vehicle for use by such technology center school or technology center school district in connection with any training or maintenance or other similar educational program, or in administering any such program, operated by or under the direction of such board of education. Such written agreement shall specify the monetary consideration therefor, if any; shall provide that ownership of such motor vehicle shall remain in the person or business entity so furnishing same to the board of education; shall state the make, model, equipment attached, year of manufacture and manufacturer's delivery price of said motor vehicle; and the duration of the term of such lease or loan agreement. Such written agreements shall provide that upon expiration of the term set out in the agreement said motor vehicle shall be returned to the owner thereof. Such agreements shall be executed by the board of education, or an administrative officer in behalf thereof, and the owner of such motor vehicle.

Added by Laws 1971, c. 219, § 1, emerg. eff. June 11, 1971. Amended by Laws 2001, c. 33, § 124, eff. July 1, 2001.

§70-1210.42. Special license plates.

Each motor vehicle furnished to the board of education of a technology center school or technology center school district in the manner and for the purposes provided for in Section 1210.41 of this title may be operated for such purposes with a special license plate attached thereto. Such special license plates shall be issued for a nominal fee of One Dollar (\$1.00) in event the vehicle is loaned but such special license plates may be used only while such motor vehicle is in the possession or under the control of the board of education, and it shall not be necessary for the owner of such motor vehicle to pay the vehicle excise tax thereon during the time same is in the possession of such board of education and used for purposes stated in Section 1210.41 of this title.

Added by Laws 1971, c. 219, § 2, emerg. eff. June 11, 1971. Amended by Laws 2001, c. 33, § 125, eff. July 1, 2001.

§70-1210.43. Insurance.

In event the vehicle is loaned the board of education shall provide insurance, by securing a policy from an insurance company authorized to do business in this state, with limits of not less than Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident, to cover such motor vehicle and its use while in its possession or control, and the owner so furnishing same shall not be liable for any personal injury or property damage resulting from the use of any such motor vehicle while in the possession of the board of education, its officials, employees or students.

The use of such motor vehicles for the purposes stated in Section 1210.41 of this title by technology center schools or technology center school districts is declared to be a public governmental function and no action for damages shall be brought against such schools or school districts or the boards of education thereof and the amount of damages, if any, recoverable against and collectible from such insurer may be determined in an action brought against said insurance company and shall be limited to the amount provided in the insurance contract.

Added by Laws 1971, c. 219, § 3, emerg. eff. June 11, 1971. Amended by Laws 2001, c. 33, § 126, eff. July 1, 2001; Laws 2004, c. 519, § 36, eff. Nov. 1, 2004.

§70-1210.44. Unauthorized use of vehicles.

It shall be unlawful for any person to operate a motor vehicle bearing a special license plate as provided for in this act on any street, road or highway in this state for any purpose other than in connection with any training or maintenance or other similar educational program or in administering such program; and upon conviction therefor such person shall be punished by a fine of not more than Fifty Dollars (\$50.00). Use of a motor vehicle in a manner unauthorized herein shall create no liability of any kind upon a technology center school or technology center school district, or upon the board of education thereof.

Added by Laws 1971, c. 219, § 4, emerg. eff. June 11, 1971. Amended by Laws 2001, c. 33, § 127, eff. July 1, 2001.

§70-1210.45. Lease, sale, donation, etc. of obsolete, surplus or unneeded machinery, equipment or vehicles.

The board of county commissioners of any county or the governing board of any city or town is hereby authorized, in its discretion and upon such terms, conditions and for such consideration as it deems advisable, to lease, loan, sell or donate any obsolete, surplus or unneeded machinery, equipment or motor vehicle which it may have to the board of education of any technology center school or technology center school district for use in connection with any training, maintenance or other similar educational program conducted by such board of education. Such educational programs may include, but shall not be limited to, the performance of field training projects in behalf of any county, municipality, school district or any organization not organized for profit, to provide needed training experience for the persons enrolled in such training programs. Added by Laws 1971, c. 219, § 5, emerg. eff. June 11, 1971. Amended by Laws 2001, c. 33, § 128, eff. July 1, 2001.

§70-1210.51. Citation.

This act shall be known as and may be cited as "The Public School Improvement Act of 1968".

Laws 1968, c. 48, § 1, eff. July 1, 1968.

§70-1210.52. Legislative intent.

It is the intention of the Legislature to provide for the improvement of the public schools of Oklahoma:

(a) by increasing the amount of state financial aid to local school districts;

(b) by encouraging local school districts to make a maximum effort to increase their local financial support of their own public schools in each such school district;

(c) by encouraging local school districts to initiate and maintain free public kindergartens without compelling such kindergartens;

(d) by basing state financial aid upon the child and not upon the classroom unit, the teacher or any other factor;

(e) by strengthening the partnership between the state and the local school districts in the fulfillment of their joint obligation to provide education for Oklahoma's children; and

(f) by preserving the autonomy of each local school district and the citizens thereof to decide the kind and quality of education to be provided for the children of that district.

It is the further intention of the Legislature to increase and improve the educational opportunities of the children of Oklahoma through increased financial support of the public schools in order to allow local school districts more ample funds:

(a) to increase the compensation of teachers;

(b) to reduce the nonteaching duties of teachers;

(c) to reduce class sizes;

(d) to improve, enlarge and enrich curriculum;

(e) to provide special education for children with learning disabilities; and

(f) to encourage local school districts to initiate and maintain free public kindergartens without compelling such, while preserving to each local school district and the citizens thereof a maximum autonomy in determining which needs are most important and the priorities of such needs as to available funds. This Act should be administered, interpreted and construed liberally to effectuate these purposes.

Laws 1968, c. 48, § 2, eff. July 1, 1968.

§70-1210.53. Repealed by Laws 1973, c. 25, § 2, emerg. eff. April 17, 1973.

§70-1210.54. School budgets and estimates.

In the preparation of their budgets and estimates of income for the school years 1968-69 and thereafter the school districts of this state may include the increased amounts of Foundation Program Aid and Incentive Aid provided by this act.

Laws 1968, c. 48, § 5, eff. July 1, 1968.

§70-1210.101. Repealed by Laws 1998, c. 204, § 6, eff. July 1, 1998.

§70-1210.102. Repealed by Laws 1998, c. 204, § 6, eff. July 1, 1998.

§70-1210.103. Repealed by Laws 1998, c. 204, § 6, eff. July 1, 1998.

§70-1210.103A. Repealed by Laws 1998, c. 204, § 6, eff. July 1, 1998.

§70-1210.104. Repealed by Laws 1998, c. 204, § 6, eff. July 1, 1998.

§70-1210.105. Repealed by Laws 1973, c. 25, § 2, emerg. eff. April 17, 1973.

§70-1210.151. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.152. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.153. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.154. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.155. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.156. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.157. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.158. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.159. Repealed by Laws 1976, c. 22, § 5, operative July 1, 1976.

§70-1210.160. Abuse-prevention instructional programs.

A. All public schools may establish an abuse-prevention instructional program for students, consistent with this section. The content of instruction shall be at the discretion of the school board; provided, that the instructional program shall:

1. Provide developmental and age-appropriate curriculum to teach children risk-reduction strategies including, but not limited to:

- a. how to identify dangerous situations,
- b. personal boundary violations,
- c. how to refuse approaches and invitations,
- d. how to summon help, and
- e. what to do if abuse occurs;

2. Be offered annually to reinforce and build on skills learned the previous year;

3. Involve students as active learning participants;

4. Have the capacity to be delivered by a wide range of personnel including teachers, school counselors, prevention agency educators, and other professionals;

5. Include evidence-informed curriculum;

6. Include an evaluation component that utilizes a pre- and post-program surveys or testing of the students to measure the acquisition of the lessons taught;

7. Provide instruction that is culturally sensitive and adaptable; and

8. Encourage parental involvement within the abuse prevention program to include, but not be limited to, information on child abuse prevention, risk-reduction techniques, abuse reporting, and support service availability.

B. Pursuant to the Parents' Bill of Rights, Section 2001 et seq. of Title 25 of the Oklahoma Statutes, no student shall be required to participate in an abuse-prevention instructional program. Failure to

participate shall not, by itself, be grounds for a referral to the Department of Human Services pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes.

Added by Laws 2015, c. 246, § 3, eff. Nov. 1, 2015.

§70-1210.161. Promulgation of rules.

The State Board of Education, the Oklahoma Commission on Children and Youth, and the State Board of Health shall promulgate rules necessary to implement the provisions of this act.

Added by Laws 2015, c. 246, § 5, eff. Nov. 1, 2015.

§70-1210.162. Public schools - Child abuse sign posting.

A. Each public school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and Spanish that contains the toll-free telephone number operated by the Department of Human Services pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes to receive reports of child abuse or neglect.

B. The State Board of Education shall promulgate rules relating to the size and location of the sign required by subsection A of this section.

Added by Laws 2016, c. 25, § 1, eff. July 1, 2016.

§70-1210.163. Duty for school employees to report potential student abuse or neglect.

A. Every school employee having reason to believe that a student under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services and local law enforcement. Reports to the Department shall be made to the hotline provided for in Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department.

B. Every school employee having reason to believe that a student age eighteen (18) years or older is a victim of abuse or neglect shall report the matter immediately to local law enforcement.

C. In reports required by subsection A or B of this section, local law enforcement shall keep confidential and redact any information identifying the reporting school employee unless otherwise ordered by the court. A school employee with knowledge of a report required by subsection A or B of this section shall not disclose information identifying the reporting school employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or the Department.

D. For the purposes of this section, "child abuse and neglect" shall include, but not be limited to:

1. Child abuse as defined in Section 843.5 of Title 21 of the Oklahoma Statutes;
2. Sexual abuse or sexual exploitation as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;
3. Contributing to the delinquency of a minor as defined in Section 856 of Title 21 of the Oklahoma Statutes;
4. Trafficking in children, as defined in Section 866 of Title 21 of the Oklahoma Statutes;
5. Incest as described in Section 885 of Title 21 of the Oklahoma Statutes;
6. Forcible sodomy, as described in Section 888 of Title 21 of the Oklahoma Statutes;
7. Maliciously, forcibly or fraudulently taking or enticing a child away, as described in Section 891 of Title 21 of the Oklahoma Statutes;
8. Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child pornography, as described in Section 1021 of Title 21 of the Oklahoma Statutes;
9. Procuring or causing the participation of any minor child in any child pornography or knowingly possessing, procuring or manufacturing child pornography, as described in Section 1021.2 of Title 21 of the Oklahoma Statutes;
10. Permitting or consenting to the participation of a minor child in any child pornography, as described in Section 1021.3 of Title 21 of the Oklahoma Statutes;
11. Facilitating, encouraging, offering or soliciting sexual conduct with a minor, as described in Section 1040.13a of Title 21 of the Oklahoma Statutes;
12. Offering or offering to secure a minor child for the purposes of prostitution or any other lewd or indecent act, as described in Section 1087 of Title 21 of the Oklahoma Statutes;
13. Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution, as described in Section 1088 of Title 21 of the Oklahoma Statutes;
14. Rape or rape by instrumentation, as described in Sections 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and
15. Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16) as described in Section 1123 of Title 21 of the Oklahoma Statutes.

Added by Laws 2018, c. 323, § 2, eff. July 1, 2018. Amended by Laws 2019, c. 415, § 2, eff. July 1, 2019.

§70-1210.171. Appropriate education for deaf or hard of hearing children.

A. It shall be the right of every child who is deaf or so hard of hearing that he cannot participate in the regular public school program to receive an appropriate education at the expense of the State of Oklahoma. It shall be the duty of every school district to seek out and identify every such child between the ages of two (2) and twenty-one (21) years at the earliest possible age under procedures to be prescribed by regulations of the State Department of Education. It shall be the duty of every parent or other person having custody of such child to cause such child to be enrolled in and attend a school which provides special education for such deaf children.

B. The State Department of Education may establish educational programs for preschool deaf and hard-of-hearing children by regional education service centers. Such programs shall serve preschool deaf and hard-of-hearing children from the age the hearing impairment is detected by a licensed physician or audiologist. Such programs shall also include a course of instruction for the parents of deaf and hard-of-hearing children.

Amended by Laws 1982, c. 168, § 1.

§70-1210.172. Enforcement.

The duties of the school district under the preceding section shall be enforced by the State Department of Education through orders issued after a hearing upon due notice to such district.

Laws 1970, c. 201, § 2, emerg. eff. April 13, 1970.

§70-1210.181. Respirators to be available where toxic materials are used or stored.

The school board of each school district in Oklahoma shall provide respirators where needed in the opinion of the State Health Department as approved by the National Safety Council in sufficient numbers to protect teachers and students in industrial arts, vocational training, technical training and chemistry classes using or handling toxic materials or other substances which may cause damage to the respiratory system and shall further direct that such respirators be maintained in satisfactory working condition and are located within easy access wherever such materials or substances are used or stored.

Added by Laws 1965, c. 462, § 1.

§70-1210.182. Industrial quality eye protective devices

Every student and teacher in schools, colleges, universities, or other educational institutions, participating in or observing any of the following courses of instruction in:

(A) Vocational, technical, industrial arts, chemical, or chemical-physical, involving exposure to:

1. Hot molten metals, or other molten materials;

2. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
3. Heat treatment, tempering, or kiln firing of any metal or other materials;
4. Gas or electric arc welding, or other forms of welding processes;
5. Repair or servicing of any vehicle where there is danger of injury to the eyes;
6. Caustic or explosive materials;

(B) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated; is required to wear appropriate industrial quality eye protective devices at all times while participating in or observing such courses of instruction. Such devices may be furnished for all students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories when entering working areas.

"Industrial quality eye protective devices", as used in this section means devices meeting the standards of the USA Standard Practice for Occupational and Educational Eye and Face Protection, Z87.1-1968, and subsequent revisions thereof, approved by the United States of America Standards Institute, Inc.

The State Commissioner of Health shall prepare and circulate to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this law.

Added by Laws 1969, c. 127, § 1, emerg. eff. April 3, 1969.

§70-1210.191. Certification - School children - List of immunization tests required.

A. No minor child shall be admitted to any public, private, or parochial school operating in this state unless and until certification is presented to the appropriate school authorities from a licensed physician, or authorized representative of the State Department of Health, that such child has received or is in the process of receiving, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is likely to be immune as a result of the disease.

B. Immunizations required, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in the state. The State Department of Health shall supervise and secure the enforcement of the required immunization program. The State Department of Education and the governing boards of the school districts of this

state shall render reasonable assistance to the State Department of Health in the enforcement of the provisions hereof.

C. The State Board of Health, by rule, may alter the list of immunizations required after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

D. The State Department of Education and the governing boards of the school districts of this state shall provide for release to the Oklahoma Health Care Authority of the immunization records of school children covered under Title XIX or Title XXI of the federal Social Security Act who have not received the required immunizations at the appropriate time. The information received pursuant to such release shall be transmitted by the Oklahoma Health Care Authority to medical providers who provide services to such children pursuant to Title XIX or Title XXI to assist in their efforts to increase the rate of childhood immunizations pursuant to the requirements of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services provisions. The provisions of this subsection shall not be construed to prohibit or affect the eligibility of any child to receive benefits pursuant to Title XIX or Title XXI of the Social Security Act or to require the immunization of any child if such child is exempt from the immunization requirements pursuant to law. The name of any child exempt from immunization pursuant to Section 1210.192 of this title shall not be included in the information transmitted pursuant to this subsection.

Added by Laws 1970, c. 225, § 1, emerg. eff. April 15, 1970. Amended by Laws 1976, c. 262, § 1, emerg. eff. June 17, 1976; Laws 1998, c. 175, § 1, eff. Nov. 1, 1998; Laws 1998, c. 412, § 3, eff. Nov. 1, 1998.

NOTE: Laws 1998, c. 95, § 2 and Laws 1998, c. 177, § 2 repealed by Laws 1998, c. 412, § 8, eff. Nov. 1, 1998.

§70-1210.192. Exemptions.

Any minor child, through the parent, guardian, or legal custodian of the child, may submit to the health authority charged with the enforcement of the immunization laws of this state:

1. A certificate of a licensed physician as defined in Section 725.2 of Title 59 of the Oklahoma Statutes, stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or

2. A written statement by the parent, guardian or legal custodian of the child objecting to immunization of the child; whereupon the child shall be exempt from the immunization laws of this state.

Added by Laws 1970, c. 225, § 2, emerg. eff. April 15, 1970. Amended by Laws 1998, c. 181, § 4, eff. Nov. 1, 1998.

§70-1210.193. Administration - Parents unable to pay

The immunizations will be administered by a licensed physician, someone under his direction, or public health department. If the parents or guardians are unable to pay, the State Department of Public Health shall provide, without charge, the immunization materials required by this act to such pupils. The parents, guardian or person having legal custody of any child may claim an exemption from the immunizations on medical, religious or personal grounds.

Added by Laws 1970, c. 225, § 3, emerg. eff. April 15, 1970. Amended by Laws 1976, c. 262, § 2, emerg. eff. June 17, 1976.

§70-1210.194. Children afflicted with contagious disease or head lice.

A. Any child afflicted with a contagious disease or head lice may be prohibited from attending a public, private, or parochial school until such time as he is free from the contagious disease or head lice.

B. Any child prohibited from attending school due to head lice shall present to the appropriate school authorities, before the child may reenter school, certification from a health professional as defined by Section 2601 of Title 63 of the Oklahoma Statutes or an authorized representative of the State Department of Health that the child is no longer afflicted with head lice.

C. School districts and county or city-county health departments may enter into agreements under the Interlocal Cooperation Act for the purpose of providing assistance to the school district by inspecting children who are returning to school after an absence due to head lice to ensure that the child is no longer afflicted with head lice.

D. If a school district and county or city-county health department has entered into an agreement as authorized in subsection C of this section, upon written authorization of the parent or guardian of a child, the county or city-county health department may provide treatment to the child for head lice.

Added by Laws 1970, c. 225, § 4, emerg. eff. April 15, 1970. Amended by Laws 1984, c. 192, § 1, emerg. eff. May 14, 1984; Laws 1996, c. 43, § 1, eff. Nov. 1, 1996.

§70-1210.195. Dissemination of meningococcal meningitis information.

A. At the beginning of each school year, when the board of education of a school district provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of students in grades six through twelve, the board shall include information about meningococcal meningitis. The information shall include at least the causes and symptoms of meningococcal meningitis, how it is spread, sources for additional information about meningococcal meningitis, and the availability, effectiveness, and risks of vaccination against the disease.

B. The State Department of Education, in cooperation with the State Department of Health, shall develop and make available to school districts information that meets the requirements of subsection A of this section. The State Department of Education shall develop and make the information available in the most cost-effective and programmatically effective manner available as determined by the Department, which shall at a minimum include posting the information on the Department's website.

Added by Laws 2006, c. 142, § 1, eff. Nov. 1, 2006.

§70-1210.196.1. Short title.

Sections 3 through 9 of this act shall be known and may be cited as the "Diabetes Management in Schools Act".

Added by Laws 2007, c. 164, § 2, eff. July 1, 2007.

§70-1210.196.2. Definitions.

As used in the Diabetes Management in Schools Act:

1. "Diabetes medical management plan" means a document developed by the personal health care team of a student that sets out the health services that may be needed by the student at school and is signed by the personal health care team and the parent or guardian of the student;

2. "School" means a public elementary or secondary school. The term shall not include a charter school established pursuant to Section 3-132 of Title 70 of the Oklahoma Statutes;

3. "School nurse" means a certified school nurse as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, a registered nurse contracting with the school to provide school health services, or a public health nurse; and

4. "Volunteer diabetes care assistant" means a school employee who has volunteered to be a diabetes care assistant and who has successfully completed the training required by Section 6 of this act.

Added by Laws 2007, c. 164, § 3, eff. July 1, 2007.

§70-1210.196.3. Diabetes medical management plan.

A diabetes medical management plan shall be developed for each student with diabetes who will seek care for diabetes while at school or while participating in a school activity. The plan shall be developed by the personal health care team of each student. The personal health care team shall consist of the principal or designee of the principal, the school nurse, if a school nurse is assigned to the school, the parent or guardian of the student, and to the extent practicable, the physician responsible for the diabetes treatment of the student.

Added by Laws 2007, c. 164, § 4, eff. July 1, 2007.

§70-1210.196.4. School nurse to administer management plan - Volunteer diabetes care assistant - Refusal to serve as assistant.

A. The school nurse at each school in which a student with diabetes is enrolled shall assist the student with the management of their diabetes care as provided for in the diabetes medical management plan for the student.

B. If a school does not have a school nurse assigned to the school, the principal shall make an effort to seek school employees who may or may not be health care professionals to serve as volunteer diabetes care assistants to assist the student with the management of their diabetes care as provided for in the diabetes medical management plan for the student.

C. Each school in which a student with diabetes is enrolled shall make an effort to ensure that a school nurse or a volunteer diabetes care assistant is available at the school to assist the diabetic student when needed.

D. A school employee shall not be subject to any penalty or disciplinary action for refusing to serve as a volunteer diabetes care assistant.

E. A school district shall not restrict the assignment of a student with diabetes to a particular school site based on the presence of a school nurse, contract school employee, or a volunteer diabetes care assistant.

F. Each school nurse and volunteer diabetes care assistant shall at all times have access to a physician.

Added by Laws 2007, c. 164, § 5, eff. July 1, 2007.

§70-1210.196.5. Volunteer diabetes care assistants training.

A. The State Department of Health shall develop guidelines, with the assistance of the following entities, for the training of volunteer diabetes care assistants:

1. Oklahoma School Nurses Association;
2. The American Diabetes Association;

3. The Juvenile Diabetes Research Foundation International;
4. The Oklahoma Nurses Association;
5. The State Department of Education;
6. Oklahoma Board of Nursing;
7. Oklahoma Dietetic Association; and
8. Cooperative Council of School Administrators.

B. A school nurse or State Department of Health designee with training in diabetes shall coordinate the training of volunteer diabetes care assistants.

C. The training shall include instruction in:

1. Recognizing the symptoms of hypoglycemia and hyperglycemia;
2. Understanding the proper action to take if the blood glucose levels of a student with diabetes are outside the target ranges indicated by the diabetes medical management plan for the student;
3. Understanding the details of the diabetes medical management plan of each student assigned to a volunteer diabetes care assistant;
4. Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of those checks;
5. Properly administering insulin and glucagon and recording the results of the administration;
6. Recognizing complications that require seeking emergency assistance; and
7. Understanding the recommended schedules and food intake for meals and snacks for a student with diabetes, the effect of physical activity on blood glucose levels, and the proper actions to be taken if the schedule of a student is disrupted.

D. The volunteer diabetes care assistant shall annually demonstrate competency in the training required by subsection C of this section.

E. The school nurse, the principal, or a designee of the principal shall maintain a copy of the training guidelines and any records associated with the training.

Added by Laws 2007, c. 164, § 6, eff. July 1, 2007.

§70-1210.196.6. Student information sheet - Privacy policies.

A. Each school district shall provide, with the permission of the parent, to each school employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes an information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the diabetes of the student and the appropriate responses to emergencies; and
3. Provides the telephone number of a contact person in case of an emergency involving the student with diabetes.

B. The school employee provided information as set forth in this section shall be informed of all health privacy policies.
Added by Laws 2007, c. 164, § 7, eff. July 1, 2007.

§70-1210.196.7. Student management of diabetes at school - Designated private area.

A. In accordance with the diabetes medical management plan of a student, a school shall permit the student to attend to the management and care of the diabetes of the student, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system used by the student;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the person of the student at any time any supplies or equipment necessary to monitor and care for the diabetes of the student; and
5. Otherwise attending to the management and care of the diabetes of the student in the classroom, in any area of the school or school grounds, or at any school-related activity.

B. Each school shall provide a private area where the student may attend to the management and care of the student's diabetes.
Added by Laws 2007, c. 164, § 8, eff. July 1, 2007.

§70-1210.196.8. Employee immunity from liability - Nurse not responsible for acts of volunteer diabetes care assistant.

A. A school employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with the Diabetes Management in Schools Act. Any employee acting in accordance with the provisions of the act shall be immune from civil liability unless the actions of the employee rise to a level of reckless or intentional misconduct.

B. A school nurse shall not be responsible for and shall not be subject to disciplinary action for actions performed by a volunteer diabetes care assistant.

Added by Laws 2007, c. 164, § 9, eff. July 1, 2007.

§70-1210.199. Short title - Dustin Rhodes and Lindsay Steed CPR Training Act.

A. This act shall be known and may be cited as the "Dustin Rhodes and Lindsay Steed CPR Training Act".

B. Beginning with the 2015-2016 school year, all students enrolled in the public schools of this state shall receive instruction in cardiopulmonary resuscitation and awareness of the purpose of an automated external defibrillator, in accordance with subsection C of this section, at least once between ninth grade and graduation from high school. The instruction may be provided as a

part of any course. A school administrator may waive the curriculum requirement required by this subsection for an eligible student who has a disability. A student shall not be required to meet the requirement of this subsection if a parent or guardian of the student objects in writing. All students enrolled in a virtual charter school in grades nine through twelve shall not be subject to the requirements of this section. All students enrolled in physical education classes in grades nine through twelve may receive instruction in the techniques of the Heimlich maneuver.

C. The State Board of Education shall establish a procedure for monitoring the requirements set forth in subsection B of this section. Instruction in cardiopulmonary resuscitation shall incorporate psychomotor skills training and shall be based upon an instructional program which is nationally recognized and is based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

D. Each public school district board of education shall ensure that a minimum of one certified teacher and one noncertified staff member at each school site receives training in cardiopulmonary resuscitation and the Heimlich maneuver each year.

E. School districts may use state funds allocated to the school district for professional development to pay for or to reimburse teachers and support personnel for training in the administration of first aid and techniques of cardiopulmonary resuscitation and the Heimlich maneuver.

F. Nothing in this section shall be construed to impose liability on any school district or school district employee for injury or death of any student, teacher, or other person resulting from any cardiopulmonary or choking incident or to absolve any school district or school employee of liability that might otherwise exist under The Governmental Tort Claims Act.

G. For purposes of this section, "psychomotor skills" means the use of hands-on practice to support cognitive learning.

H. A school district may use emergency medical technicians, paramedics, police officers, firefighters, teachers, other school employees or other similarly qualified individuals or organizations to provide the instruction prescribed by this section. Two or more school districts may enter into an interlocal or multidistrict cooperative agreement for the purpose of jointly and comparatively fulfilling the requirements of this section. Instruction provided pursuant to this section is not required to result in certification in cardiopulmonary resuscitation. If instruction is intended to result in certification in cardiopulmonary resuscitation, the course instructor shall be authorized by an instructional program which is nationally recognized and is based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for

cardiopulmonary resuscitation and the use of an automated external defibrillator or a similar nationally recognized association to provide the instruction.

Added by Laws 1978, c. 210, § 1, eff. Oct. 1, 1978. Amended by Laws 1982, c. 326, § 7; Laws 1999, c. 398, § 2, eff. July 1, 1999; Laws 2005, c. 422, § 1, eff. July 1, 2005; Laws 2014, c. 302, § 1, eff. Nov. 1, 2014.

§70-1210.200. Short title - Availability of automated external defibrillators in schools.

A. This act shall be known and may be cited as the "Zachary Eckles and Luke Davis Automated External Defibrillators in Schools Act."

B. Contingent upon the availability of federal funding or donations from private organizations or persons made for this purpose, each school district shall make automated external defibrillators, as defined in Section 5A of Title 76 of the Oklahoma Statutes, available at each school site in the district. The school district may also make automated external defibrillators available at each high school athletic practice or competition in the district.

C. Any school district that makes automated external defibrillators available in schools or on school district property shall be immune from civil liability for personal injury which results from the use of the device, except for acts of gross negligence or willfull wanton misconduct in accordance with Section 5A of Title 76 of the Oklahoma Statutes.

D. The State Department of Education shall develop and make available to school districts a list of private organizations or persons willing to make donations or that have resources available to schools for this purpose, federal programs or grants, and any other source of funding that school districts may use to purchase automated external defibrillators. The Department shall also provide public recognition for private organizations or persons that provide funding to school districts for the purpose of purchasing automated external defibrillators.

Added by Laws 2008, c. 30, § 1, eff. July 1, 2008.

§70-1210.201. Segregation in public schools prohibited.

Segregation of children in the public schools of the State of Oklahoma on account of race, creed, color or national origin is prohibited.

Laws 1970, c. 229, § 1, emerg. eff. April 15, 1970.

§70-1210.202. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §123, emerg. eff. April 25, 1990.

§70-1210.203. Assigning nearest residence.

Insofar as practicable, each pupil shall be assigned to the school nearest his residence.

Laws 1970, c. 229, § 3, emerg. eff. April 15, 1970.

§70-1210.211. Short title - 24/7 Tobacco-free Schools Act.

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

Added by Laws 2015, c. 259, § 1.

§70-1210.212. Definitions.

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

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

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

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

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

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

6. "Vapor product" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

Added by Laws 2015, c. 259, § 2. Amended by Laws 2019, c. 49, § 1, eff. July 1, 2019.

§70-1210.213. Prohibited uses.

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

B. Nothing in this section shall be construed to prohibit a public school district or private school from having more restrictive policies regarding tobacco products and vapor products in or on an educational facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity.

Added by Laws 2015, c. 259, § 3. Amended by Laws 2019, c. 49, § 2, eff. July 1, 2019.

§70-1210.221. Citation.

This act shall be known and may be cited as the "Drug Abuse Education Act of 1972."

Added by Laws 1972, c. 212, § 1, emerg. eff. April 6, 1972.

§70-1210.222. "Drug" defined.

As used in this act, the term "drug" means articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; articles, other than food, intended to affect the structure or any function of the body of man or other animals; and articles intended for use as a component of any article specified in this paragraph; but does not include devices or their components, parts or accessories. It shall also include alcoholic and intoxicating liquor and beverages and tobacco.

Added by Laws 1972, c. 212, § 2, emerg. eff. April 6, 1972.

§70-1210.223. Purpose of act.

The purpose of this act is to authorize the development of a comprehensive drug abuse education program for children and youth in kindergarten and grades one through twelve in the public school districts of this state which choose to participate. It is the legislative intent that this program may teach the adverse and dangerous effects of drugs on the human mind and body and may include proper usage of prescription and nonprescription medicines.

Amended by Laws 1982, c. 326, § 8.

§70-1210.224. Administration of act.

The Department of Education may administer the comprehensive Drug Abuse Education Act of 1972, pursuant to regulations which the State Board of Education is hereby empowered to promulgate. In

administering this section, the Department shall take into consideration the advice of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission. Added by Laws 1972, c. 212, § 4, emerg. eff. April 6, 1972. Amended by Laws 1982, c. 326, § 9; Laws 2009, c. 442, § 17, eff. July 1, 2009.

§70-1210.225. Implementation.

In administering this act, the State Board of Education and the State Department of Education shall be governed by the following:

1. Implement in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts which are participating in this program;

2. Implement provisions of this act in the most expeditious manner possible, commensurate with the availability of textbooks and materials, as well as the availability of teaching personnel; and

3. Recommend degree programs and short course seminars for the preparation of drug education teaching personnel.

Amended by Laws 1982, c. 326, § 10.

§70-1210.226. Repealed by Laws 1982, c. 326, § 14.

§70-1210.227. Funds.

In implementing this act every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.

Added by Laws 1972, c. 212, § 7, emerg. eff. April 6, 1972.

§70-1210.228. Reports.

The State Department of Education shall, at least thirty (30) days prior to the 1973 regular session of the Legislature and each regular session thereafter, transmit to the members of the State Board of Education, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Chairmen of the Senate and House Education Committees, a report as to the status of the drug abuse education program together with any recommendations for further improvement, modification or additional legislation.

Added by Laws 1972, c. 212, § 8, emerg. eff. April 6, 1972.

§70-1210.229-1. Short title.

Sections 1210.229-1 through 1210.229-5 of this title shall be known and may be cited as the "Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act".
Added by Laws 1987, c. 116, § 1, emerg. eff. May 26, 1987; Laws 1991, c. 121, § 6, emerg. eff. April 29, 1991.

§70-1210.229-2. Legislative findings and intent.

The Legislature finds that for the purpose of preventing drug and alcohol abuse among our young people, and for preventing or alleviating problems which lead to and are closely associated with drug and alcohol abuse, it is desirable that all Oklahoma school districts develop and implement a curriculum for drug and alcohol abuse prevention for all grade levels. Such curriculum may include training in life skills, such as problem-solving, responsibility, communication and decision-making skills, which enable young people to successfully resist social and other pressures to engage in activities which are destructive to their health and future. The Legislature encourages all school districts to adopt as a goal for the year 1990 the full implementation of drug and alcohol abuse prevention programs in their schools. In order to expand and enhance the ability of school districts to implement drug and alcohol prevention programs, it is the intent of the Legislature that local school districts participate in the federal Drug-Free Schools and Communities Act of 1986, 20 A.S.C., Section 4601 et seq. and the provisions of Public Law No. 101-647, Drug-Free School Zones.

In order to derive maximum benefit from their drug and alcohol prevention programs, it is further the intent of the Legislature that the school districts coordinate their efforts and activities with the Oklahoma Drug and Alcohol Abuse Policy Board, and with appropriate state and local drug and alcohol abuse, health and law enforcement agencies and programs within the community which provide drug education, prevention, treatment and rehabilitation.

It is further the intent of the Legislature to encourage school districts to establish programs concerning the danger and criminal consequences of the possession and/or use of firearms or other dangerous or deadly weapons in school zones.

Added by Laws 1987, c. 116, § 2, emerg. eff. May 26, 1987. Amended by Laws 1991, c. 121, § 7, emerg. eff. April 29, 1991; Laws 1992, c. 170, § 4, emerg. eff. May 5, 1992.

§70-1210.229-3. Definitions.

For purposes of the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, Section 1210.229-1 et seq. of this title:

1. "Alcohol" means any low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;

2. "Board" means the State Board of Education;
3. "Department" means the State Department of Education;
4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and
5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education.

Added by Laws 1987, c. 116, § 3, emerg. eff. May 26, 1987. Amended by Laws 1991, c. 121, § 8, emerg. eff. April 29, 1991; Laws 1995, c. 274, § 56, eff. Nov. 1, 1995.

§70-1210.229-4. Repealed by Laws 1991, c. 121, § 10, emerg. eff. April 29, 1991.

§70-1210.229-5. State Superintendent of Public Instruction and State Department of Education - Coordination with Oklahoma Drug and Alcohol Abuse Policy Board - Joint duties.

A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;
2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;
3. develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and
4. develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff development point system.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board. The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing. Added by Laws 1987, c. 116, § 5, emerg. eff. May 26, 1987; Laws 1991, c. 121, § 9, emerg. eff. April 29, 1991.

§70-1210.229-6. Program of character education.

A. The board of education of every school district in this state may develop and implement a comprehensive program for character education in any single grade or combination of grades, prekindergarten through twelfth. The character education program shall focus on development of character traits in students. The program of character education may include, but shall not be limited to, the voluntary reciting of the Pledge of Allegiance to the flag of the United States of America.

B. The State Department of Education shall develop and make available to all school districts through an Internet website, the following:

1. Technical assistance upon request of a school district;
2. A list of approved research-based character education programs, curricula, and materials which may be used by school districts;
3. A character education honor roll that will recognize school districts that have successfully implemented a comprehensive school-district-wide program of character education and will highlight the positive impacts the program has had on each school or school district; and
4. A character education reading list of books that may include, but is not limited to, books that illustrate models of good character and books that relate to the development of good character traits that may be used by schools in a character education program.

C. Subject to the availability of funding, the State Board of Education may award grants to ten school districts for the establishment of pilot projects which align character education with the state curriculum in reading, mathematics, science or social studies and demonstrate how character education teaches life skills that lead to career readiness. The amount of each grant shall be One Thousand Dollars (\$1,000.00). The projects shall be innovative programs that will serve as models for other school districts.

Funding may cover the cost of purchasing curriculum, materials, or training teachers. The Board shall determine pilot project criteria and establish a process for the consideration of proposals. The proposals for pilot projects shall be considered on a statewide competitive basis. The Board shall promulgate rules for the operation of the projects.

Added by Laws 1999, c. 113, § 1, eff. July 1, 1999. Amended by Laws 2005, c. 300, § 1, eff. July 1, 2005; Laws 2013, c. 163, § 1, eff. July 1, 2013.

§70-1210.229-7. Patriotic societies - Opportunity to speak and recruit at public schools.

A. As used in this section, "patriotic society" means any youth group listed in Title 36 of the United States Code.

B. Beginning with the 2017-2018 school year, the principal of each public school in the state shall allow representatives of a patriotic society the opportunity to speak with and recruit students to participate in their organizations during school hours to inform the students of how the patriotic society may further the students' educational interests and civic involvement to better their schools, communities and themselves.

C. The patriotic society shall provide verbal or written notice to the principal of its intent to speak to the students. The principal shall provide verbal or written approval of the specific day and time for the society to address the students.

Added by Laws 2017, c. 176, § 3.

§70-1210.231. Student visits to correctional institutions - Purpose.

A. It is the intent of the Legislature that children residing in this state understand the seriousness of conviction for criminal behavior and the resulting punishment. The purpose of visits to correctional institutions provided for herein shall be to demonstrate to pupils the harmful effects of incarceration on the life of an inmate.

B. Public school districts may provide for at least one visit per school year for pupils in the eighth grade or a higher grade to a state correctional institution. Transportation shall be provided pursuant to Section 9-108 of Title 70 of the Oklahoma Statutes. The State Department of Education shall promulgate rules to implement the provisions of this section.

Added by Laws 1994, c. 290, § 71, eff. July 1, 1994.

§70-1210.232. Provision of safe conduct tours of correctional institutions.

The Department of Corrections shall provide for the safe conduct of tours of state correctional institutions that are organized pursuant to Section 71 of this act. The Department may prohibit,

delay or cancel tours if it finds that a security risk exists at the scheduled institution.

Added by Laws 1994, c. 290, § 72, eff. July 1, 1994.

§70-1210.241. Evidence-based counseling.

A. The Legislature recognizes that many students are dealing with family and societal issues that make it difficult or impossible for them to be successful students. Among other school-based counseling programs, designated youth services agencies provide counseling for those students. To assure the quality and availability of the counseling services, the Legislature finds that it is desirable that school districts have access to individual and group counseling using an evidence-based counseling curriculum to prevent self-defeating, destructive or disruptive behavior. The curriculum may include training in problem solving, anger management, grief counseling, responsibility, communication and decision-making skills.

B. In order to assure the ability of school districts to give their students the best opportunity for academic and personal success, subject to the availability of funds, the Office of Juvenile Affairs, together with the Oklahoma Association of Youth Services, shall identify an evidence-based counseling curriculum. Subject to the availability of funds, the Office of Juvenile Affairs, through designated youth services agencies, shall make the identified evidence-based counseling available to students in school districts.

C. For purposes of this section, "evidence-based" means a program or practice that has had multiple-site randomized controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

Added by Laws 2012, c. 239, § 1.

§70-1210.242. Authority to administer opiate antagonists.

A. Any school nurse, public health nurse, licensed practitioner of the healing arts, nurse working under contract with a school district or any person designated by the school administration to administer an opiate antagonist in the event of a suspected overdose is authorized to administer an opiate antagonist when encountering a student or other individual exhibiting signs of an opiate overdose.

B. The administration of a public school may authorize one or more persons employed by the school to receive training offered by the Department of Mental Health and Substance Abuse Services, a law enforcement agency or any other entity in recognizing the signs of an opiate overdose and administering an opiate antagonist. Persons designated to receive this training may include, but are not limited to, the certified and noncertified staff members required to receive annual training in cardiopulmonary resuscitation and the Heimlich maneuver under Section 1210.199 of Title 70 of the Oklahoma Statutes.

If in-person training is not readily available in the area, the person or persons designated under this provision may access opiate antagonist training materials available online through the State Department of Health or another entity. Such training shall include information on how to spot symptoms of an overdose, instruction in basic resuscitation techniques, instruction on proper administration of an opiate antagonist and the importance of calling 911 for help.

C. In the absence of the person or persons specifically designated and trained to administer an opiate antagonist under the provisions of this section, the administration of a school may authorize any person to administer an opiate antagonist to a student or other individual exhibiting signs of an overdose.

D. Any person administering an opiate antagonist to a student or other individual at a school site or school-sponsored event in a manner consistent with addressing opiate overdose shall be covered under the Good Samaritan Act. A school and any of its employees or designees shall be immune from civil liability in relation to the administration of an opiate antagonist in the event of a suspected overdose.

Added by Laws 2019, c. 504, § 2, eff. July 1, 2019.

§70-1210.251. Short title.

This act shall be known and may be cited as the "Economic Education Act of 1974."

Added by Laws 1974, c. 89, § 1, emerg. eff. April 24, 1974.

§70-1210.252. Economic education.

As used in this act, the term "economic education" means citizenship competencies needed by the individual for effectively performing his decision-making roles as a consumer, a worker making career choices and a voter on personal and societal economic issues.

Added by Laws 1974, c. 89, § 2, emerg. eff. April 24, 1974.

§70-1210.253. Purpose of act.

The purpose of this act is to authorize the development of a comprehensive economic education program for children in kindergarten and grades one through twelve in the public school districts of this state which choose to participate. It is the legislative intent that this program may teach a positive understanding of the American economy, how it functions and how the individual can function effectively within our economy as a consumer, worker and voter. While dealing with economic problems and issues, the program may teach the positive values of profit and competition in a basically free-enterprise economy which underscores the worth and dignity of the individual.

Amended by Laws 1982, c. 326, § 11.

§70-1210.254. Administration of act.

The State Department of Education may administer the comprehensive Economic Education Act of 1974 pursuant to regulations which the State Board of Education is hereby empowered to promulgate. Support shall be provided by the state senior colleges and universities in the preservice preparation of teachers to carry out the provisions of this act. These institutions of higher education are also encouraged to establish formal Economic Education Centers to assist the common schools with curriculum planning, in-service training and further work in the development of instructional materials. In administering this section, the Department shall take into consideration the advice of the Oklahoma Council on Economic Education.

Amended by Laws 1982, c. 326, § 12.

§70-1210.255. Implementation.

In administering this act, the State Board of Education and the State Department of Education shall be governed by the following:

1. Implement in-service education programs for teachers, administrators and other personnel. General guidelines are provided by the Economic Education Curriculum Guide - K-12, published by the Oklahoma State Department of Education in 1972. Supplementary in-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts which are participating in this program;

2. Implement provisions of this act in the most expeditious manner possible, commensurate with the availability of teaching personnel;

3. Implement local school system evaluation of the effectiveness of the economic education program prescribed by this act in those school districts participating; and

4. Recommend degree programs and short course seminars for the preparation of economic education teaching personnel.

Amended by Laws 1982, c. 326, § 13.

§70-1210.256. Repealed by Laws 1982, c. 326, § 14.

§70-1210.257. Funds.

In implementing this act every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving economic education.

Added by Laws 1974, c. 89, § 7, emerg. eff. April 24, 1974.

§70-1210.258. Reports.

The State Department of Education shall, at least thirty (30) days prior to the 1975 regular session of the Legislature and each regular session thereafter, transmit to the members of the State Board of Education, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Chairmen of the Senate and House Education Committees, a report as to the status of the economic education program together with any recommendations for further improvement, modification or additional legislation. Added by Laws 1974, c. 89, § 8, emerg. eff. April 24, 1974.

§70-1210.271. Short title.

Sections 20 through 31 of this act shall be known and may be cited as the Regional Education Service Center Act.

Added by Laws 1974, c. 271, § 1, emerg. eff. May 29, 1974. Amended by Laws 1993, c. 116, § 20, eff. July 1, 1993.

§70-1210.272. Purpose.

The purposes of the Regional Education Service Center Act are:

1. To expand the services of the Regional Education Service Centers, personnel, and certain selected material to ensure that students with learning difficulty or exceptional capability which shall include any gifted child will receive proper screening, diagnosis, and evaluation or consultation in order to benefit from an appropriate public education;
2. To provide an educational screening program for students in every school district in the state and services to assist in the identification, location and evaluation of children with disabilities who are in need of special education and related services in accordance with the IDEA; and
3. To provide Regional Education Service Centers to assist and coordinate with local educational agencies for educational evaluation and in meeting their obligations for child identification in accordance with federal requirements under the IDEA.

It is not the intent of the Regional Education Service Center Act to supplant present or future special education appropriations or to reduce the number of present or proposed special education classes.

It is intended by the Regional Education Service Center Act that the State of Oklahoma meet its responsibility to ensure that every student in the public schools throughout the state has the opportunity to receive an appropriate education for the benefit of his future life in society.

It is further intended by the Regional Education Service Center Act that guidelines shall be promulgated to permit curriculum materials to be utilized by the student's teacher for such period of time as is necessary to assist said student during the school year. Added by Laws 1974, c. 271, § 2, emerg. eff. May 29, 1974. Amended by Laws 1976, c. 147, § 1, emerg. eff. May 26, 1976; Laws 1987, c.

44, § 1, emerg. eff. April 23, 1987; Laws 1993, c. 116, § 21, eff. July 1, 1993.

§70-1210.273. Definitions.

As used in the Regional Education Service Center Act, except as the context may otherwise require:

1. "Regional education service centers" means educational, administrative, service and evaluation centers, hereinafter referred to as "centers" or "service centers";
2. "Department" means the State Department of Education;
3. "Board" means the Oklahoma State Board of Education;
4. "IDEA" means the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476;
5. "Educational screening" means the implementation of accepted procedures for identification of children who may have special learning needs and may be eligible for special education and related services in accordance with the IDEA;
6. "Evaluation" means procedures used in accordance with federal laws and regulations to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class. Provided, however, that no child shall be initially evaluated whose parent or legal guardian has not filed a written consent for such evaluation with the local board of education; and
7. "Readiness screening" means the implementation of procedures for assessing readiness for first grade as provided in Section 1210.282 of this title.

Added by Laws 1974, c. 271, § 4, emerg. eff. May 29, 1974. Amended by Laws 1976, c. 147, § 2, emerg. eff. May 26, 1976; Laws 1993, c. 116, § 22, eff. July 1, 1993; Laws 1994, c. 220, § 4, eff. July 1, 1994.

§70-1210.274. Qualifications for personnel.

Qualifications for all personnel to be employed in the service centers shall be determined by the State Board of Education and in accordance with the IDEA.

Added by Laws 1974, c. 271, § 4, emerg. eff. May 29, 1974. Amended by Laws 1976, c. 147, § 3, emerg. eff. May 26, 1976; Laws 1993, c. 116, § 23, eff. July 1, 1993.

§70-1210.275. Responsibilities of service centers.

There shall be at least twenty service centers which shall provide the services described herein to all the school districts in the state. Every service center shall offer the schools and school districts which they serve professional assistance in the efforts

which are aimed toward the improvement of instruction for students. Each center shall provide the following services:

1. Evaluation services for the purposes of identification, evaluation and placement of children in special education programs, which shall be in accordance with the federal regulations promulgated under the IDEA, and in accordance with the Family Education Rights and Privacy Act;

2. Implementation of effective procedures, media, and equipment for acquiring and disseminating significant information and materials in accordance with the federal regulations promulgated under the IDEA;

3. Individualized learning plans, which shall include prescriptive teaching plans to teachers, for students who are having learning problems; consultation for educators and parents working with or having students with learning problems; providing special education material for special education teachers; and providing special education material on a prescriptive basis to the classroom teacher who has students with learning problems and consultation services and interpretation of evaluation data to assist parents and multidisciplinary teams in making educational placement decisions and planning for effective educational interventions in the least restrictive environment;

4. Assistance for organizing staff development, including the offering at each Center of conferences, institutes, and other in-service training for educators working with students with special needs; assistance in these programs for emphasizing the awareness, utilization and adaptation of appropriate materials, learning theory, research findings, and other appropriate topics, to assist in implementation of federal regulations concerning the comprehensive system of personnel development for educators and disseminating information to parents; and

5. Coordination and collaboration with public agencies and local school districts which are responsible for providing evaluation and other special education or related services to children with disabilities as provided under Section 1001 et seq. of Title 74, Section 13-101 et seq. of Title 70 and Section 601.41 et seq. of Title 10 of the Oklahoma Statutes, and in accordance with the federal regulations for interagency agreements promulgated pursuant to the IDEA. Such coordination shall include cooperative efforts of local districts joining with the service center staff to engage in any educational activities to increase the learning opportunities for teachers and any and every student in the public schools in the service center area.

Added by Laws 1974, c. 271, § 5, emerg. eff. May 29, 1974. Amended by Laws 1976, c. 147, § 4, emerg. eff. May 26, 1976; Laws 1993, c. 116, § 24, eff. July 1, 1993.

§70-1210.276. Analysis of educational screening - Assistance and training.

A. Each service center shall provide assistance and training in analysis of educational screening to schools within the area which the center serves. The service centers shall assist school districts in initiating referrals for comprehensive evaluations for the purpose of identifying children who may be eligible for special education and related services.

B. Educational screening shall be conducted by the public schools.

C. The service centers shall conduct evaluations upon referral.

D. Prior written notice and parental consent for evaluation shall be in accordance with the provisions of the IDEA.

Added by Laws 1974, c. 271, § 6, emerg. eff. May 29, 1974. Amended by Laws 1993, c. 116, § 25, eff. July 1, 1993.

§70-1210.277. Confidentiality - Parental consent to screening - Records.

The results of individual student screening shall be confidential, except that information and results shall on request be made available to parents either visually or in written form and to professional personnel involved in the education of the students, as determined by the Board. Provided, however, students shall not be subjected to individual evaluation without prior written parental permission except for re-evaluations required pursuant to the IDEA. In no case shall the results of any individual student screening or evaluation by center personnel be made a part of the student's permanent in-school records. Such individual student records shall be destroyed when the information contained therein is no longer necessary for carrying out the purposes of this act or when the student reaches the age of eighteen (18), whichever is earlier. Provided, however, on written request of a parent or legal guardian, such information may be forwarded to a center serving a receiving school district. Educational screening and evaluations shall be maintained in accordance with the federal regulations for confidentiality under the Family Educational Rights and Privacy Act and the IDEA. The disclosure, transfer, maintenance, destruction, amendment, parental or student rights to access, inspection and review of such records and parental consent for disclosure and transfer of such records shall be in accordance with these federal laws and state law.

Added by Laws 1974, c. 271, § 7, emerg. eff. May 29, 1974. Amended by Laws 1993, c. 116, § 26, eff. July 1, 1993.

§70-1210.278. Systems to provide educational screening.

A. The board of education for each school district in the state shall implement a system to provide educational screening as required in this section.

B. The service centers are charged with the responsibility of ensuring that educational screening is implemented in each public school in the state for all first grade students in each school year. The service centers shall provide assistance and training to school districts for implementation of effective procedures for educational screening and analysis of the results.

C. Second grade through twelfth grade students shall be educationally screened as needed or upon request of a parent, legal guardian, or teacher pursuant to regulations promulgated by the State Board of Education.

D. Students entering the public school system from another state or from within the state without previous educational screening shall be educationally screened within six (6) months from the date of such entry.

E. No child shall be educationally screened whose parent or legal guardian has filed written objection with the local school district.

Added by Laws 1974, c. 271, § 8, emerg. eff. May 29, 1974. Amended by Laws 1987, c. 44, § 2, emerg. eff. April 23, 1987; Laws 1993, c. 116, § 27, eff. July 1, 1993.

§70-1210.279. Rules and regulations - Dissemination of educational materials - Provision of training.

The State Board of Education is hereby authorized to promulgate rules as may be necessary to carry out the provisions of this act. The State Board of Education shall promulgate rules for the staffing and operation of the service centers, including safeguards to assure the uniform application and availability of all services of the service centers to all students within the area served by the service centers. The rules shall further provide for the withholding of funds by the State Board of Education from any of the service centers to assure compliance with the rules. The State Board of Education shall promulgate uniform rules for the testing of students.

The State Board of Education, regional service center or local school district shall furnish curriculum materials for local school districts for use by the students participating in the programs. All such materials shall be delivered to the local school district by the service centers and shall remain in the local school district as long as prescribed by the regional service center.

The regional education service centers shall acquire and disseminate significant information, materials and equipment in accordance with the IDEA.

The service centers shall provide and assist in coordinating for the provision of workshops, short courses, and training within the

respective regions and in cooperation with local schools, professional developments centers, organizations, public agencies, and institutions of higher education in accordance with the comprehensive system of personnel development requirements under the IDEA.

The State Board of Education may establish and operate Service Centers by contract with any independent school district in the state.

Added by Laws 1974, c. 271, § 9, emerg. eff. May 29, 1974. Amended by Laws 1976, c. 147, § 5, emerg. eff. May 26, 1976; Laws 1993, c. 116, § 28, eff. July 1, 1993.

§70-1210.280. Children eligible for services.

Preschool children, ages three (3) through five (5) years, and students enrolled in K-12 in the public school system of Oklahoma who are suspected of having disabilities which may require special education and related services may utilize the services provided in this act. The service centers and local school districts shall coordinate with the program established pursuant to the Early Intervention Act, Section 13-121 et seq. of this title, in the evaluation and identification of infants and toddlers who may be eligible at the age of three (3) years for special education and related services through the schools.

Added by Laws 1974, c. 271, § 10, emerg. eff. May 29, 1974. Amended by Laws 1993, c. 116, § 29, eff. July 1, 1993.

§70-1210.281. Provisions cumulative.

The provisions of this act shall be cumulative to existing laws and shall not be construed to repeal, amend or otherwise modify any of said laws.

Added by Laws 1974, c. 271, § 12, emerg. eff. May 29, 1974.

§70-1210.282. Readiness screening program - Development and implementation.

A. The State Board of Education shall develop and implement a readiness screening program to screen students enrolled in kindergarten in the public schools of the state for readiness prior to entry into first grade in a public school. Results of the screening shall be made available to the child's parent or legal guardian, teacher and school district administration.

B. The service centers shall provide assistance and training to local schools to ensure effective procedures for readiness screening prior to first grade. Current knowledge and research information concerning screening procedures, readiness, and disabilities in early childhood shall be disseminated by the service centers.

Added by Laws 1985, c. 329, § 11, emerg. eff. July 30, 1985. Amended by Laws 1986, c. 259, § 26, operative July 1, 1986. Renumbered from

§ 1210.601 by Laws 1987, c. 44, § 3, emerg. eff. April 23, 1987. Amended by Laws 1992, c. 262, § 6, emerg. eff. May 22, 1992; Laws 1993, c. 116, § 30, eff. July 1, 1993; Laws 1994, c. 220, § 5, eff. July 1, 1994.

§70-1210.283. Screening and evaluation - Consent of parent or guardian.

No child shall be educationally screened, screened for readiness, or evaluated as defined in Section 22 of this act without prior notice to the child's parent or legal guardian. The State Board of Education shall promulgate rules establishing content and distribution requirements of the notice.

Added by Laws 1993, c. 116, § 31, eff. July 1, 1993.

§70-1210.284. Vision screening certification - Comprehensive eye examination - Notice.

A. 1. The parent or guardian of each student enrolled in kindergarten at a public school in this state shall provide certification to school personnel that the student passed a vision screening within the previous twelve (12) months or during the school year. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health.

2. The parent or guardian of each student enrolled in first or third grade at a public school in this state shall provide within thirty (30) days of the beginning of the school year certification to school personnel that the student passed a vision screening within the previous twelve (12) months. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health.

3. The parent or guardian of each student who receives a vision screening as required by this section shall receive notification that a vision screening is not the equivalent of a comprehensive eye exam.

B. 1. The Infant and Children's Health Advisory Council created in Section 44 of this act shall make recommendations to the State Board of Health on:

- a. standards for vision screening and referral,
- b. qualifications for initial recognition and renewal of recognition of vision screeners,
- c. qualifications for initial recognition and renewal of recognition of vision screener trainers,
- d. qualifications for initial recognition and renewal of recognition of trainers of vision screener trainers, and
- e. grounds for denial, refusal, suspension or revocation of recognition of vision screeners, vision screener trainers and trainers of vision screener trainers.

2. The Department shall:

- a. establish and thereafter maintain a statewide registry, available via the Internet, which shall contain a list of approved vision screeners,
- b. maintain a list of approved vision screener trainers and trainers of vision screener trainers, and
- c. maintain the standards for vision screening and referral.

3. After notice and hearing, the Department may deny, refuse, suspend or revoke approval to an applicant which has a history of:

- a. noncompliance or incomplete or partial compliance with the provisions of this section or the rules adopted by the Board to implement the provisions of this section,
- b. referring persons to a business in which the applicant has a financial interest or a business which is owned or operated by someone within the third degree of consanguinity or affinity of the applicant, or
- c. conduct which demonstrates that the applicant is providing services in a manner which does not warrant public trust.

4. The Board, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, shall promulgate rules to implement the provisions of this section.

C. 1. The parent or guardian of each student who fails the vision screening required in subsection A of this section shall receive a recommendation to undergo a comprehensive eye examination performed by an ophthalmologist or optometrist.

2. The ophthalmologist or optometrist shall forward a written report of the results of the comprehensive eye examination to the student's school, parent or guardian, and primary health care provider designated by the parent or guardian. The report shall include, but not be limited to:

- a. date of report,
- b. name, address and date of birth of the student,
- c. name of the student's school,
- d. type of examination,
- e. a summary of significant findings, including diagnoses, medication used, duration of action of medication, treatment, prognosis, whether or not a return visit is recommended and, if so when,
- f. recommended educational adjustments for the child, if any, which may include: preferential seating in the classroom, eyeglasses for full-time use in school, eyeglasses for part-time use in school, sight-saving eyeglasses, and any other recommendations, and
- g. name, address and signature of the examiner.

D. No student shall be prohibited from attending school for a parent's or guardian's failure to furnish a report of the student's vision screening or an examiner's failure to furnish the results of a student's comprehensive eye examination required by this section.

E. School districts shall notify parents or guardians of students who enroll in kindergarten, first, or third grade for the 2007-08 school year and each year thereafter of the requirements of this section.

F. The State Board of Education shall adopt rules for the implementation of this section except as provided in subsection B of this section. The State Department of Education shall issue a report annually on the impact and effectiveness of this section.

Added by Laws 2006, c. 160, § 1, eff. Nov. 1, 2006. Amended by Laws 2009, c. 175, § 1, eff. Nov. 1, 2009; Laws 2010, c. 2, § 88, emerg. eff. March 3, 2010; Laws 2013, c. 135, § 1, eff. Nov. 1, 2013; Laws 2013, c. 229, § 79, eff. Nov. 1, 2013.

NOTE: Laws 2009, c. 109, § 1 repealed by Laws 2010, c. 2, § 89, emerg. eff. March 3, 2010.

§70-1210.285. Regional Education Administrative Districts.

A. The State Department of Education may establish Regional Education Administrative Districts (READs) which may provide administrative services to school districts throughout the state. The Department shall provide information to school districts to educate districts about the functions and services which may be provided by READs. The information shall be disseminated to school districts through regional education officers and in any other manner deemed appropriate by the Department.

B. The administrative services provided by READs may include but not be limited to treasurer services, accounting services, purchasing services, warehouse and distribution services, human resources services, construction management, maintenance, risk management, information technology services, special education coordination, curriculum coordination, speech pathologist services, reading specialist services, transportation services, cafeteria services and shared superintendent services. Any personnel operating under a READ may be housed at a local technology center school site.

C. If the State Department of Education finds a currently operating regional or interlocal cooperative providing services to school districts, the Department may provide support to the cooperative.

D. READs may receive financial support from participating school districts from money appropriated for state aid purposes. The State Board of Education may determine the range of fees due to READs for basic costs of providing services, taking into consideration the minimum amount necessary for operation of a READ, the number and size of participating school districts and the geographic size of the READ

service area. No fees shall be required of school districts pursuant to this act that are greater than fees charged school districts pursuant to similar programs.

E. 1. If two school districts enter into a mutual contract with a superintendent pursuant to Section 5-106A of Title 70 of the Oklahoma Statutes, both districts may receive a discounted fee, to be determined by the State Board of Education, for participating in a READ.

2. If three or more school districts enter into a mutual contract with a superintendent pursuant to Section 5-106A of Title 70 of the Oklahoma Statutes, the districts may receive an appropriately discounted fee, to be determined by the State Board of Education, for participating in a READ.

F. Participation in READs shall be voluntary.

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

Added by Laws 2014, c. 403, § 1.

§70-1210.301. Definitions.

As used in this act:

1. "Gifted and talented children" means those children identified at the preschool, elementary and secondary level as having demonstrated potential abilities of high performance capability and needing differentiated or accelerated education or services. For the purpose of this definition, "demonstrated abilities of high performance capability" means those identified students who score in the top three percent (3%) on any national standardized test of intellectual ability. Said definition may also include students who excel in one or more of the following areas:

- a. creative thinking ability,
- b. leadership ability,
- c. visual and performing arts ability, and
- d. specific academic ability.

A school district shall identify children in capability areas by means of a multicriteria evaluation. Provided, with first and second grade level children, a local school district may utilize other evaluation mechanisms such as, but not limited to, teacher referrals in lieu of standardized testing measures;

2. "Gifted child educational programs" means those special instructional programs, supportive services, unique educational materials, learning settings and other educational services which differentiate, supplement and support the regular educational program in meeting the needs of the gifted and talented child;

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

4. "Board" means the Oklahoma State Board of Education; and

5. "Act" means Sections 1210.301 through 1210.307 of this title.

Laws 1980, c. 211, § 2, eff. July 1, 1981; Laws 1981, c. 278, § 1, eff. July 1, 1981; Laws 1985, c. 329, § 20, emerg. eff. July 30, 1985; Laws 1994, c. 359, § 2, eff. July 1, 1994.

§70-1210.302. Administration of act - Rules and regulations.

The Department of Education shall administer this act within the same section of the Department which administers the educational programs for all children other than those identified in Section 13-101 of this title. The Board shall adopt rules and regulations necessary to implement the provisions of this act.

Laws 1980, c. 211, § 3, eff. July 1, 1981; Laws 1981, c. 278, § 2, eff. July 1, 1981.

§70-1210.303. Duties and responsibilities of Department of Education.

A. In administering this act the Department of Education shall provide:

1. The necessary State Department of Education staff with a primary responsibility for:

- a. developing educational programs for gifted and talented children,
- b. assuring appropriate assessment and evaluation procedures for use by school districts of this state, and
- c. enforcing compliance with the provisions of Sections 1210.301 through 1210.308 of this title by school districts;

2. The procedures for educational screening, needs analysis and prescriptive programming for gifted and talented children by Regional Education Service Center personnel and others approved by the Department;

3. In-service training for selected teachers, administrators, college personnel, parents and interested lay persons;

4. Assistance in the development of new programs and the projection of program alternatives for the eventual provision of high quality programs for all identified gifted and talented children;

5. Recommendations to the State Board of Education concerning qualifications of teachers for gifted and talented children;

6. Recommendations for degree programs and short course seminars for the preparation of teaching personnel for gifted and talented children;

7. Selected procedural safeguards for all potentially identifiable and identified gifted and talented children;

8. Auditing of gifted and talented education programs in twenty-five (25) districts selected at random each year to determine compliance with the provisions of Sections 1210.301 through 1210.308 of this title as well as program monitoring and auditing for

districts with extraordinary numbers of identified students, identified students who as a group are not representative of racial and socioeconomic demographics of district student population, unusual budget reports, inappropriate implementation policies or questionable gifted child programming; and

9. Any other programs, services, supplies or facilities necessary to implement the provisions of this act.

B. State Aid to a district shall be reduced by an amount equal to twice the amount of that portion of State Aid generated by the gifted and talented weight for each student the district has identified as gifted and talented for purposes of Section 18-201 of this title and for whom, upon audit by the State Department of Education, the district has not demonstrated that the depth, breadth, and pace of the curriculum have been and continue to be in compliance with the provisions of Sections 1210.301 through 1210.308 of this title. The penalty prescribed in this section shall be enforced by reducing State Aid to the district during the next school year following the audit or completion of an appeal in the amount of the penalty. A district shall be subject to loss of State Aid pursuant to this subsection only upon verification of the district's failure to provide appropriate programs and services for identified gifted and talented students through an audit by the State Department of Education. The State Board of Education shall promulgate rules establishing a procedure by which districts against which a penalty is assessed may appeal to the Board.

Laws 1980, c. 211, § 4, eff. July 1, 1981; Laws 1981, c. 278, § 3, eff. July 1, 1981; Laws 1985, c. 329, § 21, emerg. eff. July 30, 1985; Laws 1994, c. 359, § 3, eff. July 1, 1994.

§70-1210.304. Prescriptive teaching materials to be used.

In administering this act, the Department of Education shall utilize, insofar as possible, prescriptive teaching materials, prescribed by appropriate testing and evaluation by the regional prescriptive teaching centers. Such curriculum material shall be utilized for as many students as possible, by their regular or homeroom teachers.

Laws 1980, c. 211, § 5, eff. July 1, 1981.

§70-1210.305. Funding.

In implementing this act, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving education of gifted and talented children.

Laws 1980, c. 211, § 6, eff. July 1, 1981.

§70-1210.306. Teachers and instructors - Qualifications.

The State Board shall adopt criteria for qualifications for teachers of gifted and talented children, as well as criteria for special enrichment program instructors who may be professionals in fields other than education.

Laws 1980, c. 211, § 7, eff. July 1, 1981.

§70-1210.307. Duty to provide programs - Parent notification of gifted status - School year plans for programs, yearly reports.

A. It shall be the duty of each school district to provide gifted child educational programs and to serve those children, as defined in Section 1210.301 of this title, who reside in that school district. This duty may be satisfied by:

1. The district directly providing gifted child educational programs for such children;

2. The district joining in a cooperative program with another district or districts to provide gifted child educational programs for such children;

3. The district joining in a cooperative program with a private or public institution within such district; or

4. The district transferring identified gifted and talented children to other school districts which provide the appropriate gifted child educational programs, provided, no transfer shall be made without the consent of the board of education of the receiving school district. The district in which the child resides shall provide transportation for the transferred student and pay an amount of tuition equal to the proportion of the operating costs of the program to the receiving district. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe.

B. Each district shall, regardless of the method used for accomplishing the duty set forth in subsection A of this section, notify in writing the parents of each child identified as gifted of the fact that the child has been so identified. The district shall also provide each such parent a summary of the program to be offered such child.

C. Beginning with the 1994-95 school year, and each year thereafter, each board of education shall submit a plan for gifted child educational programs as defined in Section 1210.301 of this title to the State Department of Education which shall include:

1. A written policy statement which specifies a process for selection and assessment of children for placement in gifted and talented programs that is consistent for grades one through twelve;

2. A description of curriculum for the gifted child educational program. Such description shall demonstrate that the curriculum is differentiated from the normal curriculum in pace and/or depth and that it has scope and sequence;

3. Criteria for evaluation of the gifted child educational program;

4. Evidence of participation by the local advisory committee on education for gifted and talented children in planning, child identification process and program evaluation;

5. Required competencies and duties of gifted child educational program staff;

6. Number and percentage of students identified by the district as gifted children pursuant to subparagraph g of paragraph 2 of subsection B of Section 18-201 of this title; and

7. A budget for the district gifted child educational programs.

D. At the conclusion of the 1994-95 school year and each school year thereafter, the board of education of each school district shall prepare a report which outlines the expenditures made by the district during that year for gifted child educational programs. For districts which receive six percent (6%) or more of their total State Aid money for gifted and talented programs or which received One Million Dollars (\$1,000,000.00) or more in State Aid for gifted and talented programs for the preceding year, the report shall identify expenditures by major object codes and program classifications pursuant to the Oklahoma Cost Accounting System, as adopted by the State Board of Education pursuant to Section 5-135 of this title. All other districts shall identify expenditures by major object codes. Copies of the report shall be sent to the State Department of Education by August 1 of each year.

E. The State Department of Education shall, after each school year, report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning the number of children identified for the programs, number of children served by the programs, type of programs provided, type of screening procedures utilized, cost analysis of the programs and the estimated number of gifted and talented children unserved by the programs.

Added by Laws 1981, c. 278, § 4, eff. July 1, 1981. Amended by Laws 1985, c. 329, § 22, emerg. eff. July 30, 1985; Laws 1990, c. 263, § 63, operative July 1, 1990; Laws 1993, c. 239, § 51, eff. July 1, 1993; Laws 1994, c. 359, § 4, eff. July 1, 1994.

§70-1210.308. Advisory committee for educational programs - Members, meetings - Duties.

A. For the purpose of meeting the duty of each school district as set forth in Section 1210.307 of Title 70 of the Oklahoma Statutes, each district board of education shall create a local advisory committee on education for gifted and talented children or expand the duties of a curriculum advisory committee for the district to assist the district on gifted and talented programs. If the district creates a local advisory committee for gifted and talented children it shall consist of at least three but no more than eleven

members. The district board shall appoint all members, at least one-third (1/3) of whom shall be selected from a list of nominations submitted by associations whose purpose is advocacy for gifted and talented children. The committee shall be broadly representative of the community. The committee shall be appointed no later than September 15 of each school year for two-year terms and shall consist of parents of children identified as gifted and talented and community members who may be but are not required to be parents of students within the district. At the first meeting the committee shall elect a chair and a vice-chair. If the district utilizes the curriculum advisory committee it shall appoint at least one member who is a parent of a child identified as gifted and talented or is a knowledgeable advocate for gifted and talented children.

B. A meeting of the local advisory committee or the curriculum advisory committee shall be called by the district superintendent no later than October 1 of each year for the purpose of addressing gifted and talented program issues. The advisory committee or curriculum advisory committee may meet at other times during the year as is necessary in meeting space furnished by the district. The district shall furnish staff for the advisory committee. All meetings of the committees shall be subject to the provisions of the Oklahoma Open Meeting Act.

C. The duties of the advisory committee for gifted and talented children or the curriculum advisory committee shall be to assist in the formulation of district goals for gifted education, to assist in development of the district plan for gifted child educational programs, to assist in preparation of the district report on gifted child educational programs, and to perform other advisory duties as may be requested by the board of education.

Added by Laws 1994, c. 359, § 5, eff. July 1, 1994.

§70-1210.401. Oklahoma School of Science and Mathematics - Establishment - Board of Trustees - Terms - Vacancies - Budget request.

A. A secondary school to be known as the Oklahoma School of Science and Mathematics is hereby established to be governed by a board of trustees as created in this section.

B. The Board of Trustees of the Oklahoma School of Science and Mathematics shall consist of twenty-five (25) members as follows:

1. Six ex officio nonvoting members as follows:

- a. The Chair of the Oklahoma State Regents for Higher Education or a designee;
- b. The Chancellor for Higher Education or a designee;
- c. The Superintendent of Public Instruction or a designee;
- d. The Dean of the College of Arts and Sciences of Oklahoma State University;

- e. The Dean of the College of Arts and Science of the University of Oklahoma; and
- f. The Dean of the College of Arts and Sciences of the University of Tulsa.

2. Seven members appointed by the President Pro Tempore of the Senate as follows:

- a. A member of the Senate;
- b. A superintendent of a public school district; and
- c. Five persons, two of whom are either a scientist or a mathematician and three of whom hold a graduate degree and practice a profession for which a graduate degree is required.

3. Seven members appointed by the Speaker of the House of Representatives as follows:

- a. A member of the House of Representatives;
- b. A principal of a public secondary school; and
- c. Five members who are either a scientist or a mathematician or hold a graduate degree and are currently employed in an occupation related to mathematics or one of the sciences.

4. Five members appointed by the Governor. Four of the members appointed by the Governor shall be business or industrial leaders. One member appointed by the Governor shall be a principal of a private secondary school in this state. One of the members shall be designated as Chair of the Board of Trustees by the Governor.

For purposes of this subsection:

- a. "scientist" means any person who has a college degree in one of the sciences or is currently employed in an occupation related to one of the sciences; and
- b. "mathematician" means any person who has a college degree in mathematics or is currently employed in an occupation related to mathematics.

C. 1. The terms of office of the members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall coincide with the terms of the appointing authority.

2. The terms of office of the initial members appointed by the Governor shall be as follows:

- a. Two members shall serve for a term of office of two (2) years;
- b. Two members shall serve for a term of office of four (4) years; and
- c. One member shall serve for a term of office of six (6) years.

At the expiration of the terms of office of the initial members appointed by the Governor, their successors shall be appointed for terms of office of six (6) years.

D. Vacancies in the office of an appointed member shall be filled for the unexpired term by the appointing authority making the original appointment. Except as prohibited by the Oklahoma Constitution, appointment to the Board of Trustees shall not preclude any member from holding any other private or public position.

E. The Board of Trustees shall prepare a budget request for the Oklahoma School of Science and Mathematics and shall submit the budget request to the Legislature and the Governor by October 1 of each year. The Board of Trustees may accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

F. The Board of Trustees shall be authorized to purchase, own and acquire by lease or gift such motor vehicles as are reasonably necessary for the implementation of the programs of the Oklahoma School of Science and Mathematics.

Added by Laws 1983, c. 331, § 1, operative July 1, 1983. Amended by Laws 1990, c. 263, § 131, operative July 1, 1990; Laws 1996, c. 71, § 1, eff. July 1, 1996; Laws 2006, c. 278, § 6, eff. July 1, 2006.

§70-1210.402. Oklahoma School of Science and Mathematics Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma School of Science and Mathematics, to be designated the "Oklahoma School of Science and Mathematics Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board of Trustees of the Oklahoma School of Science and Mathematics, from all sources. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board of Trustees of the Oklahoma School of Science and Mathematics for the purpose of developing the Oklahoma School of Science and Mathematics. Expenditures from said 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.

Added by Laws 1983, c. 331, § 2, operative July 1, 1983. Amended by Laws 2012, c. 304, § 623.

§70-1210.403. Oklahoma School of Science and Mathematics - Rules and regulations - Preferential hiring policy.

A. The Board of Trustees of the Oklahoma School of Science and Mathematics shall have the authority to promulgate rules and regulations necessary to comply with the provisions of Section 1210.401 and 1210.402 of this title and any other requirements placed upon the Board of Trustees by law.

B. It is the intent of the Oklahoma Legislature that the Board of Trustees of the Oklahoma School of Science and Mathematics establish a hiring policy for the Oklahoma School of Science and Mathematics which provides that applicants for employment positions with the School who are residents of the State of Oklahoma shall be given priority for employment over applicants who are not residents of this state if all other qualifications are equal.
Added by Laws 1990, c. 263, § 133, operative July 1, 1990.

§70-1210.404. Development of advanced science and math programs.

A. The Oklahoma School of Science and Mathematics shall solicit proposals and award grants for pilot projects that develop and establish model programs implementing advanced science and math curriculum at local technology center school sites, local colleges or universities, or at local school sites via distance learning. At least two grants shall be awarded during the 1997-98 school year for implementation beginning the fall of 1997. The Oklahoma School of Science and Mathematics shall determine pilot project criteria. The pilot project proposals shall be considered on a statewide competitive basis.

B. A Selection Committee shall be established to assist the Oklahoma School of Science and Mathematics in selecting sites for model programs. The Selection Committee shall consist of the following members:

1. The Director of the Oklahoma Department of Career and Technology Education or a designee;
2. The Superintendent of Public Instruction or a designee; and
3. The Director of the Oklahoma School of Science and Mathematics or a designee.

C. An Advisory Council shall be established to assist the Oklahoma School of Science and Mathematics in development of the model programs. The Advisory Council shall establish eligibility criteria for student participation in the program. The Advisory Council shall have final approval of the curriculum and shall set academic standards for the program. The Advisory Council shall consist of the following members:

1. A superintendent of a participating local school district within the technology center school district elected by the majority of the participating superintendents or a designee;
2. The superintendent of a technology center school district participating in the program or a designee; and
3. The Director of the Oklahoma School of Science and Mathematics or a designee.

D. The Advisory Council and participating technology center schools shall work with the Oklahoma School of Science and Mathematics in determining advanced science and math curriculum needs for the area served by the program. A representative from the

Advisory Council and participating technology center school or participating local school site shall work with a representative from the Oklahoma School of Science and Mathematics in the recruitment and hiring of faculty for the program. Faculty positions shall be approved by a majority vote of the representatives from the Advisory Council, technology center school and the Oklahoma School of Science and Mathematics.

E. The participating technology center school district shall provide transportation for those students attending the program at the technology center school site. Local schools at their option may provide transportation for students attending at college or university sites.

Added by Laws 1997, c. 352, § 1, eff. July 1, 1997. Amended by Laws 2001, c. 33, § 129, eff. July 1, 2001.

§70-1210.405. Unused capacity.

A. The Board of Trustees of the Oklahoma School of Science and Mathematics, upon a finding of unused capacity within the Oklahoma School of Science and Mathematics (OSSM), shall have the authority to:

1. Establish a policy providing for the acceptance of students residing outside of Oklahoma and outside the United States for enrollment in courses offered by OSSM in an amount not to exceed ten percent (10%) of the total enrollment of OSSM. The policy shall include but not be limited to:

- a. a method of calculating rates for nonresident tuition and room and board which must meet or exceed the cost of attendance, subject to limits prescribed by the Legislature, and
- b. a provision that residents of Oklahoma seeking acceptance to OSSM be given priority for enrollment over students who are not residents of the state, if all other qualifications are equal;

2. Offer for rent dormitories, classrooms, laboratories or other OSSM facilities located in Oklahoma City; and

3. Establish educational programs and professional development workshops to be offered during summer periods for which tuition and fee rates may be established.

B. By January 1 of each year, the Board shall submit a report to the Governor, the President Pro Tempore and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, the chair of the Senate Education Committee and the chair of the House Common Education Committee that includes the nonresident tuition and room and board rates approved by the Board for the current academic year. The annual report shall include data on the impact of any tuition increases on the ability of students to

meet the costs of attendance, enrollment patterns and any other data considered relevant by the Board.

C. The Board shall promulgate rules to implement the provisions of this section.

Added by Laws 2013, c. 411, § 1.

§70-1210.406. Short title - "Oklahoma-A STEM State of Mind" Program.

This act shall be known and may be cited as the "Oklahoma-A STEM State of Mind" Program.

Added by Laws 2014, c. 194, § 1.

§70-1210.407. STEM Community or Region designation process.

A. 1. There is hereby created a mechanism for establishing criteria and a process for designation as a STEM Community or STEM Region. The STEM Community or STEM Region is one of several recommendations on improving Oklahoma Science, Technology, Engineering and Mathematics (STEM) education in the Governor's Science and Technology Council's "OneOklahoma" report.

2. The criteria for designation as a STEM Community or STEM Region shall include a requirement that educators, administrators, business leaders, students, parents, government officials and business and industry groups within a community or region create awareness, promote partnerships with education and industry, develop and execute action plans for improving STEM education and training, identify and acquire the needed resources to improve STEM education and training and identify and accumulate STEM data within the community or region, including but not limited to kindergarten through twelfth grade test results, the number of STEM-related degree holders in the local workforce, the number of STEM-related degrees conferred and the number of STEM-related certifications or credentials obtained. The region or community shall also develop a plan to recognize and promote successes in both student and teacher accomplishments in the STEM area within the community or region. The concept of creating a STEM Community or STEM Region is incorporated in the Department of Education's STEM strategy and will include and support STEM programs in many of the Department of Career and Technology Education's technology centers.

3. The process for designation as a STEM Community or STEM Region shall require that state legislators initiate designation of a STEM Community or STEM Region through an application process. The final approval and designation of an Oklahoma STEM Community or STEM Region shall reside with the Governor.

4. The application process shall be outlined by a subcommittee of an existing STEM education or workforce committee or board, to be identified by the Governor. The creation, sustainment and execution of the subcommittee shall be the responsibility of the Department of

Career and Technology Education. The application process shall be based on criteria established by the subcommittee.

B. The subcommittee shall also study issues related to the promotion and growth of STEM education and training in the state and create specific recommendations to address the current and pending shortage of highly skilled employees in the energy, agriculture and biosciences, aerospace and defense, transportation and distribution and information technology and financial services sectors in Oklahoma.

C. The subcommittee shall submit a report of its findings and recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on an annual basis.

Added by Laws 2014, c. 194, § 2. Amended by Laws 2018, c. 31, § 1, eff. July 1, 2018.

§70-1210.451. Oklahoma School for the Visual and Performing Arts established - Trustees.

A. A secondary school to be known as the Oklahoma School for the Visual and Performing Arts is hereby established. The school shall be governed by a board of trustees as created in this section.

B. 1. The board of trustees of the Oklahoma School for the Visual and Performing Arts shall consist of the following members:

- a. four (4) ex officio nonvoting members as follows:
 - (1) the Chair of the Oklahoma State Regents for Higher Education, or designee,
 - (2) the Chancellor for Higher Education, or designee,
 - (3) the Superintendent of Public Instruction, or designee, and
 - (4) the Chair of the Oklahoma Arts Council, or designee,
- b. eleven (11) members appointed by the Governor as follows:
 - (1) four persons knowledgeable in the arts or with expertise or profound interest in the arts, representing diverse geographical areas of the state,
 - (2) two persons to represent the business community,
 - (3) a writer,
 - (4) one president of an institution within The Oklahoma State System of Higher Education,
 - (5) one president of a private university in this state, or designee,
 - (6) one principal of a private secondary school in this state, and
 - (7) one superintendent of a public school district.

One of the members shall be designated as chair of the board of trustees by the Governor,

- c. four (4) members appointed by the President Pro Tempore of the Senate as follows:
 - (1) a member of the Senate,
 - (2) a principal of a public secondary school,
 - (3) a visual artist, and
 - (4) a professional musician, and
- d. four (4) members appointed by the Speaker of the House of Representatives as follows:
 - (1) a member of the House of Representatives,
 - (2) a classroom art teacher who teaches in a public school,
 - (3) a performing artist, and
 - (4) a person who holds a graduate degree and is currently employed in an occupation related to the visual, literary, or performing arts.

2. For purposes of this subsection:

- a. "visual artist" means any person who has a college degree in one of the visual arts or is currently employed in an occupation related to one of the visual arts,
- b. "professional musician" means any person who has a college degree in music or is currently employed in an occupation related to music,
- c. "writer" means any person who has a college degree in English or journalism or is currently employed in an occupation related to one of the literary arts,
- d. "visual arts" means art forms which are perceived by sight such as painting, photography, graphics, and sculpture, and
- e. "performing arts" means art forms such as theatre, dance, choral and orchestral music, film, and video.

C. 1. The terms of office of the members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall coincide with the terms of the appointing authority.

2. The terms of office of the initial members appointed by the Governor shall be as follows:

- a. four members shall serve initial terms of two (2) years,
- b. four members shall serve initial terms of four (4) years, and
- c. three members shall serve initial terms of six (6) years.

3. At the expiration of the terms of the initial members appointed by the Governor, their successors shall be appointed for terms of six (6) years.

D. Vacancies in the office of an appointed member shall be filled for the unexpired term by the authority making the original appointment.

E. Members of the board shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the board shall be reimbursed in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the board shall be reimbursed by their appointing authorities pursuant to the State Travel Reimbursement Act.

F. The board of trustees shall prepare a budget request for the Oklahoma School for the Visual and Performing Arts and shall submit the budget request to the Legislature and the Governor by October 1 of each year. The board of trustees may accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

G. The board of trustees is authorized to purchase, own and acquire by lease or gift such motor vehicles as are reasonably necessary for the implementation of the programs of the Oklahoma School for the Visual and Performing Arts.

Added by Laws 2009, c. 453, § 1.

§70-1210.452. Oklahoma School for the Visual and Performing Arts Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma School for the Visual and Performing Arts, to be designated the "Oklahoma School for the Visual and Performing Arts Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the board of trustees of the Oklahoma School for the Visual and Performing Arts, from all sources. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the board of trustees for the purpose of developing the Oklahoma School for the Visual and Performing Arts. 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.

B. The Oklahoma School for the Visual and Performing Arts Revolving Fund shall not receive any state-appropriated dollars for the fiscal year ending June 30, 2010.

Added by Laws 2009, c. 453, § 2. Amended by Laws 2012, c. 304, § 624.

§70-1210.453. Rule making authority - Hiring policy - Prohibition of campus summer arts camp programs.

A. The board of trustees of the Oklahoma School for the Visual and Performing Arts shall have the authority to adopt rules necessary to comply with the provisions of Sections 1210.451 through 1210.453 of this title and any other requirements placed upon the board of trustees by law.

B. It is the intent of the Oklahoma Legislature that the board of trustees of the Oklahoma School for the Visual and Performing Arts establish a hiring policy for the Oklahoma School for the Visual and Performing Arts which provides that applicants for employment positions with the school who are residents of this state shall be given priority for employment over applicants who are not residents of this state if all other qualifications are equal.

C. The Oklahoma School for the Visual and Performing Arts shall not offer any campus summer arts camp programs for students in grades nine through twelve during the period between the end of the regular spring semester of the school and the beginning of the regular fall semester of the school. For purposes of this section, "campus summer arts camp programs" means programs in which students are residentially housed as a group for two (2) weeks or less by the school. The provisions of this subsection shall not be enforced if either the Oklahoma Arts Institute, a nonprofit organization which is funded in part by private and state funds and utilizes the Quartz Mountain Arts and Conference Center and Nature Park for a fine arts institute and continuing education programs, or the Oklahoma School for the Visual and Performing Arts is not operating or ceases to exist.

Added by Laws 2009, c. 453, § 3. Amended by Laws 2010, c. 260, § 1.

§70-1210.501. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-1210.502. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-1210.503. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-1210.504. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-1210.505. Short title.

Section 1210.505 et seq. of this title shall be known and may be cited as the "Oklahoma School Testing Program Act".
Added by Laws 1985, c. 329, § 4, emerg. eff. July 30, 1985. Amended by Laws 1989, c. 235, § 7, eff. July 1, 1989.

§70-1210.506. Repealed by Laws 2016, c. 360, § 11, eff. July 1, 2016.

§70-1210.507. Rules - Disclosure of information to the public - Alternative testing locations - Internet postings.

A. The State Board of Education shall promulgate rules necessary for the implementation and administration of the provisions of the Oklahoma School Testing Program Act.

B. The State Board of Education shall require school district boards of education to annually provide information to the district's students, parents of students, and the public at large about the proper meaning and use of assessments administered pursuant to the provisions of the Oklahoma School Testing Program Act. The Department shall develop materials and make them available to school districts regarding the Oklahoma School Testing Program.

C. 1. Students enrolled in an online course or 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 provided the opportunity to take any assessment required pursuant to the Oklahoma School Testing Program Act or any other assessment generally required of students by the school district in which the student is enrolled at an alternative testing location approved by the State Board of Education. The alternative testing locations may be at sites that are not in the school district that is offering the online course or program or the district of residence. Alternative testing locations may include technology center school sites or any other testing location selected by the school district or charter school offering the online course or program. All alternative testing locations shall be subject to testing location rules promulgated by the State Board of Education. The school district or charter school offering the online course or program shall be responsible for any cost incurred in providing an alternative testing location and any additional cost of administering an assessment at an alternative testing location. In order to provide alternative testing locations at geographically dispersed sites, the school district or charter school offering the online course or program shall, at a minimum, provide not less than six alternative testing locations, with at least one location in each quadrant of the state and in each of the two metropolitan areas in the state. Additional alternative testing locations may be provided by the school district or charter school offering the online course or program.

2. The performance of students on any assessment required pursuant to the Oklahoma School Testing Program Act or any other assessments generally required of students by the school district 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 performance levels of the school district or charter school in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program.

D. The State Board of Education shall seek to establish and post on the Internet a sample assessment item bank that will be made available to teachers and will allow them to create and deliver classroom assessments throughout the school year to check for student mastery of key concepts assessed by the assessments administered to students pursuant to the Oklahoma School Testing Program Act. Subject to the availability of funds, the Board shall annually release assessment items and make them available to the public.

E. The State Board of Education shall post on the Internet sample assessments for each grade level and subject matter assessment administered to students pursuant to the Oklahoma School Testing Program Act for the purpose of communicating expectation concerning the difficulty level and format to teacher, parents and students. The Board shall maintain the sample assessments on the Internet throughout the year and, as changes are made in the state academic content standards, shall update the sample assessments. The Board shall seek to expand the number of sample assessments items each year and to revise items as needed. The sample assessments shall reflect the actual assessments administered to students and may contain questions used on actual assessments given in previous years.

F. The State Board of Education shall implement an electronic delivery system for all assessments administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the results. The State Board of Education shall adopt a timeline for transition to the electronic delivery system. A school district may choose to offer printed assessments by providing a request for approval and justification to the State Board of Education. The State Department of Education shall publish and make known the date by which districts choosing to offer printed assessments must make such request. In circumstances where the administration or delivery of an online or computer-based assessment has been or will be disrupted, delayed or cause problems with student participation, the Board may stop or cancel the online or computer-based assessment and administer the assessment by another means.

Added by Laws 1985, c. 329, § 6, emerg. eff. July 30, 1985. Amended by Laws 1989, c. 335, § 9, eff. July 1, 1989; Laws 1989, 1st Ex. Sess., c. 2, § 20, emerg. eff. April 25, 1990; Laws 1999, c. 356, § 1, eff. July 1, 1999; Laws 2003, c. 428, § 1, eff. July 1, 2003; Laws 2006, c. 289, § 3, eff. July 1, 2006; Laws 2010, c. 351, § 1, eff. Nov. 1, 2010; Laws 2013, c. 74, § 2, eff. July 1, 2013; Laws 2014, c. 430, § 7, emerg. eff. June 5, 2014; Laws 2016, c. 360, § 3, eff. July 1, 2016; Laws 2018, c. 257, § 2, eff. July 1, 2018.

§70-1210.508. Statewide student assessment system.

A. 1. By no later than December 31, 2016, the State Board of Education shall adopt a statewide system of student assessments in compliance with the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).

2. The statewide student assessment system adopted by the Board pursuant to this subsection shall be aligned with the Oklahoma Academic Standards as adopted by the Board and which prepare students for college and careers.

B. 1. The Board shall issue a request for proposals for the selection of assessments to be administered to students in grades three through twelve as a part of the statewide student assessment system adopted by the Board pursuant to this section.

2. The Board shall adopt assessments from the selected proposals that were submitted pursuant to paragraph 1 of this subsection. The adopted assessments shall be administered by the Board for a period that is in coordination with the six-year subject area textbook adoption cycle unless the vendor does not fulfill the terms of the contract or fails to comply with or violates the terms of the contract. The Board shall administer the assessments beginning with the 2017-2018 school year.

C. The statewide student assessment system adopted by the Board pursuant to this section shall include assessments that:

1. Are aligned with the Oklahoma subject matter standards as adopted by the Board;

2. Provide a measure of comparability among other states;

3. Yield both norm-referenced scores and criterion-referenced scores;

4. Have a track record of statistical reliability and accuracy; and

5. For assessments administered in high school, provide a measure of future academic performance.

D. For the 2016-2017 school year, the Board shall administer assessments in:

1. English Language Arts or Reading and Mathematics in grades three through eight and at least once in high school, during the grade span of nine through twelve;

2. Science not less than once during each grade span of three through five, six through nine and ten through twelve; and

3. United States History not less than once during the grade span of nine through twelve.

E. 1. Beginning with the 2017-2018 school year, the statewide student assessment system shall include assessments in:

- a. English Language Arts and Mathematics in grades three through eight and at least once in high school, during the grade span of nine through twelve,
- b. Science not less than once during each grade span of three through five, six through nine and ten through twelve, and
- c. United States History, with an emphasis on civics, not less than once during the grade span of nine through twelve.

2. Beginning with the 2017-2018 school year, the statewide student assessment system may include:

- a. assessments in Reading and Writing in certain grades as determined by the Board, and
- b. contingent upon the availability of funds, an additional nationally recognized college- and career-readiness assessment or assessments as recommended by the State Department of Education which will be administered to students in high school at no cost to the student.

F. 1. Beginning with students entering the ninth grade in the 2017-2018 school year, each student shall take the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this section in order to graduate from a public high school with a standard diploma. All students shall take the assessment or assessments prior to graduation, unless otherwise exempt by law.

2. Beginning with students entering the ninth grade in the 2017-2018 school year, each student, in addition to taking the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this section, shall meet any other high school graduation requirements adopted by the Board pursuant to Section 5 of Enrolled House Bill No. 3218 of the 2nd Session of the 55th Oklahoma Legislature in order to graduate from a public high school with a standard diploma.

3. For students who start the ninth grade prior to or during the 2016-2017 school year, school districts shall adopt a plan that establishes the assessment or assessments those students are required to take in order to graduate from a public high school with a standard diploma. The plan may also include any or all of the other high school graduation requirements adopted by the Board pursuant to Section 5 of Enrolled House Bill No. 3218 of the 2nd Session of the

55th Oklahoma Legislature that those students will be required to meet in order to graduate from a public high school with a standard diploma.

4. The Board shall promulgate rules to ensure that students who transfer into an Oklahoma school district from out-of-state after the junior year of high school shall not be denied the opportunity to be awarded a standard diploma due to differing testing requirements.

G. In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, school districts shall report on the high school transcript of the student the highest-achieved score on the assessment or assessments included in the statewide student assessment system adopted by the Board pursuant to subsection A of this section and any business- and industry-recognized endorsements attained.

H. Students who do not perform at a proficiency level on assessments shall be remediated as established in the assessment requirements adopted by the Board pursuant to Section 5 of Enrolled House Bill No. 3218 of the 2nd Session of the 55th Oklahoma Legislature, subject to the availability of funding.

I. 1. All assessments required by this section shall measure academic competencies in correlation with the subject matter standards adopted by the Board pursuant to Sections 11-103.6 and 11-103.6a of this title and referred to as the Oklahoma Academic Standards. The State Board of Education shall evaluate the subject matter standards to ensure the competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for postsecondary studies at institutions of higher education or technology center schools without the need for remediation. All subject matter standards shall reflect the goals as set forth in Section 11-103.6 of this title and of improving the state average ACT score.

2. The State Department of Education shall annually evaluate the results of the assessments. The State Board of Education shall ensure that preliminary results for all statewide assessments are reported to districts no later than June 20 of each year and are presented in a manner that yields detailed, diagnostic information for the purpose of guiding instruction and student remediation. As improvements are made to the assessments required by this section, the Board shall seek to increase the depth of knowledge assessed for each subject. The State Board of Education shall seek to ensure that data yielded from the assessments required in this section are utilized at the school district level to inform instruction, professional development, school improvement and remediation for students.

3. The Commission for Educational Quality and Accountability shall determine the cut scores for the performance levels on all statewide assessments. The Commission shall conduct an ongoing review to compare the statewide assessment content and performance descriptors with those of other states. Upon receipt of the review, the Commission may adjust the cut scores as necessary.

4. The State Board of Education, for the purposes of conducting reliability and validity studies, monitoring contractor adherence to professionally accepted testing standards, and providing recommendations for testing program improvement, shall retain the services of an established, independent agency or organization that is nationally recognized for its technical expertise in educational testing but is not engaged in the development of aptitude or achievement tests for elementary or secondary level grades. These national assessment experts shall annually conduct studies of the reliability and validity of the statewide assessments administered pursuant to this section. Validity studies shall include studies of decision validity and concurrent validity.

J. 1. The State Board of Education shall promulgate rules setting the assessment window dates for each statewide assessment so that the assessments are administered according to recommended testing protocols, and so that the assessment results are reported back to school districts in a timely manner. The vendor shall provide a final electronic data file of all school site, school district, and state results to the State Department of Education and the Office of Educational Quality and Accountability prior to August 20 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the vendor includes a provision that the vendor report assessment results directly to the Office of Educational Quality and Accountability at the same time it is reported to the Board.

2. State, district, and site level results of all assessments required in this section shall be disaggregated by gender, race, ethnicity, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school year.

K. The State Board of Education shall be responsible for the field-testing and validation of the statewide assessment system required in subsection A of this section.

L. The State Board of Education shall develop, administer, and incorporate as a part of the Oklahoma School Testing Program, other assessment programs or procedures, including appropriate accommodations for the assessment of students with disabilities as required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C., Section 1400 et seq.

M. For purposes of developing and administering alternate assessments for students with the most significant cognitive disabilities, the State Board of Education shall not be subject to subsections D and E of Section 11-103.6a of this title.

Added by Laws 1985, c. 329, § 7, emerg. eff. July 30, 1985. Amended by Laws 1986, c. 259, § 42, operative July 1, 1986; Laws 1989, c. 335, § 10, eff. July 1, 1989; Laws 1989, 1st Ex. Sess., c. 2, § 19, emerg. eff. April 25, 1990; Laws 1992, c. 292, § 1, eff. July 1, 1992; Laws 1993, c. 361, § 12, eff. July 1, 1993; Laws 1995, c. 188, § 2, eff. July 1, 1995; Laws 1997, c. 343, § 6, eff. July 1, 1997; Laws 1998, c. 5, § 25, emerg. eff. March 4, 1998; Laws 1999, c. 356, § 2, eff. July 1, 1999; Laws 2000, c. 306, § 1, eff. July 1, 2000; Laws 2001, c. 33, § 130, eff. July 1, 2001; Laws 2001, c. 413, § 4, eff. July 1, 2001; Laws 2003, c. 428, § 2, eff. July 1, 2003; Laws 2006, c. 289, § 4, eff. July 1, 2006; Laws 2009, c. 162, § 1, eff. Nov. 1, 2009; Laws 2009, c. 456, § 8, eff. July 1, 2009; Laws 2010, c. 251, § 1, eff. July 1, 2010; Laws 2011, c. 162, § 1, eff. Nov. 1, 2011; Laws 2012, c. 223, § 13, eff. July 1, 2013; Laws 2012, c. 354, § 8; Laws 2013, c. 403, § 1; Laws 2014, c. 430, § 8, emerg. eff. June 5, 2014; Laws 2016, c. 360, § 4, eff. July 1, 2016; Laws 2018, c. 67, § 2, eff. July 1, 2018; Laws 2019, c. 479, § 1, emerg. eff. May 28, 2019.

NOTE: Laws 1989, c. 315, § 55 repealed by Laws 1989, 1st Ex. Sess., c. 2, § 121, operative July 1, 1990. Laws 1997, c. 341, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§70-1210.508-1. Repealed by Laws 2016, c. 360, § 11, eff. July 1, 2016.

§70-1210.508-2. Students exempt from mandated tests.

The State Board of Education shall promulgate rules providing for limited exemptions from the mandated tests administered pursuant to the provisions of the Oklahoma School Testing Program Act for students facing exceptional emergency circumstances which prevent the student from being assessed during the testing window. For purposes of this section, exceptional emergency circumstance shall be defined to include situations involving serious accidents or medical emergency events involving the student, a parent or guardian of the student or a sibling of the student.

Added by Laws 2014, c. 344, § 1, emerg. eff. May 28, 2014.

§70-1210.508-3. Exemptions for MSCD students.

The State Board of Education, in consultation with experts in the education and assessment of students with the most significant cognitive disabilities (MSCD), shall promulgate rules providing for exemptions from the mandated tests administered pursuant to the Oklahoma School Testing Program Act for students with MSCD on an individualized education program (IEP) that directs that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP) who otherwise demonstrates satisfactory knowledge in that subject.

Added by Laws 2015, c. 201, § 1, eff. July 1, 2015.

§70-1210.508-4. Individual Career Academic Plan (ICAP).

A. As used in this section, "Individual Career and Academic Plan (ICAP)" means an individualized plan developed by the student and the student's parent or legal guardian, in collaboration with their school counselors, school administrators, teachers and other school personnel, that is used to help establish personalized academic and career goals, explore postsecondary career opportunities, including, but not limited to, military careers, apprenticeship programs, career and technology programs leading to certification or licensure, educational opportunities, align coursework and curriculum, apply to postsecondary institutions, secure financial aid and ultimately enter the workforce.

B. As part of the multimeasures approach to high school graduation recommended by the State Board of Education, pursuant to Section 5 of House Bill No. 3218 passed by the Legislature in the 2nd Session of the 55th Legislature, the Board shall adopt a new statewide system of college and career planning tools which shall be known as the "Individual Career Academic Plan (ICAP)". The Board shall work cooperatively with school districts to incorporate the ICAP into graduation requirements.

1. Beginning with students entering the ninth grade in the 2019-2020 school year, each student shall be required to complete the process of an ICAP in order to graduate from a public high school with a standard diploma. Each year thereafter, students shall annually update their ICAP. The ICAP shall include, but not be limited to:

- a. career- and college-interest surveys,
- b. written postsecondary and workforce goals and information of progress toward these goals,
- c. intentional sequence of courses that reflect progress toward the postsecondary goal,

- d. the student's academic progress, including courses taken, assessment scores, any remediation or credit recovery and any Advanced Placement, International Baccalaureate, concurrent or dual enrollment credits earned and/or career certificate(s), certification(s), or endorsements, and
- e. experience in-service learning and/or work environment activities.

2. The ICAP system shall be implemented according to the following schedule:

- a. for the 2017-2018 school year, the Oklahoma State Department of Education shall work with school districts, the Oklahoma State Regents for Higher Education and the Oklahoma State Board of Career and Technology Education to develop individual career academic planning tools for students in grades six through twelve,
- b. for the 2018-2019 school year, the Department shall incorporate the ICAP as described in paragraph 1 of this subsection on a pilot program basis, and
- c. for the 2019-2020 school year, and each school year thereafter, school districts shall fully incorporate and put into operation the ICAP as described in paragraph 1 of this subsection for all students entering the ninth grade.

C. Nothing in this section shall be construed to prevent a district from implementing the ICAP for students in earlier grades.

D. ICAPs for students with disabilities, as defined in the Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17, shall take into account and work in cooperation with the student's individualized education program (IEP) or Section 504 Plan as defined by the Rehabilitation Act of 1973, P.L. No. 93-112.

Added by Laws 2017, c. 181, § 1, eff. Nov. 1, 2017. Amended by Laws 2018, c. 49, § 1, eff. Nov. 1, 2018.

§70-1210.508A. Reading Sufficiency Act - Short title.

Sections 1210.508A through 1210.508E of this title shall be known and may be cited as the "Reading Sufficiency Act".

Added by Laws 1997, c. 349, § 1, eff. July 1, 1997. Amended by Laws 1999, c. 176, § 1, eff. July 1, 1999; Laws 2005, c. 385, § 1.

§70-1210.508B. Legislative findings - Purpose - Reading and math instruction time.

A. The Legislature finds that it is essential for children in the public schools to read early and well in elementary school. The Legislature further finds that clear and visible goals, assessments to determine the reading level at each elementary school, annual

measurements of elementary school reading improvement, and accountability in each level of the educational system will result in a significant increase in the number of children reading at or above grade level.

B. The purpose of the Reading Sufficiency Act is to ensure that each child attains the necessary reading skills by completion of the third grade which will enable that student to continue development of reading skills and to succeed throughout school and life.

C. Each public school district in this state shall ensure that all students receive a well-rounded education that is focused on building deep foundations in reading and mathematics. The State Board of Education shall encourage school districts to integrate the teaching of the other curricular areas in the subject matter standards adopted by the Board with the instruction of reading and mathematics. All teachers of reading in the public schools in this state in kindergarten through third grade shall incorporate into instruction the five elements of reading instruction which are phonemic awareness, phonics, reading fluency, vocabulary, and comprehension.

Added by Laws 1997, c. 349, § 2, eff. July 1, 1997. Amended by Laws 2001, c. 421, § 1, eff. July 1, 2001; Laws 2004, c. 197, § 1, eff. July 1, 2004; Laws 2005, c. 431, § 2, eff. Sept. 1, 2005; Laws 2006, c. 16, § 78, emerg. eff. March 29, 2006; Laws 2006, c. 146, § 1, emerg. eff. May 12, 2006; Laws 2009, c. 456, § 9, eff. July 1, 2009; Laws 2011, c. 100, § 1; Laws 2014, c. 430, § 9, emerg. eff. June 5, 2014; Laws 2016, c. 360, § 6, eff. July 1, 2016; Laws 2019, c. 289, § 1, eff. July 1, 2019.

NOTE: Laws 2005, c. 385, § 2 repealed by Laws 2006, c. 16, § 79, emerg. eff. March 29, 2006.

§70-1210.508C. Programs of reading instruction.

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

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

3. Kindergarten students who are not meeting grade-level targets by mid-year in reading shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade-level reading skills.

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

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

C. Any student enrolled in first, second or third grade who is assessed and who is not meeting grade-level targets in reading shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. The program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in subsection P of this section. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

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

1. Assess for phonemic awareness, phonics, reading fluency, vocabulary and comprehension;
2. Document the validity and reliability of each assessment;
3. Can be used for identifying students who are at risk for reading deficiency and progress monitoring throughout the school year;
4. Can be used to assess students with disabilities and English language learners; and
5. Accompanied by a data management system that provides profiles for students, class, grade level and school building. The profiles shall identify each student's instructional point of need and reading achievement level. The State Board shall also determine other comparable reading assessments for diagnostic purposes to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the subject matter standards adopted by the State Board of Education.

E. 1. The program of reading instruction required in subsections A and B of this section shall align with the subject matter standards adopted by the State Board of Education and shall include provisions of the READ Initiative adopted by the school

district as provided for in subsection P of this section. A program of reading instruction may include, but is not limited to:

- a. sufficient additional in-school instructional time for the acquisition of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension,
- b. if necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day or one-thousand-eighty-hour school year required in Section 1-109 of this title, and
- c. assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

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

- a. the parent or guardian of the student,
- b. the teacher assigned to the student who had responsibility for reading instruction in that academic year,
- c. a teacher who is responsible for reading instruction and is assigned to teach in the next grade level of the student, and
- d. a certified reading specialist, if one is available.

F. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be meeting grade-level targets.

G. 1. Every school district shall adopt, and implement a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted electronically to and approved by the State Board of Education. The plan shall be updated annually. School districts shall not be required to electronically submit the annual updates to the Board if the last plan submitted to the Board was approved and expenditures for the program include only expenses relating to individual and small group tutoring, purchase of and training in the use of screening and assessment measures, summer school programs and Saturday school programs. If any expenditure for

the program is deleted or changed or any other type of expenditure for the program is implemented, the school district shall be required to submit the latest annual update to the Board for approval. The district reading sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

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

H. For any third-grade student found not to be meeting grade-level targets as determined by reading assessments administered pursuant to this section, a new program of reading instruction, including provisions of the READ Initiative adopted by the school district as provided for in subsection P of this section, shall be developed by a Student Reading Proficiency Team and implemented as specified in subsection E of this section. In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring.

I. 1. Any first-grade, second-grade or third-grade student who demonstrates end of year proficiency in reading at the third-grade level through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section shall not be subject to retention pursuant to this section. After a student has demonstrated proficiency through a screening instrument, the district shall provide notification to the parent or guardian of the student that they have satisfied the requirements of the Reading Sufficiency Act and will not be subject to retention pursuant to this section.

2. If a third-grade student is identified at any point of the academic year as having a significant reading deficiency, which shall be defined as not meeting grade-level targets on a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, the district shall immediately begin a student reading portfolio as provided by subsection L of this section and shall provide notice to the parent of the deficiency pursuant to subsection J of this section.

3. If a student has not yet satisfied the proficiency requirements of this section prior to the completion of third grade and still has a significant reading deficiency, as identified based on assessments administered as provided for in subsection B of this section, has not accumulated evidence of third-grade proficiency through a student portfolio as provided in subsection L of this section, or is not subject to a good-cause exemption as provided in

subsection L of this section, then the student shall not be eligible for automatic promotion to fourth grade.

4. The minimum criteria for grade-level performance of third-grade students pursuant to the Reading Sufficiency Act shall be that students are able to read and comprehend grade-level text. To determine the promotion and retention of third-grade students pursuant to the Reading Sufficiency Act, the State Board of Education shall use only the scores for the standards for reading foundations/processes and vocabulary portions of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title and shall not use the scores from the other language arts portions of the assessment. The performance levels established by the Commission for Educational Quality and Accountability pursuant to Section 1210.508 of this title shall ensure that students meeting the performance-level criteria are performing at grade level on the reading foundations and vocabulary portions of the statewide third-grade assessment.

5. a. A student not eligible for automatic promotion as provided for under paragraph 3 of this subsection and who does not meet the criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title may be evaluated for probationary promotion by the Student Reading Proficiency Team which was created for the student pursuant to subsection E of this section.
- b. The student shall be promoted to the fourth grade if the team members unanimously recommend probationary promotion to the school principal and the school district superintendent and the principal and superintendent approve the recommendation that promotion is the best option for the student. If a student is allowed a probationary promotion, the team shall continue to review the reading performance of the student and repeat the requirements of this paragraph each academic year until the student demonstrates grade-level reading proficiency, as identified through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, for the corresponding grade level in which the student is enrolled or transitions to a locally designed remediation plan after the fifth grade which shall have the goal of ensuring that the student is on track to be college and career ready.

6. Beginning with the 2017-2018 school year, students who do not meet the performance criteria established by the Commission for

Educational Quality and Accountability on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title, who are not subject to a good cause exemption as provided in subsection L of this section, and who do not qualify for promotion or probationary promotion as provided in this subsection, shall be retained in the third grade and provided intensive instructional services and supports as provided for in subsection O of this section.

7. Each school district shall annually report to the State Department of Education the number of students promoted to the fourth grade pursuant to this subsection and the number of students promoted to a subsequent grade pursuant to the provisions in paragraph 5 of this subsection. The State Department of Education shall publicly report the aggregate and district-specific number of students promoted on their website and shall provide electronic copies of the report to the Governor, Secretary of Education, President Pro Tempore of the Senate, Speaker of the House of Representatives, and to the respective chairs of the committees with responsibility for common education policy in each legislative chamber.

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

1. That the student has been identified as having a substantial deficiency in reading;
2. A description of the current services that are provided to the student pursuant to a conjoint measurement model such that a reader and a text are placed on the same scale;
3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;
4. That the student will not be promoted to the fourth grade if the reading deficiency is not remediated by the end of the third grade, unless the student is otherwise promoted as provided for in subsection I of this section or is exempt for good cause as set forth in subsection L of this section;
5. Strategies for parents to use in helping their child succeed in reading proficiency;
6. The grade-level performance scores of the student;
7. That while the results of the statewide assessments administered pursuant to Section 1210.508 of this title are the initial determinant, they are not the sole determiner of promotion and that portfolio reviews and assessments are available; and
8. The specific criteria and policies of the school district for midyear promotion implemented as provided for in paragraph 4 of subsection O of this section.

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

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

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

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

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

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

5. Students with disabilities who participate in the statewide assessments administered pursuant to Section 1210.508 of this title and who have an individualized education program that reflects that the student has received intensive remediation in reading and has made adequate progress in reading pursuant to the student's individualized education program;

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

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

M. A student who is otherwise promoted as provided for in subsection I of this section or is promoted for good cause as provided for in subsection L of this section shall be provided intensive reading instruction that includes specialized diagnostic information and specific reading strategies for each student until the student meets grade-level targets in reading. The school district shall assist schools and teachers to implement reading strategies for the promoted students that research has shown to be successful in improving reading among low-performing readers.

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

1. Documentation submitted from the teacher of the student to the school principal that indicates the student meets one of the good-cause exemptions and promotion of the student is appropriate.

In order to minimize paperwork requirements, the documentation shall consist only of the alternative assessment results or student portfolio work and the individual education plan (IEP), as applicable;

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

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

0. Each school district shall:

1. Conduct a review of the program of reading instruction for all students who do not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title and did not meet the criteria for one of the good-cause exemptions as set forth in subsection L of this section. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each retained student;

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

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

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection I of this section that the student has not met the performance criteria required for promotion and was not otherwise promoted and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions

and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade-level targets, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include screening assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating that the student has met the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title, or upon demonstrating proficiency in reading at the third-grade level through a screening instrument administered pursuant to subsection B of this section, and upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

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

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

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

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

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

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

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

- a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
- b. provides skill development in phonemic awareness, phonics, reading fluency, vocabulary, and comprehension,
- c. provides a scientific-research-based and reliable assessment,
- d. provides initial and ongoing analysis of the reading progress of each student, and
- e. is implemented during regular school hours,;

4. Establish at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently do not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:

- a. be provided to any student in the third grade who does not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide assessments and who was retained in the third grade the prior year because of not meeting the performance criteria on the reading portion of the statewide assessments,
- b. have a reduced teacher-student ratio,
- c. provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
- d. use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
- e. provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist, and
- f. include weekly progress monitoring measures to ensure progress is being made;

5. Provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of

Public Instruction shall annually prescribe the required components of the reports; and

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

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

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,
- b. the number and percentage of all students in grade three that did not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title,
- c. by grade, the number and percentage of all students retained in grades three through ten,
- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

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

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

S. On or before January 31 of each year, the State Department of Education shall issue to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and members of the Senate and House of Representatives Education Committees a Reading Sufficiency Report which shall include, but is not limited

to, trend data detailing three (3) years of data, disaggregated by student subgroups to include economically disadvantaged, major racial or ethnic groups, students with disabilities, and English language learners, as appropriate for the following:

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

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

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

4. The number and percentage of students that meet or do not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title;

5. The number of students tested, the number of students promoted through meeting proficiency on a screening instrument as provided for in subsection I of this section, the number of students promoted through each of the good-cause exemptions as provided for in subsection L of this section and the number of students retained and the number of students promoted through probationary promotion as provided for in subsection I of this section for each elementary site;

6. Data tracking the progression of students promoted through each of the good-cause exemptions as provided for in subsection L of this section and students promoted through probationary promotion or students who are retained in third grade as provided for in subsection I of this section. The data shall include but not be limited to information regarding whether students graduate on time;

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

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

9. The type of reading instruction practices and methods currently being used by school districts in the state;

10. Socioeconomic information, access to reading resources outside of school and screening for and identification of learning disabilities for students not reading at the appropriate grade level by third grade;

11. The types of intensive remediation efforts being conducted by school districts to identify best practices for students that are

not reading at the appropriate grade level and are not retained under the provisions of this section; and

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

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

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

Added by Laws 1997, c. 349, § 3, eff. July 1, 1997. Amended by Laws 1998, c. 332, § 1, eff. July 1, 1998; Laws 1999, c. 176, § 2, eff. July 1, 1999; Laws 2001, c. 421, § 2, eff. July 1, 2001; Laws 2004, c. 197, § 2, eff. July 1, 2004; Laws 2005, c. 1, § 124, emerg. eff. March 15, 2005; Laws 2005, c. 431, § 3, eff. Sept. 1, 2005; Laws 2011, c. 171, § 1; Laws 2012, c. 171, § 1, eff. July 1, 2012; Laws 2012, c. 250, § 1; Laws 2013, c. 15, § 96, emerg. eff. April 8, 2013; Laws 2014, c. 323, § 1, emerg. eff. May 21, 2014; Laws 2014, c. 430, § 10, emerg. eff. June 5, 2014; Laws 2015, c. 54, § 35, emerg. eff. April 10, 2015; Laws 2015, c. 364, § 1, eff. July 1, 2015; Laws 2016, c. 360, § 7, eff. July 1, 2016; Laws 2017, c. 213, § 1, emerg. eff. May 5, 2017; Laws 2019, c. 289, § 2, eff. July 1, 2019.

NOTE: HB 2625, Laws 2014, c. 323 was vetoed by the Governor on May 20, 2014. The veto was overridden on May 21, 2014.

NOTE: Laws 2004, c. 175, § 1 repealed by Laws 2005, c. 1, § 125, emerg. eff. March 15, 2005. Laws 2012, c. 354, § 9 repealed by Laws 2013, c. 15, § 97, emerg. eff. April 8, 2013. Laws 2014, c. 344, § 2 repealed by Laws 2015, c. 54, § 36, emerg. eff. April 10, 2015. Laws 2017, c. 210, § 1 repealed by Laws 2018, c. 304, § 21, emerg. eff. May 10, 2018.

§70-1210.508D. Funding.

A. Contingent on the provision of appropriated funds designated for the Reading Sufficiency Act, school districts may be allocated monies for each enrolled kindergarten student or first-, second- and third-grade student of the current school year, including any student who has been retained in the third grade pursuant to Section 1210.508C of this title, who is found to be in need of remediation or intervention in reading. The allocation shall be distributed to each school district upon approval of the reading sufficiency plan for the school district by the State Department of Education and the submittal of a child-count report to the Department that details the number of students identified as needing remediation or intervention in reading. To determine a per-student allocation amount, the total amount of funds available for allocation each year shall be divided by the total number of students in the state identified as in need of remediation or intervention in reading as provided for in Section 1210.508C of this title. Each school district shall be allocated an

amount equal to the per-student allocation amount multiplied by the number of identified students enrolled in the school district.

B. The State Board of Education shall promulgate rules for the administration of reimbursements.

C. If a teacher attends and completes a professional development institute in elementary reading approved by the Oklahoma Commission for Teacher Preparation during the summer or when school is not in session, the teacher may receive a stipend equal to the amount of the cost for a substitute teacher, based on the amount of funds allocated.

Added by Laws 1998, c. 332, § 2, eff. July 1, 1998. Amended by Laws 1999, c. 304, § 1, eff. July 1, 1999; Laws 2000, c. 289, § 4, eff. July 1, 2000; Laws 2005, c. 242, § 21, eff. July 1, 2005; Laws 2008, c. 387, § 1, eff. July 1, 2008; Laws 2011, c. 171, § 2; Laws 2012, c. 171, § 2, eff. July 1, 2012.

§70-1210.508E. Parental notification - Grade promotion - Summer academy programs - Expansion of requirements.

A. If a teacher determines that a third-grade student is not reading at grade level by the end of the second quarter of the school year, the parent or guardian of the student shall be notified of:

1. The reading level of the student;

2. The program of reading instruction for the student as required pursuant to the Reading Sufficiency Act; and

3. The potential need for the student to participate in a summer academy or other program designed to assist the student in attaining grade-level reading skills.

B. A teacher who determines a third-grade student is unable to meet competencies required for reading for completion of third grade and promotion to fourth grade may, after consultation with the parent or guardian of the student, recommend that the promotion of the student to the fourth grade is contingent upon the participation in and successful completion of the required competencies for reading by the student at a summer academy or other program. If the student does not participate in the summer academy or other program or does not successfully complete the competencies in the summer academy or other program, the student shall be retained in the third grade as set forth in Section 1210.508C of this title.

C. Summer academy programs shall be designed to ensure that participating students successfully complete the competencies necessary in reading for promotion to fourth grade and to enhance next-grade readiness. A summer academy reading program shall be a program that incorporates the content of a scientifically research-based professional development program administered by the Oklahoma Commission for Teacher Preparation or a scientifically research-based reading program administered by the State Board of Education and is taught by teachers who have successfully completed professional

development in the reading program or who are certified as reading specialists.

D. School districts may approve an option for students who are unable to attend a summer academy. The optional program may include, but is not limited to, an approved private provider of instruction, approved computer- or Internet-based instruction, or an approved program of reading instruction monitored by the parent or guardian. School districts shall not be required to pay for the optional program, but shall clearly communicate to the parent or guardian the expectations of the program and any costs that may be involved.

E. Subject to the availability of funds, beginning one (1) year after implementation of this section, the requirements of subsection B of this section may be expanded to apply to fourth-grade student promotion to fifth grade. Each year thereafter, the requirements may be expanded by one grade level until the requirements apply to third-grade students through eighth-grade students. Summer academy programs shall be designed for each grade level. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

F. The State Board of Education shall adopt rules to implement the provisions of this section which shall include requirements for instructional time for summer school programs, teacher qualifications, and evaluation of student achievement as a result of summer academy programs or other optional programs.

Added by Laws 1999, c. 320, § 54, eff. July 1, 1999. Amended by Laws 2001, c. 201, § 7; Laws 2002, c. 212, § 2, eff. July 1, 2002; Laws 2003, c. 434, § 25; Laws 2005, c. 385, § 3; Laws 2006, c. 146, § 2, emerg. eff. May 12, 2006; Laws 2008, c. 387, § 2, eff. July 1, 2008; Laws 2011, c. 171, § 3; Laws 2012, c. 171, § 3, eff. July 1, 2012.

§70-1210.508F. Reading competencies for teachers - Training requirements.

A. The State Board of Education shall ensure that the reading competencies for elementary teachers are included in the competencies for special education teachers.

B. The State Board of Education and the Commission for Educational Quality and Accountability in collaboration with the Oklahoma State Regents for Higher Education shall ensure that all teachers of early childhood education, elementary education and special education are provided quality training in intervention, instruction and remediation strategies in order to meet the needs of students in kindergarten through third grade who are determined to be at risk of reading difficulties. In addition, quality education for prospective teachers shall be provided in research-based instructional strategies for instruction, assessment and intervention for literacy development for all students, including advanced

readers, typically developing readers and struggling readers who are coping with a range of challenges, including, but not limited to, English learners and learners with handicapping conditions and learning disabilities (including dyslexia). Quality training shall include guidance from professional resources such as the Report of the National Reading Panel, Response to Intervention guidelines and professional organizations such as the Council for Exceptional Children, International Dyslexia Association, International Literacy Association, National Council of Teachers of English and National Association for the Education of Young Children.

C. All institutions within The Oklahoma State System of Higher Education that offer elementary, early childhood education or special education programs approved by the Commission for Educational Quality and Accountability shall incorporate into those programs the requirement that teacher candidates study the five elements of reading instruction which are phonemic awareness, phonics, reading fluency, vocabulary and comprehension. Teacher candidates shall study strategies including, but not limited to, instruction that is explicitly taught, sequenced, multimodal (reading, writing, speaking, listening, hands-on, etc.), multidisciplinary and reflective to adapt for individual learners.

D. Effective July 1, 2010, teacher candidates enrolled in an institution within The Oklahoma State System of Higher Education in a special education program approved by the Commission for Educational Quality and Accountability shall pass, prior to graduation, a comprehensive assessment to measure their teaching skills in the area of reading instruction. The assessment shall be developed and administered by the institutions that offer special education programs that lead to certification. The assessment shall measure the knowledge and understanding of the teacher candidate in the teaching of the five elements of reading instruction which are phonemic awareness, phonics, reading fluency, vocabulary and comprehension. The results of the assessment shall be reported annually by the institution to the Commission for Educational Quality and Accountability as a part of the required annual report for the institution. The Commission shall include the data in the annual report to the Oklahoma Legislature as required pursuant to Section 6-186 of this title. It is the intent of the Legislature to ensure that teachers graduating from institutions within The Oklahoma State System of Higher Education have the knowledge and skills to effectively teach reading to all children.

Added by Laws 2005, c. 431, § 4, eff. Sept. 1, 2005. Amended by Laws 2009, c. 97, § 1, eff. July 1, 2009; Laws 2017, c. 60, § 1, eff. July 1, 2017; Laws 2019, c. 208, § 1, eff. July 1, 2019.

§70-1210.508G. Repealed by Laws 2017, c. 210, § 2, emerg. eff. May 5, 2017, and Laws 2017, c. 213, § 2, emerg. eff. May 5, 2017.

§70-1210.509. In-service training for test administrator - Report of test results - Use of results.

A. The Department shall provide in-service training for local school personnel who administer tests required by the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title.

B. The Board shall require the company or companies providing tests required by the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, to submit summary reports of the results by school district to the Department and the respective local school district. Individualized results of the test shall be made available by the local school district to the classroom teachers who instruct the students in the academic areas tested. In every year, prior to the convening of the Legislature, the Board shall give a summary report on the testing results to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

Added by Laws 1985, c. 329, § 8, emerg. eff. July 30, 1985. Amended by Laws 1989, c. 335, § 11, eff. July 1, 1989.

§70-1210.510. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-1210.511. Projective psychological, personality or adjustment tests prohibited - Testing limited by individualized education plan.

A. Tests administered pursuant to the provisions of the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall not include the use of projective psychological, personality, or adjustment tests for the purpose of collecting information relative to the personality, environment, home life, parental or family relationships, economic status, religious beliefs, patriotism, sexual behavior or attitudes, or sociological problems of a student.

B. A student whose education is subject to the provisions of an individualized education plan (IEP) pursuant to Public Law 94-142, as amended, shall be tested pursuant to the provisions of the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, only to the extent specified by the student's individualized education plan.

Added by Laws 1985, c. 329, § 10, emerg. eff. July 30, 1985. Amended by Laws 1989, c. 335, § 12, eff. July 1, 1989.

§70-1210.512. Provision of test materials prior to testing date - Misdemeanor - Penalty.

A. Except as otherwise provided for in subsection B of this section, no person shall provide any test materials, including but not limited to test booklets, administered or intended for administration to any student pursuant to the Oklahoma School Testing

Program Act to any teacher employed by any school district in this state or to any other person providing services to a school as a test monitor prior to the date on which the test is administered to the students.

B. Materials furnished by any company providing tests required by the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, which are intended to aid teachers, parents or students in the preparation for testing may be provided to students, teachers or any other person providing service to a school as a test monitor.

C. Any person providing any test to a teacher or test monitor in violation of subsection A of this section, upon conviction, shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00).
Added by Laws 1990, c. 293, § 1, eff. Sept. 1, 1990. Amended by Laws 1992, c. 292, § 2, eff. July 1, 1992; Laws 1995, c. 188, § 3, eff. July 1, 1995.

§70-1210.513. Participation in National Assessment of Educational Progress - Evaluation of state core curriculum standards.

A. In order to assist in the nation's evaluation of the condition and progress of education, and in order to provide comparative interstate information on student performance, beginning July 1, 1997, the State Board of Education shall ensure the participation of the Oklahoma public school system in the National Assessment of Educational Progress. The results of this assessment shall be included as a separate result in annual reports on the Oklahoma State Testing Program.

B. The State Department of Education shall utilize the services of at least one qualified independent entity to conduct an evaluation of the state core curriculum standards at every grade level or, in high school for every subject, in which a criterion-referenced test is administered, and shall report the results to the Legislature by February 1, 2000.

Added by Laws 1997, c. 355, § 4, eff. July 1, 1997. Amended by Laws 1999, c. 356, § 5, eff. July 1, 1999; Laws 2000, c. 251, § 2, eff. July 1, 2000.

§70-1210.514. Repealed by Laws 1999, c. 356, § 6, eff. July 1, 1999.

§70-1210.515. Applicants under 18 years applying for driver license or permit - Demonstration of satisfactory reading ability - Criteria - Alternative reading proficiency tests.

A. Pursuant to the provisions of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, any person under the age of eighteen (18) years wishing to apply for a driver license or permit shall successfully demonstrate a satisfactory

reading ability at the eighth-grade reading level by meeting the following criteria:

1. A student enrolled in a public school shall successfully complete the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title and that is offered in the eighth grade. Following the administration of this assessment in the eighth grade, any student not successfully completing the reading portion shall be assigned a plan of remedial reading. Any student not successful in completing the reading portion of the state assessment may take a comparable alternative reading proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading proficiency tests shall be approved by the State Department of Education. Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any retake requirement for the reading portion of the state assessment in the eighth grade in the Oklahoma School Testing Program. School districts shall notify, in writing, each student who takes the reading portion of the state assessment for the eighth grade or who takes an alternative reading proficiency test and the student's parent or legal guardian of the results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma;

2. Unless alternatively documented according to the provisions of subsection C of this section, students under the age of eighteen (18) years shall successfully complete a reading proficiency test approved by the State Department of Education; and

3. Any student who wishes to apply for a restricted license to operate a motorcycle may take an alternative reading proficiency test, subject to the provisions of this section.

B. Alternative reading proficiency tests shall be offered by testing sites, which shall include the public schools at least four times per calendar year, and may include any of the following which chose to participate, the technology center school districts, Regional Education Service Centers, colleges, accredited private schools, and other sites approved by the State Department of Education. A student may take the test as often as wished, subject to the provisions of this section. Testing sites shall provide the first alternative reading proficiency test for each student at no cost to the student. Students may be assessed a fee not to exceed Twenty-five Dollars (\$25.00) by the testing site for each subsequent alternative reading proficiency test taken.

C. A school district shall provide for alternative documentation of reading proficiency for the purposes of paragraph 2 of subsection

A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education program that, at a minimum, is in an area related to reading. The alternative documentation shall be furnished to such student who is performing satisfactorily in reading pursuant to the individualized education program of the student. Parents of disabled students educated pursuant to the provisions of Section 4 of Article XIII of the Oklahoma Constitution may satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes by signing an affidavit that, based upon their best information and belief, their child would qualify for an individualized education program that, at a minimum, is in an area related to reading if enrolled in public school, and that in their judgment their child is performing satisfactorily in reading and is therefore academically qualified to satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes.

D. Any person under the age of eighteen (18) who has previously completed and successfully passed a reading proficiency test from another state may submit the results of such test to the State Department of Education for verification and approval. The State Department of Education shall have thirty (30) days from receipt of the reading proficiency results submitted by the person to verify that the reading proficiency requirements from the other state are equivalent or comparable to the reading proficiency requirements established for Oklahoma students pursuant to this section. Upon verification and approval by the State Department of Education, the Department shall furnish the person with the documentation needed for the driver license application in Oklahoma. If the reading proficiency documentation submitted by the person is disapproved by the Department, the person may take an alternative reading proficiency test as provided for in subsection B of this section. Added by Laws 1998, c. 190, § 3, eff. July 1, 1998. Amended by Laws 2001, c. 33, § 131, eff. July 1, 2001; Laws 2004, c. 197, § 3, eff. July 1, 2004; Laws 2013, c. 337, § 1, eff. Nov. 1, 2013; Laws 2016, c. 360, § 8, eff. July 1, 2016.

§70-1210.516. Oklahoma Bridge to Literacy Program - Applications.

A. The State Board of Education shall establish the Oklahoma Bridge to Literacy Program. The purpose of the Program is to improve reading skills of children up through the fourth grade, as measured by mastery of the skills identified in the subject matter standards adopted by the State Board of Education, by training and assisting private entities, as defined in subsection C of this section, to offer reading instruction to children before school, after school, on Saturdays and during summer periods.

B. The State Department of Education shall issue a request for proposals on or before October 1, 2012, and each October 1 thereafter

for which the Oklahoma Bridge to Literacy Program is funded, seeking applications for the Oklahoma Bridge to Literacy Program. The Department shall review the applications for compliance with the established requirements.

C. Private entities eligible to submit applications for the Oklahoma Bridge to Literacy Program shall include the following:

1. Nonprofit organizations or programs which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

2. Community-based programs, centers, organizations or services which maintain community participation or supervision in their planning, operation and evaluation; and

3. Churches or religious organizations, associations, or societies or nonprofit organizations or programs operated, supervised or controlled by or in conjunction with a religious organization, association or society.

D. The State Board of Education may approve applications that meet the requirements set forth in this subsection and as established by the Board. Approved applications shall establish reading programs for children up through the fourth grade. The reading programs may be offered before school, after school, on Saturdays or during summer periods. The reading programs shall offer reading instruction designed to enable the children to acquire the appropriate level reading skills and shall provide diagnostic assessments and measurement of reading skills to determine reading success. The reading program shall focus on the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension.

E. On or before December 1, 2012, and each December 1 thereafter for which the Oklahoma Bridge to Literacy Program is funded, the Department shall forward applications that the Department has determined meet the requirements of this section to the Board. On or before February 1, 2013, and each February 1 thereafter for which the Oklahoma Bridge to Literacy Program is funded, the Board shall award, through a competitive bid process, one or more grants to private entities to provide reading instruction programs through the Oklahoma Bridge to Literacy Program. To the extent possible, grants shall be awarded on a statewide basis. The grant funding shall be used to provide the reading instruction program, provide employees and volunteers for the program and to purchase materials for the program.

F. In addition to the grant funding, the Department shall provide to the private entities awarded grants pursuant to this section the following:

1. Reading instruction training, academies or courses designed to train the private entity employees or volunteers in reading instruction and remediation strategies;

2. Resources and materials on reading instruction and remediation; and

3. Any other appropriate assistance.

G. The Board shall provide for independent evaluations of programs funded pursuant to this section.

H. Beginning June 30, 2013, and each year thereafter for which the Oklahoma Bridge to Literacy Program is funded, the Board shall prepare and submit a report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing:

1. Descriptions of the reading programs approved and funded through the Oklahoma Bridge to Literacy Program;

2. Number and amount of grants awarded;

3. Number of children served through approved programs; and

4. Achievement data for children served through approved programs.

Added by Laws 2012, c. 318, § 1, eff. July 1, 2012. Amended by Laws 2014, c. 430, § 11, emerg. eff. June 5, 2014.

§70-1210.521. Repealed by Laws 2016, c. 360, § 12, eff. July 1, 2016.

§70-1210.522. Repealed by Laws 2016, c. 360, § 12, eff. July 1, 2016.

§70-1210.523. Repealed by Laws 2016, c. 360, § 12, eff. July 1, 2016.

§70-1210.524. Scientifically based research.

Every school district, school, administrator, teacher, and student of the public school system in this state may choose to participate in scientifically based research designed for the purpose of improving academic achievement in accordance with all relevant state and federal laws.

The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Added by Laws 2005, c. 432, § 13, eff. July 1, 2005.

§70-1210.525. Repealed by Laws 2016, c. 360, § 12, eff. July 1, 2016.

§70-1210.526. Repealed by Laws 2016, c. 360, § 12, eff. July 1, 2016.

§70-1210.527. Mentorship programs.

A. The State Department of Education shall encourage school boards and districts to develop mentorship programs aimed at reducing

drop-out rates. The goal of these programs shall be to identify middle school and high school students who are at a high risk for leaving school before they obtain their high school diploma and providing these students with comprehensive prevention and intervention programs.

B. Mentors should work with identified students to assist in the following:

1. Transitioning from middle school to high school;
2. Creation of personal graduation plans;
3. Counseling of students on the consequences of dropping out;
4. Beginning career exploration with students at an earlier age;
5. Informing parents and students regarding the impact of middle school grades on high school placement and achievement;
6. Providing students with guidance in selecting courses; and
7. Providing students with tutoring and extra academic assistance as needed.

Added by Laws 2009, c. 91, § 1, eff. July 1, 2009.

§70-1210.528. Short title - Apprenticeships, Internships and Mentorships (AIM) Act of 2016.

This act shall be known and may be cited as the "Apprenticeships, Internships and Mentorships (AIM) Act of 2016".

Added by Laws 2016, c. 244, § 1, eff. Nov. 1, 2016.

§70-1210.528-1. Authority to create AIM programs.

A. Beginning with the 2017-2018 school year, the governing body of each public, private, magnet, charter or virtual charter school in this state (the school) is authorized to enter into an agreement with private or public organizations for the purpose of creating apprenticeship, internship and mentorship programs. Apprenticeships, internships and mentorships may be available to high school juniors and seniors as permitted by each school. The apprenticeship, internship or mentorship may fill the requirement of elective courses as the student's schedule permits. A student may not use the apprenticeship, internship or mentorship to replace any other state education requirement.

B. The governing body of each school shall have the authority to adopt policies regarding the creation of apprenticeships, internships and mentorships that include the registration and qualifications for private or public organizations to participate in the apprenticeship, internship or mentorship program.

Added by Laws 2016, c. 244, § 2, eff. Nov. 1, 2016.

§70-1210.528-2. Promulgation of rules.

The State Department of Education shall promulgate rules to carry out the provisions of the Apprenticeships, Internships and Mentorships (AIM) Act of 2016.

Added by Laws 2016, c. 244, § 3, eff. Nov. 1, 2016.

§70-1210.531. Oklahoma Educational Indicators Program.

A. The Commission for Educational Quality and Accountability shall establish an Oklahoma Educational Indicators Program. The purpose of the Program shall be to develop and implement a system of measures whereby the performance of public schools and school districts is assessed and reported without undue reliance upon any single type of indicator, and whereby the public, including students and parents, may be made aware of the proper meaning and use of any tests administered under the Oklahoma School Testing Program Act, relative accomplishments of the public schools, and of progress being achieved. The Commission shall involve representatives of school teachers and of school administrators in the development of the Program. The Program shall be so designed that use of standardized definitions and measures and opportunities for coordination with national reports, including those of the National Assessment of Educational Progress, are maximized.

B. The Oklahoma Educational Indicators Program shall present information for comparisons of graduation rates, dropout rates, pupil-teacher ratios, student enrollment gain and loss rates, and test results in the contexts of socioeconomic status and the finances of school districts. Information shall be provided individually for all public school sites and school districts in a format that facilitates comparisons. As necessary data become available, comparisons shall also be provided individually for all schools and school districts on a historical basis. Reports of all tests administered pursuant to the Oklahoma School Testing Program Act shall be a part of the Oklahoma Educational Indicators Program and shall be provided for each grade and each test subject or set of competencies. Test results for students enrolled in Internet-based courses, including regularly enrolled and alternative education students, shall be disaggregated and reported. The Commission for Educational Quality and Accountability shall seek to develop and incorporate additional indicators of comparative standing and accomplishment.

C. Additionally, the Commission for Educational Quality and Accountability, with the cooperation of the State Department of Education, the Oklahoma State Regents for Higher Education, and the State Board of Career and Technology Education, shall develop procedures for obtaining and reporting data to the high schools and to the general public regarding the performance of each high school's graduates in Oklahoma's institutions of higher education and in postsecondary vocational-technical education. The Commission for Educational Quality and Accountability shall include such data in the report of the Oklahoma Educational Indicators Program.

D. By February 1 of each year the Commission for Educational Quality and Accountability shall publish:

1. A summary report to the people and Legislature of Oklahoma of the information provided by the Oklahoma Educational Indicators Program; and

2. State, district, and site level reports which shall include the percentage of students who perform at the various levels on the tests required by the Oklahoma State Testing Program. Immediately following the publication of the reports required in this subsection each year, all data gathered pursuant to the Oklahoma Educational Indicators Program shall be made available for public inspection at the Office of Educational Quality and Accountability. The confidentiality of individual student records shall be preserved as required by law.

Added by Laws 1989, c. 335, § 13, eff. July 1, 1989. Amended by Laws 1989, 1st Ex.Sess., c. 2, § 21, emerg. eff. April 25, 1990; Laws 1990, c. 263, § 64, operative July 1, 1990; Laws 1992, c. 248, § 1, eff. July 1, 1992; Laws 1994, c. 232, § 6, emerg. eff. May 25, 1994; Laws 1997, c. 191, § 4, eff. July 1, 1997; Laws 1999, c. 356, § 3, eff. July 1, 1999; Laws 2001, c. 33, § 132, eff. July 1, 2001; Laws 2002, c. 453, § 5, eff. July 1, 2002; Laws 2012, c. 223, § 14, eff. July 1, 2013.

§70-1210.541. Student performance level - Accountability system.

A. The Commission for Educational Quality and Accountability shall determine and adopt a series of student performance levels and the corresponding cut scores pursuant to the Oklahoma School Testing Program Act.

B. The Commission for Educational Quality and Accountability shall have the authority to set cut scores using any method which the State Board of Education was authorized to use in setting cut scores prior to July 1, 2013.

C. The performance levels shall be set by a method that indicates students are ready for the next grade, course, or level of education, as applicable. The Commission for Educational Quality and Accountability shall establish panels to review and revise the performance level descriptors for each subject and grade level. The Commission shall ensure that the assessments developed and administered by the State Board of Education pursuant to the Oklahoma School Testing Program Act in grades three through eight and at the secondary level are vertically aligned by content across grade levels to ensure consistency, continuity, alignment and clarity. The Commission shall adopt performance levels that are labeled and defined as follows:

1. Advanced, which shall indicate that students demonstrate superior performance on challenging subject matter;

2. Proficient, which shall indicate that students demonstrate mastery over challenging grade-level subject matter, can analyze and apply such knowledge to real-world situations, that students are ready for the next grade, course, or level of education and that students are on track to be ready for college or career;

3. Basic, which shall indicate that students demonstrate partial mastery of the essential knowledge and skills that are foundational for proficient work at their grade level or course and that students are not on track to be ready for college or career; and

4. Below basic, which shall indicate that students have not performed at least at the basic level.

D. The State Board of Education shall develop and implement in accordance with the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA), an accountability system as provided for in 20 U.S.C., 6311 and any related federal regulations. The accountability system shall be implemented beginning with the 2002-2003 school year and shall be based on the data as established pursuant to Section 1210.545 of this title and as modified to meet the mandates of the ESEA. For the 2002-2003 school year and every year thereafter the State Board of Education shall publish and ensure that each local education agency is provided with data annually by site so that the local education agency can make determinations to identify schools for rewards, and supports and interventions. The State Board of Education shall establish a system of recognition, rewards, interventions and technical assistance, as required by state law and the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).

E. A school that is identified as in need of improvement by the State Board of Education pursuant to this section, because of failure to meet either an academic performance target or an attendance or graduation performance target, or both, and is identified as in need of improvement pursuant to the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA), shall utilize the assistance of a school support team or other similar team formed by the State Department of Education to provide support for schools in need of improvement, subject to school support team capacity. The school support team shall review and analyze all facets of operation of the school including the design and operation of the instructional program. The school support team shall assist the school in:

1. Incorporating strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

2. Incorporating strategies to promote high quality professional development; and

3. Training teachers to analyze classroom and school-level data and use the data to inform instruction.

Added by Laws 1989, c. 335, § 14, eff. July 1, 1989. Amended by Laws 1992, c. 248, § 2, eff. July 1, 1992; Laws 1993, c. 257, § 13, emerg. eff. May 26, 1993; Laws 1996, c. 343, § 4, eff. July 1, 1996; Laws 1999, c. 356, § 4, eff. July 1, 1999; Laws 2000, c. 306, § 2, eff. July 1, 2000; Laws 2001, c. 413, § 5, eff. July 1, 2001; Laws 2003, c. 428, § 3, eff. July 1, 2003; Laws 2009, c. 26, § 1, eff. July 1, 2009; Laws 2009, c. 456, § 12, eff. July 1, 2009; Laws 2012, c. 223, § 15, eff. July 1, 2013; Laws 2013, c. 83, § 16, eff. July 1, 2013; Laws 2014, c. 163, § 1; Laws 2016, c. 360, § 9, eff. July 1, 2016; Laws 2017, c. 131, § 1, eff. July 1, 2017; Laws 2018, c. 200, § 1. NOTE: Laws 1992, c. 281, § 3 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§70-1210.542. Repealed by Laws 1999, c. 241, § 4, eff. June 1, 1999, and by Laws 1999, c. 356, § 6, eff. July 1, 1999.

§70-1210.543. Full state intervention - Administrative order - Notice - Meeting.

A. Whenever the State Board of Education determines that an elementary school district, as defined in Section 5-103 of Title 70 of the Oklahoma Statutes, has failed to meet financial requirements for school districts or accreditation standards which negatively affects education or could result in the elementary school district not being able to operate for the remainder of the year, the Board may issue an administrative order placing the elementary school district under full state intervention. Prior to an order for full state intervention being issued by the Board, the State Department of Education shall notify the elementary school district that full state intervention is likely. The elementary school district shall have the opportunity to appear before the State Board of Education by filing a request within fifteen (15) days of receipt of the notice. At the meeting, the elementary school district administration, school patrons, and board of education members shall have an opportunity to provide information to the Board. The Board may issue an order calling for full state intervention which shall become effective immediately unless the order is stayed by a court of competent jurisdiction. The order shall be effective for not more than two (2) school years. The order may be extended upon review of the Board. Any appeal of the order shall be made to the district court of the county in which the elementary school district is located.

B. Full state intervention by the State Board of Education may include:

1. Developing and imposing a corrective action plan for the elementary school district;

2. Appointing a superintendent to serve the elementary school district; and

3. Selection of a federally recognized Indian tribe within the State of Oklahoma to provide direct oversight of the elementary school district or to assume complete control of the elementary school district, provided the elementary school district is within the boundaries of the tribe's jurisdiction.

C. For purposes of the Governmental Tort Claims Act, the superintendent appointed by the state as provided for in subsection B of this section shall be considered a state officer.

Added by Laws 2008, c. 439, § 8, eff. July 1, 2008.

§70-1210.544. Alternative governance arrangements - Assumption of control by State Board of Education

A. Notwithstanding any other provision of law, the State Board of Education shall establish a process to identify schools in the state that are listed as in need of improvement in accordance with 20 U.S.C., Section 6301 et seq. A school district board of education with a school identified as being among the schools in the state that are in need of improvement shall implement a locally developed, evidence-based intervention model for the school site determined by the Board to be low performing

B. 1. Consistent with 20 U.S.C., Section 6301 et seq., for schools that are identified for school improvement by the Board for four (4) consecutive years, the district board of education shall seek support from the State Department of Education. Such support may include academic intervention, professional development, restructuring of the governance arrangement of the school or any other plan that is reasonably calculated to improve student academic achievement in the school. State support plans shall be designed to provide a substantial assurance of enabling the school to appropriately serve all students. If after two (2) years of implementing the state support plan, improvements to student achievement remain insufficient and, in accordance with 20 U.S.C. Section 6301 et seq., the school continues to be identified by the Board as low performing, the Board may exercise the option of assuming control of the school as provided for in this subsection.

2. If the Board assumes control of a school, the Board shall retain all funds that otherwise would have been allocated to the school district based on the average daily membership of the school which shall be used to operate the school.

C. 1. A district board of education for a district with an average daily membership of more than 30,000 which implements an alternative governance arrangement as provided for in this section may utilize the following procedures, upon approval of the district

board and concurrence of the executive committee of the appropriate local bargaining unit:

- a. any teacher not retained at the school site shall be given status as a full-time substitute teacher within the school district for a period of not to exceed two (2) years,
- b. if the teacher is not offered a contract teaching position at a school in the district within the two-year period specified in subparagraph a of this paragraph, the district board shall be authorized to not reemploy the teacher, and
- c. the district board shall designate trained, certified, instructional staff to provide teacher support, development and evaluation, which may include certified personnel other than administrators.

2. Any actions taken pursuant to this subsection shall not be subject to the Teacher Due Process Act of 1990. The decision by the district board for renewal or nonrenewal shall be final.

3. For purposes of this subsection, a full-time substitute teacher shall perform the duties assigned by the district superintendent and shall continue to receive the same salary, benefits and step increases that the teacher would otherwise be entitled to for the time period the teacher serves as a full-time substitute.

D. 1. Each school district subject to the provisions of subsection B of this section shall submit a plan for compliance with this section to the State Department of Education, in a manner prescribed by the Department.

2. The State Department of Education shall annually submit a report of the district plans received as provided in paragraph 1 of this subsection to the members of the Senate and House Education Committees.

Added by Laws 2009, c. 195, § 1. Amended by Laws 2010, c. 244, § 1, emerg. eff. May 10, 2010; Laws 2010, c. 291, § 16, eff. July 1, 2010; Laws 2011, c. 1, § 45, emerg. eff. March 18, 2011; Laws 2013, c. 83, § 17, eff. July 1, 2013; Laws 2016, c. 149, § 1, eff. July 1, 2016.
NOTE: Laws 2010, c. 331, § 1 repealed by Laws 2011, c. 1, § 46, emerg. eff. March 18, 2011.

§70-1210.545. Oklahoma School Testing Program annual reports.

A. 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, pursuant to the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized

by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA), and any related federal regulations.

B. The annual report as required pursuant to subsection A of this section shall identify school sites as having one of the following grades for each indicator, separately, and by a single overview grade of all indicators, 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; and

2. 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 State Board of Education may adopt alternate systems of accountability for statewide virtual charter schools, alternative education programs as defined in Section 1210.568 of this title, and schools serving only grades prekindergarten or kindergarten through two.

E. The grade of a school shall be based on a multimeasures approach to accountability in accordance with the Elementary and Secondary Education Act of 1965 (ESEA) as reauthorized by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA) and any federal regulations that include, but are not limited to, the following indicators:

1. Statewide assessments, including the establishment of student performance bands;
2. Graduation rates for high schools;
3. Statewide academic measures for elementary and middle schools;
4. English language proficiency for English learners; and

5. At least one additional statewide measure of school quality or student success, including, but not limited to, school climate, school safety, student engagement, educator engagement, and/or advanced coursework and postsecondary readiness.

F. Of the indicators included in subsection E of this section, not less than seventy percent (70%) of the overview grade must be given to indicators 1, 2, 3 and 4 and, in the aggregate, with not more than thirty percent (30%) of the grade given to indicator 5.

G. Further, the grade of an elementary or middle school site shall include, but not be limited to, a measure of status for English language arts (ELA), math and science, growth in ELA and math, English Language Proficiency Assessment (ELPA) progress, and chronic absenteeism.

H. The grade of a high school site shall include, but not be limited to, a measure of status for English language arts (ELA), math and science status, English Language Proficiency Assessment (ELPA) progress, graduation rate, chronic absenteeism, and postsecondary opportunities. For purposes of this section postsecondary opportunities shall include Advanced Placement, International Baccalaureate, dual and concurrent enrollment, internships, mentorships and apprenticeships, and industry certifications. The Board shall adopt a time line for moving from completion of such opportunities to crediting achievement of such opportunities.

I. 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.

J. The State Department of Education shall annually develop a school site report card to be delivered to parents throughout each school district. The report card shall be in accordance with the requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA) and includes the grade for the school, information regarding school improvement, an explanation of school performance, 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. In order to provide information regarding school performance for school report cards issued during the 2016-2017 and 2017-2018 school year, the Department shall include an explanation of the changes to the statewide system of student assessments as required in Section 1210.508 of this title and how the transition in assessments may impact school performance. The Department shall issue school report cards using the 2016-2017 school year assessment data that is available.

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

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

Added by Laws 2011, c. 170, § 1. Amended by Laws 2012, c. 314, § 1; Laws 2013, c. 74, § 3, eff. July 1, 2013; Laws 2013, c. 321, § 1; Laws 2014, c. 163, § 2; Laws 2015, c. 362, § 1, emerg. eff. June 3, 2015; Laws 2016, c. 360, § 10, eff. July 1, 2016; Laws 2017, c. 131, § 2, eff. July 1, 2017; Laws 2019, c. 59, § 1, eff. Nov. 1, 2019.

§70-1210.546. Academic performance report - Student in custody of state agency.

A. The State Department of Education shall provide for academic performance reporting of students enrolled in public schools in Oklahoma who are in the custody of a state agency pursuant to the provisions of Title 10A of the Oklahoma Statutes. The academic performance report shall include report card grades, student performance results from multiple standardized assessments and Oklahoma State Testing Program results.

B. The student performance report shall be made available to the Department of Human Services and the Office of Juvenile Affairs via the Passport Program created pursuant to Section 1-7-104 of Title 10A of the Oklahoma Statutes.

Added by Laws 2014, c. 46, § 1, eff. July 1, 2014.

§70-1210.551. Assistance of local boards - Pilot projects - Termination or continuation.

A. The State Board of Education is authorized to assist, and if funds are available to make grants to, local boards of education for the establishment of pilot projects that replace the traditional organization of teaching and learning with innovative management and instructional systems and materials. Projects may involve entire districts, combinations of districts, combinations of schools, or elements of schools individually or in combination. Projects shall not supplant existing alternative school programs.

B. On or before March 31, 1990, the State Board of Education shall determine pilot project criteria, and by July 1, 1990, solicit proposals, and establish a process for the consideration of proposals. Such proposals for pilot projects shall be considered on a statewide competitive basis. Proposals which require a substantial policy-determination role for teachers and which include a process for measuring the progress and achievement of students involved shall be given preference.

C. The State Board of Education is authorized to promulgate rules and regulations for the operation of such projects and to grant exceptions to rules and regulations for districts selected to operate

such projects. The State Board shall have the authority to require termination of a pilot project or its continuation at any time that it finds such termination to be in the best interests of the students involved.

Added by Laws 1989, c. 335, § 15, eff. July 1, 1989. Amended by Laws 1989, 1st Ex.Sess., c. 2, § 36, emerg. eff. April 25, 1990; Laws 1990, c. 263, § 65, operative July 1, 1990.

§70-1210.551a. Repealed by Laws 2014, c. 206, § 1, eff. Nov. 1, 2014.

§70-1210.552. Coordinated education services to families of recipients of Temporary Assistance for Needy Families - Pilot projects - Consideration of proposals.

A. The State Board of Education shall solicit proposals for, and if funds are available make grants for, pilot projects that make coordinated educational services available to families of recipients of Temporary Assistance for Needy Families (TANF). Such proposals shall be prepared in cooperation with personnel of the Department of Human Services and shall address the needs of preschool children, dropouts, and adult members of such families who have not graduated from high school or completed a high school equivalency program.

B. The State Board of Education shall determine pilot project criteria and establish a process for the consideration of proposals. Such proposals for pilot projects shall be considered on a statewide competitive basis. The State Board of Education is authorized to promulgate rules for the operation of such projects. To the extent that funds are available, funding of projects approved shall include monies to provide child care while older members of families are receiving TANF services from the pilot project.

Added by Laws 1989, c. 335, § 16, eff. July 16, 1989. Amended by Laws 1997, c. 414, § 27, eff. Sept. 1, 1997.

§70-1210.553. Before-school, after-school, and summer period programs - Pilot projects - Implementation contingency - Verification of expenditure levels.

A. Contingent upon the provision of appropriated funds designated for such purpose, the State Board of Education may award one or more competitive grants for providing academically-oriented programs to students needing or desiring such programs during before-school, after-school, and summer periods.

B. The State Board of Education shall determine pilot program criteria and establish a process for the consideration of proposals. Such proposals for pilot programs shall be considered on a statewide competitive basis. The State Board of Education is authorized to promulgate rules for the operation of such programs.

C. Upon implementation of this subsection as provided for in subsection D of this section, the State Board of Education shall modify the awards process for the competitive grants so that grants are awarded to school districts or nonprofit organizations. In addition, the grants shall be awarded to academically oriented programs which serve students in at-risk or disadvantaged urban school districts.

D. Implementation of subsection C of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this subsection, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. Subsection C of this section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.

Added by Laws 1989, c. 335, § 17, eff. July 1, 1989. Amended by Laws 1999, c. 320, § 48, eff. July 1, 1999; Laws 2001, c. 201, § 8.

§70-1210.554. Repealed by Laws 1989, 1st Ex.Sess., c. 2, §121, operative July 1, 1990.

§70-1210.555. Technology education to middle school students - Pilot project.

A. The State Board of Career and Technology Education is authorized to assist, and, if funds including but not limited to state appropriations are available, or if private or corporate donations or other sources are matched in pilot projects, to make grants to, local boards of education for the establishment of pilot projects that would aid in the providing of technology education to middle school students. Funding may cover the cost of equipment, books and materials, and the start-up costs of developing the technology education program. Projects may involve entire districts, combinations of districts, combinations of schools, or elements of schools individually or in combination.

B. If funds are available on or before March 31, 1993, the State Board of Career and Technology Education shall determine pilot project criteria, and by July 1, 1993, solicit proposals, and establish a process for the consideration of proposals. Such proposals for pilot projects shall be considered on a statewide competitive basis.

C. The State Board of Career and Technology Education is authorized to promulgate rules for the operation of such projects and to grant exceptions to rules for districts selected to operate such projects. The State Board of Career and Technology Education shall have the authority to require termination of a pilot project or its continuation at any time that it finds such termination to be in the best interests of the students involved.

Added by Laws 1992, c. 232, § 2. Amended by Laws 2001, c. 33, § 133, eff. July 1, 2001.

§70-1210.556. Internet homework tutoring chatrooms - Pilot projects.

A. The State Board of Education shall solicit proposals for, and if funds are available, make grants to local boards of education for the establishment of pilot projects that would aid in the development of Internet homework tutoring chatrooms. The proposals for the Internet chatrooms shall create a mechanism that will allow students to contact and interact with teachers or other professionals when they are not at school, when the student needs assistance with courses or homework. Funding may cover the cost of equipment, materials, personnel, and any other start-up costs of developing the Internet chatrooms. Projects may involve entire districts, combinations of districts, combinations of schools, or elements of schools individually or in combination.

B. The State Board of Education shall determine pilot project criteria and establish a process for the consideration of proposals. Such proposals for pilot projects shall be considered on a statewide competitive basis. The Board is authorized to promulgate rules for the operation of such projects.

Added by Laws 1999, c. 159, § 1, eff. July 1, 1999.

§70-1210.557. School testing assistance Internet web page.

A. By January 1, 2000, the State Board of Education shall, if funds are available, develop and implement a school testing assistance Internet web page. The purpose of the web page shall be to help students prepare for tests required under the Oklahoma School Testing Program Act and to provide remediation assistance to those students who do not perform satisfactorily on such tests. The web page shall contain information, materials, and example questions which may be used by teachers, students and parents to assist students in preparing for the required tests. The web page shall also identify the most difficult concepts incorporated in the tests

and provide specific information, material and example questions which will assist students in those areas.

B. The Board shall notify schools and take steps to inform students and parents about the school testing assistance Internet web page. The Board is authorized to promulgate rules for the operation of the web page.

Added by Laws 1999, c. 159, § 2, eff. July 1, 1999.

§70-1210.558. Middle school mathematics laboratory.

A. Beginning with the 2005-2006 school year, and each year thereafter, the State Board of Education shall identify public schools with low student achievement in mathematics at the middle school level, subject to a limit of one school selected per school district each year. Each school selected shall be provided a middle school mathematics laboratory which includes a complete education software and hardware system that delivers standards-based, prealgebra and algebra content using an interactive computer education teaching system for middle school level students. No school shall be eligible to receive a mathematics laboratory more than once. The number of schools selected each year shall be determined based on the total amount of funds available and the number of computers necessary for a class of students at each qualifying school site.

B. The State Board of Education shall select a vendor on a competitive bid basis to provide the middle school mathematics laboratory as described in this section. The contract shall include all equipment, software, training, and maintenance. The vendor selected shall utilize a curriculum that meets the guidelines for scientifically based research as determined by the United States Department of Education and aligns with the Priority Academic Student Skills as adopted by the State Board of Education.

C. The State Board of Education shall develop eligibility criteria for schools to qualify for a mathematics laboratory pursuant to this section, annually evaluate and report to the Legislature and Governor on the effectiveness of this program, and adopt rules to implement the provisions of this section.

Added by Laws 2005, c. 432, § 3, eff. July 1, 2005. Amended by Laws 2007, c. 332, § 1, eff. July 1, 2007.

§70-1210.561. Repealed by Laws 2019, c. 412, § 4, eff. July 1, 2019.

§70-1210.562. Repealed by Laws 2019, c. 412, § 4, eff. July 1, 2019.

§70-1210.563. Repealed by Laws 2001, c. 364, § 5, eff. July 1, 2001.

§70-1210.564. Repealed by Laws 2001, c. 364, § 5, eff. July 1, 2001.

§70-1210.565. Repealed by Laws 2019, c. 412, § 4, eff. July 1, 2019.

§70-1210.566. Needs assessment for students at risk of not completing high school - Plan for meeting needs - Cooperative agreements.

A. Each year by June 30, every school district that serves students in grades seven through twelve as outlined in this section shall conduct and report to the State Department of Education a needs assessment to identify those students who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. The results of the needs assessments shall be reported to the Department in a format specified by the Department.

B. Every school district as specified in subsection A of this section shall develop and submit to the Department by September 1 of each year a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection A of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps a technology center school district or districts, the plan shall be coordinated with the board of education of each overlapped technology center school district.

C. The proposed plan shall be placed on file at the office of the school district superintendent where it shall be made available to the public on request.

D. The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be made available on the State Department of Education website. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.

Added by Laws 1994, c. 290, § 65, eff. July 1, 1994. Amended by Laws 2001, c. 33, § 135, eff. July 1, 2001; Laws 2001, c. 364, § 3, eff. July 1, 2001; Laws 2019, c. 412, § 1, eff. July 1, 2019.

§70-1210.567. Alternative school or education program - Abbreviated schedule - Teacher certification.

A. Upon application of a district board of education, the State Board of Education shall authorize an abbreviated day schedule for an

alternative school or alternative education program that is or will be administered by the district pursuant to the provisions of this act or for the education provided for students in a residential or treatment facility located within the district. A student enrolled in an alternative school, an alternative education program or receiving educational services in a residential or treatment facility within the district who attends for a full abbreviated day shall be counted in attendance for purposes of computing average daily attendance and average daily membership for the district.

B. A district board of education shall hire only certified teachers to teach in an alternative education program or alternative education school offered by the district or to teach students who are in a residential or treatment facility.

C. A certified teacher in an alternative education program or school shall be paid five percent (5%) more than the designated salary step for that teacher within the adopted salary schedule of the school district.

D. A person providing counseling or social services in an alternative education program or school shall be certified as a school counselor by the State Board of Education or as a mental health provider.

E. The State Board of Education shall promulgate rules by which a certified teacher who is qualified to teach in an alternative education program or alternative school as determined by the district board of education offering the alternative education program or alternative school or who teaches students in a residential or treatment facility may be certified to teach subjects in which the teacher does not hold certification. The rules shall provide:

1. The certification may be granted only upon application of a district board of education offering an alternative education program or alternative school pursuant to the provisions of this act or upon application of a district board of education offering a residential or treatment facility; and

2. The teacher's certification in subjects in which the teacher does not otherwise hold certification pursuant to the provisions of this section shall be valid only for purposes of teaching in the alternative education program or alternative school offered by the district board or in a residential or treatment facility located within the district making application.

Added by Laws 1994, c. 290, § 69, eff. July 1, 1994. Amended by Laws 1996, c. 39, § 1, eff. July 1, 1996; Laws 1999, c. 216, § 1, eff. July 1, 1999; Laws 2002, c. 453, § 6, eff. July 1, 2002; Laws 2014, c. 124, § 25, eff. July 1, 2014; Laws 2019, c. 412, § 2, eff. July 1, 2019.

§70-1210.568. Statewide system of alternative education programs - Implementation contingency - Verification of expenditure levels.

A. 1. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

2. Beginning with the first semester of the 2020-2021 school year, the State Board of Education shall implement a statewide system of alternative education. The statewide system shall include alternative education programs implemented pursuant to this section.

B. All school districts of this state serving students in grades seven through twelve shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;

2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;

3. Include an intake and screening process to determine eligibility of students;

4. Demonstrate that teaching faculty are appropriately certified teachers;

5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;

6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

10. Include counseling and social services components;

11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises at the sending school or district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, the graduation plan required by this paragraph shall not be separate from the plan required by Section 1210.508-4 of this title;

12. Offer life skills instruction;

13. Provide opportunities for hands-on arts education to students, including artist residency programs coordinated with the Oklahoma Arts Council;

14. Provide a proposed annual budget;

15. Be appropriately designed to serve middle school, junior high school and high school students in grades seven through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and

16. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities at the sending school or district, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 1 of each school year.

D. 1. Each alternative education program of a school district shall receive funding based on the average daily membership (ADM) of students served by an alternative education program in the prior school year according to the annual statistical report conducted by the State Department of Education. The per-student funding amount shall be based on the funding available for the program each fiscal year.

2. Of the funding available for alternative education programs each fiscal year, the State Department of Education shall designate up to fifteen percent (15%) for districts participating in cooperative agreements for alternative education services, which shall be allocated on a pro rata basis as an incentive to each participating district. The incentive amount received by each district for participating in a cooperative agreement shall not exceed Six Thousand Dollars (\$6,000.00) per fiscal year and shall be in addition to the per-student funding amount required by paragraph 1 of this subsection. Any funds remaining after allocations required by this paragraph are made shall be distributed to districts in accordance with paragraph 1 of this subsection.

3. Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system.

E. All statewide alternative education funds received and expended for students participating in an alternative education program shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of this title.

F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver by May 15 of each year from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any request

for a waiver shall be accompanied by an assurance that the school district does not have students in need of alternative education services. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G. 1. The State Board of Education shall:

- a. provide initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
- b. provide technical assistance to school districts to enhance the probability of success of their alternative education programs,
- c. evaluate state-funded alternative education programs,
- d. report the evaluation results of state-funded alternative education programs, and
- e. provide in-depth program analysis and evaluation of state-funded alternative education programs.

2. The State Board of Education may create an evaluation schedule for effective and highly effective programs, requiring them to be evaluated not less than once every three (3) years.

3. The State Board of Education may contract with a technical assistance provider in order to meet the requirements of this subsection.

4. The State Board of Education shall have the authority to suspend funds for an alternative education program that does not meet the requirements of subsection B of this section. Provided, any school district under consideration for suspension of funds may request a hearing before the Board with a review of the evaluation prior to the Board's final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title. Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education. A school district participating in a cooperative agreement shall be required to send its alternative education funding allocation to the cooperative.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any

subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

Added by Laws 1996, c. 247, § 44, eff. July 1, 1996. Amended by Laws 1997, c. 175, § 1, eff. July 1, 1997; Laws 1999, c. 216, § 2, eff. July 1, 1999; Laws 2000, c. 308, § 6, eff. July 1, 2000; Laws 2001, c. 201, § 9; Laws 2001, c. 364, § 4, eff. July 1, 2001; Laws 2003, c. 201, § 1, eff. July 1, 2003; Laws 2003, c. 434, § 26; Laws 2006, c. 289, § 7, eff. July 1, 2006; Laws 2014, c. 124, § 26, eff. July 1, 2014; Laws 2019, c. 412, § 3, eff. July 1, 2019.

NOTE: Laws 1999, c. 320, § 49 repealed by Laws 2000, c. 308, § 7, eff. July 1, 2000.

§70-1210.569. Repealed by Laws 2019, c. 412, § 4, eff. July 1, 2019.

§70-1210.571. Short title.

This act shall be known and may be cited as the "Developmental Research School Act".

Added by Laws 1993, c. 257, § 1, emerg. eff. May 26, 1993.

§70-1210.572. Purpose of public developmental research schools.

There is established a category of public elementary and secondary schools to be known as developmental research schools. The purpose of public developmental research schools is the improvement of education in high challenge schools by using resources of higher education, including research, demonstration, and evaluation regarding management, teaching, and learning.

Added by Laws 1993, c. 257, § 2, emerg. eff. May 26, 1993.

§70-1210.573. Establishment and institutional affiliation.

A developmental research school may be established by the State Board of Education only for purposes of intervening to aid a school in need of improvement as defined in Section 1210.541 of this title. All developmental research schools shall be affiliated with a college of education within an institution of The Oklahoma State System of Higher Education and shall provide sequential instruction. Nothing in this act shall be construed to prohibit the establishment of a research and development school by an institution of higher education for voluntary and limited attendance.

Added by Laws 1993, c. 257, § 3, emerg. eff. May 26, 1993. Amended by Laws 2013, c. 83, § 18, eff. July 1, 2013.

§70-1210.574. Recommendation of establishment of developmental research school - Notice and hearing.

If the State Department of Education plans to recommend the establishment of a developmental research school as a means of intervention with a school identified as in need of improvement pursuant to Section 1210.541 of this title, the Department shall notify, in writing, the board of education of the district involved. Upon receipt of the notification, the district board shall have fifteen (15) days to request an opportunity to appear before the State Board of Education. If the district board fails to request an opportunity to appear, the State Board shall proceed without further notice or delay to conclude the matter. If an opportunity to appear is requested by the district board, the State Board shall decide the issues after hearing from representatives of the district and the Department.

Added by Laws 1993, c. 257, § 4, emerg. eff. May 26, 1993. Amended by Laws 2013, c. 83, § 19, eff. July 1, 2013.

§70-1210.575. Abolition of board of education upon establishment.

Upon intervention with a school identified as in need of improvement and the subsequent establishment of a developmental research school by the State Board of Education, the board of education of the district in which the school in need of improvement was located shall be declared abolished by the State Board of Education.

Added by Laws 1993, c. 257, § 5, emerg. eff. May 26, 1993. Amended by Laws 2013, c. 83, § 20, eff. July 1, 2013.

§70-1210.576. Designation of successor board of education - Members - Terms.

A. The board of education for a school district in which a developmental research school has been established pursuant to this act is hereby designated and shall consist of five (5) members as follows:

1. The president of the affiliated institution of higher education or designee;
2. The dean of the affiliated college of education or designee;
3. One faculty member from the affiliated higher education institution who is a parent of a student who attends the developmental research school and who is a resident of the community in which the school is located, to be appointed by the president of the affiliated higher education institution;
4. The regional accreditation officer for the State Board of Education for the region in which the developmental research school is located; and
5. One member appointed by the State Board of Education who is a parent or legal guardian of a student who attends the developmental research school.

B. The terms of the members of the board, except the president of the higher education institution, dean of the college of education of the higher education institution, and the regional accreditation officer, shall be staggered with the initial term of the faculty member appointed by the president of the higher education institution being five (5) years and the initial term of the member appointed by the State Board of Education being four (4) years. Upon expiration of the initial terms, the term of each appointed member shall be five (5) years. Vacancies shall be filled by the appointing authority.

C. The president of the affiliated higher education institution or the president's designee shall serve as president of the board. The board shall elect a vice-president.

Added by Laws 1993, c. 257, § 6, emerg. eff. May 26, 1993.

§70-1210.577. Director and faculty.

A. A public developmental research school shall be headed by a director, selected by the president of the affiliated higher education institution and employed by the affiliated higher education institution. The director shall be the chief executive officer of the district in which the developmental research school is located. The director is not required to be a certified administrator and may be selected from the staff of the college of education of the affiliated higher education institution. The board of education for the district in which the developmental research school is located may reimburse the higher education institution for part of the director's salary.

B. Except as provided in this section, classroom teachers employed to teach in a public developmental research school shall be certified teachers pursuant to Section 6-101 et seq. of Title 70 of the Oklahoma Statutes. Higher education faculty employed by the affiliated higher education institution who are not certified teachers may serve simultaneously as instructional personnel for the public developmental research school and the higher education institution. No more than one-third of the teaching faculty of the research school may be higher education faculty who are not certified pursuant to Section 6-101 et seq. of Title 70 of the Oklahoma Statutes.

C. Persons participating in the Alternative Placement Program pursuant to Section 6-122.3 of Title 70 of the Oklahoma Statutes may be employed as teachers in a public developmental research school. Added by Laws 1993, c. 257, § 7, emerg. eff. May 26, 1993.

§70-1210.578. Allocation of State Aid and revenues.

A. State Aid paid, pursuant to Section 18-101 et seq. of Title 70 of the Oklahoma Statutes, to a district in which a public developmental research school is established shall be allocated and expended only for operation of the developmental research school.

B. Ad valorem taxation revenues and dedicated revenues for the district in which a developmental research school is located shall be allocated and expended only for operation of the developmental research school.

Added by Laws 1993, c. 257, § 8, emerg. eff. May 26, 1993.

§70-1210.579. Rules.

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

Added by Laws 1993, c. 257, § 9, emerg. eff. May 26, 1993.

§70-1210.591. Pilot projects - Review and evaluation process - Annual report to Legislature.

The State Board of Education shall establish a project review and evaluation process and shall make an annual report to the Legislature analyzing and evaluating all pilot projects in operation. Said report shall be furnished to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than the tenth legislative day of each legislative session.

Added by Laws 1989, c. 335, § 20, eff. July 1, 1989.

§70-1210.701. Administration of program.

A. The State Board of Education shall promulgate rules to establish the Oklahoma Advanced Placement Incentive Program, to be administered by the State Department of Education. The purpose of the program is to establish, organize, and administer a program designed to improve the course offerings available to high school students throughout the state and to prepare students for admission to and success in a postsecondary educational environment. The Oklahoma Advanced Placement Incentive Program shall consist of the following components:

1. Financial assistance to public school teachers and schools to build and maintain successful Advanced Placement Programs; and

2. Test fee assistance to public school students who are in financial need or who take more than one advanced placement test in one (1) year.

B. On or before October 1 of each year, the State Department of Education shall issue to the Governor and members of the Senate and House of Representatives Education Committees a report on the Advanced Placement Incentive Program for the previous school year which shall include, but is not limited to:

1. The number of students taking an advanced placement exam and the number of exams taken;

2. The number of exams that receive a score of three or better;

3. The number of school sites which have received funding and the amount of awards, by type of award;

4. The number of school sites offering advanced placement courses and the number of school sites with students taking an advanced placement exam;

5. The number of students who receive assistance with the test fee and the average amount of assistance; and

6. An evaluation of the cost versus the benefits of this program.

Added by Laws 1997, c. 355, § 1, eff. July 1, 1997. Amended by Laws 2000, c. 312, § 1, eff. July 1, 2000; Laws 2001, c. 123, § 1, eff. July 1, 2001.

§70-1210.702. Definitions.

For purposes of the Oklahoma Advanced Placement Incentive Program:

1. "Advanced placement course" means a high school level preparatory course for a college advanced placement test that incorporates all topics specified by the College Board and the Educational Testing Service on its standard syllabus for a given subject area and is approved by the College Board;

2. "Preadvanced placement course" means a middle school, junior high school, or high school level course that specifically prepares students to enroll and participate in an advanced placement course;

3. "Advanced placement vertical team" means a group of middle school or junior high school and high school educators in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students acquire the academic skills necessary for success in the advanced placement program;

4. "Advanced placement test" means the advanced placement test administered by the College Board and Educational Testing Service;

5. "International Baccalaureate course" means a high school level preparatory course for an International Baccalaureate examination that incorporates each topic specified by the International Baccalaureate Organization on its standard syllabus for a particular subject area;

6. "International Baccalaureate examination" means the International Baccalaureate examination administered by the International Baccalaureate Organization;

7. "College Board" means the College Board and Educational Testing Service;

8. "Department" means the State Department of Education; and

9. "Program" means the Oklahoma Advanced Placement Incentive Program.

Added by Laws 1997, c. 355, § 2, eff. July 1, 1997. Amended by Laws 2000, c. 312, § 2, eff. July 1, 2000.

§70-1210.703. Financial incentive awards.

A. Contingent upon the provision of appropriated funds designated for the Oklahoma Advanced Placement Incentive Program, the State Board of Education is hereby authorized to award schools:

1. A one-time equipment and/or instructional materials grant for the purpose of providing an advanced placement course, based on criteria established by the Department. Schools which receive the grants shall:

- a. offer the advanced placement courses beginning the school year following receipt of the grant,
- b. provide the College Board training within one (1) year of the grant award, including at least a one-week summer institute. Teachers shall be encouraged to attend annual follow-up training, and
- c. make available advanced placement examinations to all students taking the course for which a grant has been awarded;

2. Additional grants to school sites demonstrating successful implementation, as defined by the State Board of Education, of the courses for which the first grants were awarded. Schools may qualify for additional grants a minimum of four (4) years after receiving a grant award;

3. Subsidized training for advanced placement courses, preadvanced placement courses, or International Baccalaureate courses in a form, manner and time prescribed by the Department;

4. One Hundred Dollars (\$100.00) for each score of three or better on an advanced placement test or four or better on an International Baccalaureate examination; provided, these funds shall be used for the purpose of Advanced Placement Program development;

5. For those students who demonstrate financial need as defined by the College Board or the International Baccalaureate Organization, a share of the advanced placement or International Baccalaureate test fee;

6. For those students who take more than one advanced placement or International Baccalaureate test in one (1) year, a share of the advanced placement test or International Baccalaureate fee in a manner prescribed by the Board; and

7. Grants for the purpose of developing an advanced placement vertical team based on criteria established by the Board.

B. Upon completion of the test, the State Department of Education shall obtain from the College Board and the International Baccalaureate Organization a list of students in Oklahoma who scored a three or higher on the advanced placement test or a four or higher on the International Baccalaureate test. Financial incentives for schools provided in this section shall be awarded at the beginning of the next school year following the school year in which the test was taken.

C. Any new expenditure authorized pursuant to Section 1210.701 et seq. of this title shall be contingent upon the availability of funds.

Added by Laws 1997, c. 355, § 3, eff. July 1, 1997. Amended by Laws 2000, c. 312, § 3, eff. July 1, 2000; Laws 2001, c. 123, § 2, eff. July 1, 2001.

§70-1210.710. Funding of elementary school counselors - Implementation contingency - Verification of expenditure levels.

A. It is hereby the intent of the Oklahoma Legislature to provide funding to urban school districts to hire school counselors at the elementary level. Preference for funding shall be given to those urban school districts that have the highest number of elementary students at-risk and in need of alternative education. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

B. Implementation of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

C. Implementation of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this section, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. This section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.

Added by Laws 1999, c. 320, § 51, eff. July 1, 1999. Amended by Laws 2001, c. 201, § 11; Laws 2003, c. 434, § 28.

§70-1210.721. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.722. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.723. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.724. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.725. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.726. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.727. Repealed by Laws 2014, c. 6, § 1, eff. Nov. 1, 2014.

§70-1210.801. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§70-1210.802. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§70-1210.803. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§70-1211. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1212. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1213. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1214. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1215. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1216. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1217. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1218. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1219. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1220. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1221. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1222. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1223. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1224. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1225. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1226. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1241. Repealed by Laws 1961, p. 564, § 1.
- §70-1242. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1243. Repealed by Laws 1961, p. 564, § 1.
- §70-1244. Repealed by Laws 1961, p. 564, § 1.
- §70-1245. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1246. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1247.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1255. Repealed by Laws 1961, p. 564, § 1.
- §70-1256. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1257. Repealed by Laws 1961, p. 564, § 1.

§70-1258. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1258a. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1258a.1. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1258b. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1258c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1258d. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1258e. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1258f. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1258g. Repealed by Laws 1963, c. 325, art. 17, § 1705.

§70-1259. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1260. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1261.1. Repealed by Laws 1949, p. 622, § 10.

§70-1261.2. Repealed by Laws 1949, p. 622, § 10.

§70-1261.3. Repealed by Laws 1949, p. 622, § 10.

§70-1261.4. Repealed by Laws 1949, p. 622, § 10.

§70-1261.5. Repealed by Laws 1949, p. 622, § 10.

§70-1261.6. Repealed by Laws 1949, p. 622, § 10.

§70-1262. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1263. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1264. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1265.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1265.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1265.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1265.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1265.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1265.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1265.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1265.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1266.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1266.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1266.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1266.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1266.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1266.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1271. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1272. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1273. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1274. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1275. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1281. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1282. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1283. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1284. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1291. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1292. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1293. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1294. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1295. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1296. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1297. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1298. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1299. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1300. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1306.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1306.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1306.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1306.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1306.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1306.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1306.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1306.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1306.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1306.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1306.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1307.1. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.2. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.3. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.4. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.5. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.6. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.7. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.8. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.9. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.10. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.11. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.

- §70-1307.12. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.13. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1307.14. Repealed by Laws 1970, c. 327, § 11, eff. April 28, 1970.
- §70-1308. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1308.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1308.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1308.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1308.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1308.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1308.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1309.1. Repealed by Laws 1994, c. 100, § 4, eff. Sept. 1, 1994.
- §70-1309.2. Repealed by Laws 1994, c. 100, § 4, eff. Sept. 1, 1994.
- §70-1309.3. Repealed by Laws 1994, c. 100, § 4, eff. Sept. 1, 1994.
- §70-1310.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1310.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1310.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1310.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1310.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1310.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1310.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1310.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1311. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1312. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1313. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1313a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1314. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1315. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1316. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1317. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1318. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1319. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1320. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1321. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1322. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1323. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1324. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1325. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1326. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.3a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1326.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327. Repealed by Laws 1961, p. 564, § 1.

§70-1327a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327h. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1327i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1331. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1332. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1333. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1334. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1335. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1336. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1341. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1342. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1343. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1344. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1345. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1351. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1352. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1353. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1354. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1361. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1362. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1363. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1364. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1365. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1366. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1367. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1368. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1369g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1371.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1371.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1372. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1373. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1374. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1375. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1381. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1382. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1387. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1391. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1392. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1393. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1394. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1395. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1396. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1397. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1398. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1399. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1400. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1401.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1401.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1401.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1401.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1401.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1401.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1413. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1414. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1415. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1416. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1417. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1418. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1419. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1420. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1431. Repealed by Laws 1961, p. 564, § 1.

§70-1432. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432h. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1432j. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433h. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433j. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1433k. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1434. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1434a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1434b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1434c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1434d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1436.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1436.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1436.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1436.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1437.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1437.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1437.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1437.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1437.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1441. Repealed by Laws 1970, c. 65, § 15, eff. July 1, 1970.
- §70-1442. Repealed by Laws 1970, c. 65, § 15, eff. July 1, 1970.
- §70-1443. Repealed by Laws 1970, c. 65, § 15, eff. July 1, 1970.
- §70-1451. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1451a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1451b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1451c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1452. Repealed by Laws 1965, C. 396, . § 1309, eff. July 1, 1965.
- §70-1453. Repealed by Laws 1965, c. 396, § 1309, emerg. eff. July 1, 1965.
- §70-1454. Repealed by Laws 1965, c. 396, § 1309, emerg. eff. July 1, 1965.
- §70-1455. Repealed by Laws 1965, c. 396, § 1309, emerg. eff. July 1, 1965.
- §70-1456. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1457. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1458. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1459. Repealed by Laws 1965, c. 396, § 1309, emerg. eff. July 1, 1965.

§70-1460. Repealed by Laws 1965, c. 396, § 1309, emerg. eff. July 1, 1965.

§70-1461. Repealed by Laws 1965, c. 396 § 1309, emerg. eff. July 1, 1965.

§70-1462. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1463. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1464. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1465. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1466. Repealed by Laws 1970, c. 65, § 15, eff. July 1, 1970.

§70-1467. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1468. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1481. Repealed by Laws 1941, p. 464, § 7, emerg. eff. June 7, 1941.

§70-1482. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1483. Repealed by Laws 1941, p. 464, § 7, emerg. eff. June 7, 1941.

§70-1484. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1485. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1491. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1492. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1493. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1494. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1501. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1502. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1503. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1504. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1505. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1506. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1507. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1508. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1509. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1510.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1521. Repealed by Laws 1965, c. 396 § 1309, emerg. eff. July 1, 1965.

§70-1522. Repealed by Laws 1941, p. 466, § 12.

§70-1522a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1523. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1524. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1525. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1526. Repealed by Laws 1941, p. 466, § 12.

§70-1526a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1527. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528h. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1528j. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1529.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1529.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1529.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1529.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1541. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1542. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1543. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1551. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1552. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1553. Repealed by Laws 1941, p. 428, § 2.
- §70-1553a. Repealed by Laws 1943, p. 230, § 2.
- §70-1553b. Repealed by Laws 1947, p. 557, § 6.
- §70-1554. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1555. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1556. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1557. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1559.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1559.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1559.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1559.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1559.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1561. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1562. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1563. Repealed by Laws 1961, p. 566, § 1.

§70-1571. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1572. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1573. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1574. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1575. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1576. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1577. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1578. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1579. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1580.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.2a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1581.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1591. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965, and Laws 1965, c. 433, § 1, eff. July 1, 1965.

§70-1592. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1593. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1594. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1601. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1602. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1603. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1604. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1605. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1611. Repealed by Laws 1941, p. 464, § 7.

§70-1612. Repealed by Laws 1941, p. 464, § 7.

§70-1613. Repealed by Laws 1941, p. 464, § 7.

§70-1614. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1621. Repealed by Laws 1941, p. 464, § 7.

§70-1622. Repealed by Laws 1941, p. 464, § 7.

§70-1623. Repealed by Laws 1941, p. 464, § 7.

§70-1624. Repealed by Laws 1943, p. 211, § 5.

§70-1625. Repealed by Laws 1943, p. 211, § 5.

§70-1626. Repealed by Laws 1943, p. 211, § 5.

§70-1633. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1636.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1636.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1641. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1642. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1643. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1644. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1645. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1646. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1647. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1648. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1649. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1661. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1662. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1663. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1664. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1665. Repealed by Laws 1941, p. 462, § 1.

§70-1666. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1667. Repealed by Laws 1941, p. 462, § 1.

§70-1668. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1669. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1670. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1671. Repealed by Laws 1941, p. 462, § 1.

§70-1672. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1673. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1674. Change of functions and standards of admission.

The Oklahoma State Regents for Higher Education are hereby directed to study the feasibility of changing the present functions and standards of admission at the Oklahoma College for Women whereby both men and women students may be admitted to pursue four (4) years of study in the liberal arts culminating with the bachelor's degree. Laws 1965, p. 1194, S.J.R. No. 16, § 1, emerg. eff. April 7, 1965.

§70-1675. Change of name.

In the event the change is made by the State Regents, as suggested in the preceding section, the present name of the institution, "The Oklahoma College for Women," shall be changed to "Oklahoma College of Liberal Arts."

Added by Laws 1965, p. 1194, S.J.R. No.16, § 2, emerg. eff. April 7, 1965.

§70-1676. Board of Regents.

At such time as the present Oklahoma College for Women becomes the Oklahoma College of Liberal Arts, a Board of Regents of the Oklahoma College of Liberal Arts, composed of seven (7) members, shall be appointed by the Governor with the advice and consent of the State Senate and with the terms of members to be overlapping and for seven (7) years' duration. Such Board shall be the successor to the Board of Regents of the Oklahoma College for Women with the same powers and duties of said Board as now provided by law.

Laws 1965, p. 1194, S.J.R.No.16, § 3, emerg. eff. April 7, 1965.

§70-1691. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1692. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1693. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1694. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1695. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1701. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1702. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1703. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1704. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1705. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1706. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1707. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1708. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.2a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.8a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1709.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1721. School located at Muskogee.

There is hereby created and established a school for the blind at, or near, the City of Muskogee Oklahoma, to be known as the Oklahoma School for the Blind.

Laws 1913, c. 37, p. 72, § 1.

§70-1722. Purposes of school.

The purposes of the Oklahoma School for the Blind shall be to:

1. Provide academic, vocational, social/emotional, and cultural instruction as well as independent living skills and transitional needs for children who are blind or visually impaired; and
2. Serve as a statewide resource center for educational services for children who are blind or visually impaired.

Added by Laws 1913, c. 37, p. 72, § 2. Amended by Laws 2000, c. 264, § 1, eff. July 1, 2000; Laws 2001, c. 329, § 4, emerg. eff. June 1, 2001.

§70-1723. Control of school.

The Oklahoma School for the Blind shall be under the direction and control of the Department of Rehabilitation Services.

Added by Laws 1913, c. 37, p. 73, § 3. Amended by Laws 2001, c. 329, § 5, emerg. eff. June 1, 2001.

§70-1724. Entitlement to free education and dormitory housing - Criteria and procedures.

A. Residents of this state for whom blindness or visual impairment is the primary impediment to success in the common schools of the state, and who are of suitable age and physical and mental capacity, shall be entitled to admission to the Oklahoma School for the Blind and shall receive an education free of charge.

B. Students admitted to the school who are of suitable emotional capacity and who are not a threat to themselves or others shall be entitled to reside at the school free of charge to the extent that dormitory housing is available.

C. The Department of Rehabilitation Services shall establish the criteria and procedures for admission to the school.

Added by Laws 1913, c. 37, p. 73, § 4. Amended by Laws 2001, c. 329, § 6, emerg. eff. June 1, 2001.

§70-1725. Site designated - Donation of site, light and water.

The said Board of Education is hereby authorized to locate said school upon a tract of land described as follows: All that part of the southwest quarter of the southeast quarter of Section nineteen, Township fifteen north, Range nineteen east, which lies east of Haskell Boulevard, containing twenty-five (25) acres, more or less, in Muskogee County, Oklahoma; said above-described tract of land to be deeded to the State of Oklahoma by a good and sufficient deed with abstract, showing the same to be free and clear from all encumbrances, and without expense to the state. Also, electric lights and water to be forever free to the state.

Laws 1913, c. 37, p. 73, § 5.

§70-1731. School for deaf created.

A school for the education of the deaf is hereby created in the state of Oklahoma, to be known as the "Oklahoma School for the Deaf." R.L. 1910 Sec. 6986.

R.L.1910, § 6986.

§70-1732. Located at Sulphur.

The Oklahoma School for the Deaf is hereby permanently located in the City of Sulphur, Oklahoma.

R.L. 1910 § 6987. Amended by Laws 2001, c. 329, § 7, emerg. eff. June 1, 2001.

§70-1733. Entitlement to free education and dormitory housing - Criteria and procedures.

A. Residents of this state for whom deafness or hardness of hearing is the primary impediment to success in the common schools of the state, and who are of suitable age and physical and mental capacity, shall be entitled to an education in the Oklahoma School for the Deaf without charge.

B. Students admitted to the school who are of suitable emotional capacity and who are not a threat to themselves or others shall be entitled to reside at the school free of charge to the extent that dormitory housing is available.

C. The Department of Rehabilitation Services shall establish the criteria and procedures for admission to the school.

R.L. 1910, § 6988. Amended by Laws 1976, c. 40, § 1, emerg. eff. April 5, 1976; Laws 2001, c. 329, § 8, emerg. eff. June 1, 2001.

§70-1734. Purposes of school.

The purposes of the Oklahoma School for the Deaf shall be:

1. To provide academic, vocational, social/emotional, and cultural instruction as well as independent living skills and transitional needs for children who are deaf or hard-of-hearing; and

2. To serve as a statewide resource center for educational services for children who are deaf or hard-of-hearing.
R.L. 1910, § 6989. Amended by Laws 2000, c. 264, § 2, eff. July 1, 2000; Laws 2001, c. 329, § 9, emerg. eff. June 1, 2001.

§70-1735. Repealed by Laws 1941, p. 462, § 1.

§70-1736. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1737. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1738. Repealed by Laws 1941, p. 462, § 1.

§70-1739. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1740. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1741. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1742. Repealed by Laws 1979, c. 30, § 164, emerg. eff. April 6, 1979.

§70-1743. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1744. Repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001.

§70-1745. Cooperative agreement for establishment and operation of rehabilitation center for deaf people.

The Oklahoma School for the Deaf of the State Board of Education and the Oklahoma Vocational Rehabilitation Division of the State Board for Vocational Education are hereby authorized to enter into a cooperative agreement that is mutually acceptable to both Boards, whereby an evaluation and rehabilitation center can be established, maintained and operated to serve the deaf and hard-of-hearing citizens of Oklahoma who are fifteen (15) years of age or older at the State School for the Deaf.

Added by Laws 1965, p. 1214, H.J.R. No. 541, § 1. Amended by Laws 1998, c. 246, § 36, eff. Nov. 1, 1998.

§70-1746. Utilization of resources and personnel - Federal participation.

The School for the Deaf and the Vocational Rehabilitation Division are hereby authorized to operate an evaluation and rehabilitation center for deaf people in such a manner and on such a basis that will permit the best possible utilization of the resources, personnel, and monies that are available; and in the furtherance of this project the School for the Deaf and the Vocational Rehabilitation Division are authorized to use any and all funds, from whatever source, under their control and to do everything necessary to secure maximum Federal participation for such project. Added by Laws 1965, p. 1214, H.J.R. No. 541, § 2.

§70-1761. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1762. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1763. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1764. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1765. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1766. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1767. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1768. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.2a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1769.12. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1771. Repealed by Laws 1941, p. 462, § 1.

§70-1772. Repealed by Laws 1941, p. 462, § 1.

§70-1773. Repealed by Laws 1941, p. 462, § 1.

§70-1774. Repealed by Laws 1941, p. 462, § 1.

§70-1775. Repealed by Laws 1941, p. 462, § 1.

§70-1776. Repealed by Laws 1941, p. 462, § 1.

§70-1777. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1778. Repealed by Laws 1941, p. 462, § 1.

§70-1779. Repealed by Laws 1941, p. 462, § 1.

§70-1780. Repealed by Laws 1941, p. 462, § 1.

§70-1781. Repealed by Laws 1941, p. 462, § 1.

§70-1782. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1783. Repealed by Laws 1941, p. 462, § 1.

§70-1784. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1785. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1786. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1787. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1788. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1789. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1790. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1791. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1792. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1821. Repealed by Laws 1941, p. 462, § 1.

§70-1822. Repealed by Laws 1941, p. 462, § 1.

§70-1823. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1824. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1825. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1826. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1827. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1828. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1829. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1830. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1831. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1841. Repealed by Laws 1941, p. 462, § 1.

§70-1842. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1843. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1844. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1845. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1846. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1847. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1848. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1849. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1850. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1851.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1861. Repealed by Laws 1941, p. 462, § 1.

§70-1862. Repealed by Laws 1941, p. 462, § 1.

§70-1863. Repealed by Laws 1941, p. 462, § 1.

§70-1864. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865h. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1865i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1871. Repealed by Laws 1941, p. 462, § 1.

§70-1872. Repealed by Laws 1941, p. 462, § 1.

§70-1873a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873f. Repealed by Laws 1937, p. 201, § 2.

§70-1873g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873h. Repealed by Laws 1937, p. 202, § 4.

§70-1873i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873j. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1873l. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1874.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1876.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1876.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1876.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1876.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1881. Repealed by Laws 1941, p. 462, § 1.
- §70-1881a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1881b. Repealed by Laws 1949, p. 616, § 2.
- §70-1881c. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1882. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1883. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1884. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1885. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1886. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1887. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1888. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1889. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1890. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1901. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1901a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1902. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1903. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1903a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1904. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1904a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1905. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1906. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907b. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907d. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907e. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907f. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907g. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907h. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907i. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1907j. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1908.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

- §70-1908.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1908.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.2a. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-1909.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1909.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1909.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1909.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1909.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1909.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1911. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1912. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1913. Repealed by Laws 1943, p. 211, § 5.

§70-1914. Repealed by Laws 1943, p. 211, § 5.

§70-1916. Repealed by Laws 1943, p. 211, § 5.

§70-1916.1. Repealed by Laws 1961, p. 578, § 1.

§70-1916.2. Repealed by Laws 1961, p. 578, § 1.

§70-1916.3. Repealed by Laws 1961, p. 578, § 1.

§70-1916.4. Repealed by Laws 1961, p. 578, § 1.

§70-1916.5. Repealed by Laws 1961, p. 578, § 1.

§70-1916.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

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§70-1916.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.12. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.13. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.14. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1916.15. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1917.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1917.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1917.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1921. Institutions authorized to grant degrees.

Authority is hereby granted to the respective boards of control of the

Oklahoma University

Oklahoma Agricultural and Mechanical College

Oklahoma College for Women

University of Tulsa

Kendall College

Phillips University

Oklahoma Baptist University

Oklahoma City University

Oklahoma Catholic University

The Catholic College of Oklahoma for Young Women

Presbyterian College of Durant

The Tulsa Law School of Tulsa

Oklahoma City College of Law

upon recommendation of their respective faculties to grant the academic and professional degrees, usually and customarily granted to graduates of institutes of collegiate rank. Provided further, that the Oklahoma School of Accountancy is hereby authorized to confer the degree of bachelor of commercial science, but shall not confer or grant any other degree.

Laws 1917, c. 147, p. 236, § 1; Laws 1919, c. 113, p. 166, § 1; Laws 1923, c. 188, p. 333, § 1; Laws 1925, c. 9, p. 9, § 1; Laws 1945, p. 363, § 1; Laws 1947, p. 565, § 1.

§70-1922. Approval of other institutions by State Board of Education - Application.

The State Board of Education shall have power to approve other colleges and universities which, when so approved, shall have the authority granted in Section 1 of this act. The application for the privilege shall set forth clearly the course of study, the condition of equipment and other information as the State Board of Education shall require.

Laws 1917, c. 147, p. 237, § 2.

§70-1923. Unauthorized grant of degrees prohibited.

No person, to whom authority to grant degrees has not been granted in accordance with this act, shall grant, offer to grant, or advertise to grant, any such academic or professional degrees.

Added by Laws 1917, c. 147, p. 237, § 3.

§70-1924. Collecting fee on promise to grant degree - Punishment.

Any person that collects or attempts to collect fees for matriculation, registration, tuition, books or for any other purpose, the inducement for which is a promise to grant an academic or professional degree, when said institution has not been granted authority under the provisions of this act to grant degrees, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by a fine of not less than One Hundred Dollars (\$100.00), and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not less than thirty (30) days or for not more than six (6) months, or by both such fine and imprisonment.

Laws 1917, c. 147, p. 237, § 4.

§70-1925. Announcement or advertisement - Punishment.

Any person that announces or advertises that he will grant degrees when said institution has not been granted authority under the provisions of this act to grant degrees shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished for each offense by a fine of not less than One Hundred Dollars (\$100.00), or more than Five Hundred Dollars (\$500.00), or by imprisonment for not

less than thirty (30) days or more than six (6) months, or by both fine and imprisonment.

Laws 1917, c. 147, p. 237, § 5.

§70-1926. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-1931. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1932. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1933. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1934. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1935. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1936. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1937. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1938. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1939. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1940. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1941. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.2. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.3. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.4. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.5. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.6. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.7. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.8. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.9. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.10. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.11. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.12. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.13. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.14. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1946.15. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1951. Repealed by Laws 1947, p. 566, § 2.

§70-1952. Repealed by Laws 1947, p. 566, § 2.

§70-1953. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1961. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1962. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1971. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1972. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1973. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1974. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1975. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1976. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1977. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1978. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1979. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1980. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1981. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1982. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1983. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1984. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1985. Repealed by Laws 1947, p. 567, § 2.

§70-1986. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1987. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1988. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1989. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1990. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1991. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-1992. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2001. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2002. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2003. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2021. Repealed by Laws 1961, p. 578, § 1.

§70-2022. Repealed by Laws 1961, p. 578, § 1.

§70-2023. Repealed by Laws 1961, p. 578, § 1.

§70-2024. Repealed by Laws 1961, p. 578, § 1.

§70-2051. Repealed by Laws 1947, p. 567, § 2.

§70-2052. Repealed by Laws 1947, p. 567, § 2.

§70-2053. Repealed by Laws 1947, p. 567, § 2.

§70-2054. Repealed by Laws 1947, p. 567, § 2.

§70-2055. Repealed by Laws 1947, p. 567, § 2.

§70-2056. Repealed by Laws 1947, p. 567, § 2.

§70-2057. Repealed by Laws 1947, p. 567, § 2.

§70-2058. Repealed by Laws 1947, p. 567, § 2.

§70-2059. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2071. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2072. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2072.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2073. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2074. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2075. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2076. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2077. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2078. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2078.1. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2079. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2080. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2081. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2082. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2091. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2092. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2093. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2094. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2095. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2096. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2097. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2111. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
§70-2112. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.

§70-2115. Vehicles owned by System of Higher Education - Liability limits.

A. Boards of Regents, institutions and agencies comprising The Oklahoma State System of Higher Education which are authorized to own and operate vehicles are hereby authorized to carry public liability insurance on such vehicles and pay the premiums out of non-state-appropriated funds for the following kinds of insurance not to exceed the limits indicated:

1. Bodily injury liability, One Hundred Thousand Dollars (\$100,000.00) each person, Three Hundred Thousand Dollars (\$300,000.00) each accident;
2. Property damage liability, Twenty Thousand Dollars (\$20,000.00) each accident; and
3. Medical expense, Ten Thousand Dollars (\$10,000.00).

B. If a vehicle is donated to a board of regents of an institution within The Oklahoma State System of Higher Education as provided for in Section 4 of this act, the board of regents is authorized to carry liability insurance in the following limits:

1. Bodily injury liability, Five Thousand Dollars (\$5,000.00) each person, Ten Thousand Dollars (\$10,000.00) each accident; and
2. Property damage liability, Five Thousand Dollars (\$5,000.00).

C. The liability insurance shall be on standard policy forms approved by the State Insurance Board with companies authorized to do business in Oklahoma. To the extent that an insurer has provided indemnity in a contract of insurance to the Board of Regents, an institution or an agency to which the act applies, the insurer may not plead as a defense in any action involving insurance purchased

pursuant to this act, the governmental immunity of either the State of Oklahoma or of any political subdivision or agency thereof which has purchased insurance authorized by this act.

D. The use of a motor vehicle for the purposes stated in Section 4 of this act by an institution of higher education is declared to be a public governmental function.

Added by Laws 1965, c. 121, § 1, emerg. eff. May 24, 1965. Amended by Laws 1999, c. 171, § 3, emerg. eff. May 21, 1999.

§70-2116. Donation of motor vehicle to board of regents - Written agreement.

A. The board of regents of any institution within The Oklahoma State System of Higher Education may enter into a written agreement with any person or business entity covering the donation to the board of regents of any motor vehicle for use by the institution in connection with any technical education, training, maintenance, or other similar education program, or in administering any such program operated by or under the direction of the board of regents. The agreement shall be executed by the board of regents or an administrative officer for the board of regents and the manufacturer of the motor vehicle.

B. The written donation agreement shall:

1. Specify the monetary consideration for the donation, if any;
2. Provide that ownership of the motor vehicle remain with the board of regents; and
3. State the make and model of the motor vehicle.

Added by Laws 1999, c. 171, § 4, emerg. eff. May 21, 1999.

§70-2117. Special license plate.

Each motor vehicle donated to the board of regents of an institution within The Oklahoma State System of Higher Education as provided for in Section 4 of this act may be operated for such purposes with a special license plate attached to the motor vehicle. The special license plate shall be issued for a fee of One Dollar (\$1.00). The special license plate may be used only while the motor vehicle is in the possession or under the control of the board of regents.

Added by Laws 1999, c. 171, § 5, emerg. eff. May 21, 1999.

§70-2118. Unlawful operation.

It shall be unlawful for any person to operate a motor vehicle bearing a special license plate as provided for in Section 5 of this act on any street, road, or highway in this state for any purpose other than in connection with any technical education, training, maintenance, or other similar educational program, or in the administration of the program. Violation of the provisions of this

section shall be punishable by a fine not to exceed Fifty Dollars (\$50.00).

Added by Laws 1999, c. 171, § 6, emerg. eff. May 21, 1999.

§70-2119. Definitions.

As used in Sections 1 through 5 of this act:

1. "Benefit" includes, without limitation:

- a. recognition,
- b. registration,
- c. the use of facilities of the public institution of higher education for meetings or speaking purposes,
- d. the use of channels of communication of the public institution of higher education, and
- e. funding sources that are otherwise available to other student associations in the public institution of higher education;

2. "Exercise of religion" includes without limitation the practice or observance of religion as interpreted under state law or the First Amendment of the United States Constitution, whichever interpretation is broader;

3. "Public institution of higher education" includes any institution that is a member of The Oklahoma State System of Higher Education or of a technology center school district;

4. "Substantially burdens" includes without limitation an action by a public institution of higher education which directly or indirectly:

- a. constrains or inhibits conduct or expression that reflects a student's sincerely held religious beliefs,
- b. denies a student an opportunity to engage in religious activities, or
- c. pressures a student either:
 - (1) to not engage in conduct or expression motivated by a sincerely held religious belief, or
 - (2) to engage in conduct or expression contrary to a sincerely held religious belief;

5. "Student" means a person who is enrolled full-time or part-time in a public institution of higher education; and

6. "Religious student association" means an association of students organized around shared religious beliefs.

Added by Laws 2014, c. 350, § 1, eff. Nov. 1, 2014.

§70-2119.1. Protection for religious student associations.

A. No public institution of higher education may take any action or enforce any policy that would deny a religious student association any benefit available to any other student association, or discriminate against a religious student association with respect to

such benefit, based on that association's requirement that its leaders or members:

1. Adhere to the association's sincerely held religious beliefs;
 2. Comply with the association's sincere religious observance requirements;
 3. Comply with the association's sincere religious standards of conduct; or
 4. Be committed to furthering the association's religious missions,
- as such religious beliefs, observance requirements, standards of conduct or missions are defined by the religious student association, or the religion upon which the association is based.

B. The legal standard provided in subsection B of Section 3 of this act shall not apply to this section.

Added by Laws 2014, c. 350, § 2, eff. Nov. 1, 2014.

§70-2119.2. Protection for student's exercise of religion.

A. In addition to the protections provided in Section 2 of this act, no public institution of higher education may substantially burden a student's exercise of religion, even if the burden results from a rule of general applicability, except as provided in subsection B of this section.

B. A public institution of higher education may substantially burden a student's exercise of religion only if that institution demonstrates that application of the burden to the student:

1. Is in furtherance of a compelling interest of the public institution of higher education;
2. Actually furthers that interest; and
3. Is the least restrictive means of furthering that interest.

Added by Laws 2014, c. 350, § 3, eff. Nov. 1, 2014.

§70-2119.3. Claims and defenses.

A student or religious student association aggrieved by a violation of Section 2 or 3 of this act may assert that violation as a claim or defense in a judicial or administrative proceeding against the public institution of higher education and obtain appropriate relief, including damages, against that institution from a court or administrative body.

Added by Laws 2014, c. 350, § 4, eff. Nov. 1, 2014.

§70-2119.4. Construction.

These provisions shall be construed in favor of a broad protection of religious freedom, to the maximum extent permitted by their terms and by the Constitutions of this state and the United States of America.

Added by Laws 2014, c. 350, § 5, eff. Nov. 1, 2014.

§70-2120. Protected expressive activities on campus.

A. As used in this act:

1. "Campus community" means students, administrators, faculty and staff at the public institution of higher education and their invited guests;

2. "Harassment" means only that expression that is unwelcome, so severe, pervasive and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the public institution of higher education;

3. "Materially and substantially disrupts" means when a person, with the intent to or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents the communication of the message or prevents the transaction of the business of a lawful meeting, gathering or procession by:

- a. engaging in fighting, violent or other unlawful behavior, or
- b. physically blocking or using threats of violence to prevent any person from attending, listening to, viewing or otherwise participating in an expressive activity. Conduct that "materially disrupts" shall not include conduct that is protected under the First Amendment to the United States Constitution or Section 22 of Article 2 of the Oklahoma Constitution. Such protected conduct includes but is not limited to lawful protests in the outdoor areas of campus generally accessible to the members of the public, except during times when those areas have been reserved in advance for other events, or minor, brief or fleeting nonviolent disruptions of events that are isolated and short in duration;

4. "Outdoor areas of campus" means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community;

5. "Public institution of higher education" means any institution within The Oklahoma State System of Higher Education or technology center schools overseen by the State Board of Career and Technology Education; and

6. "Student organization" means an officially recognized group at a public institution of higher education, or a group seeking official recognition, comprised of admitted students that receive or are seeking to receive benefits through the public institution of higher education.

B. Expressive activities protected under the provisions of this section include but are not limited to any lawful verbal, written,

audio-visual or electronic means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs and circulating petitions.

C. 1. The outdoor areas of campuses of public institutions of higher education in this state shall be deemed public forums for the campus community, and public institutions of higher education shall not create "free speech zones" or other designated areas of campus outside of which expressive activities are prohibited. Public institutions of higher education may maintain and enforce reasonable time, place and manner restrictions narrowly tailored in service of a significant institutional interest only when such restrictions employ clear, published, content- and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble and distribute literature.

2. Nothing in this subsection shall be interpreted as limiting the right of student expression elsewhere on campus.

D. 1. Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the public institutions of higher education, subject only to the requirements of subsection C of this section.

2. Nothing in this subsection shall prohibit public institutions of higher education from maintaining and enforcing reasonable time, place and manner restrictions that are narrowly tailored to serve a significant institutional interest only when such restrictions employ clear, published, content- and viewpoint-neutral criteria. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble, speak and distribute literature.

3. Nothing in this subsection shall be interpreted as preventing public institutions of higher education from prohibiting, limiting or restricting expression that the First Amendment does not protect or prohibiting harassment as defined by this section.

4. Nothing in this section shall enable individuals to engage in conduct that intentionally, materially and substantially disrupts another person's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.

E. Public institutions of higher education shall make public in their handbooks, on their websites and through their orientation programs for students the policies, regulations and expectations of students regarding free expression on campus consistent with this section.

F. Public institutions of higher education shall develop materials, programs and procedures to ensure that those persons who have responsibility for discipline or education of students, including but not limited to administrators, campus police officers, residence life officials and professors, understand the policies, regulations and duties of public institutions of higher education regarding free expression on campus consistent with this section.

G. 1. Each public institution of higher education shall publicly post on its website, as well as submit to the Governor and the Legislature annually by December 31, a report that details the course of action implemented to be in compliance with the requirements of this section. A report shall also be given in the instance of any changes or updates to the chosen course of action. The information required in the report shall be:

- a. accessible from the institution's website home page by use of not more than three links,
- b. searchable by key words and phrases, and
- c. accessible to the public without requiring registration or use of a user name, password or another user identification.

2. The report shall include:

- a. a description of any barriers to or incidents of disruption of free expression occurring on campus, including but not limited to attempts to block or prohibit speakers and investigations into students or student organizations for their speech. The description shall include the nature of each barrier or incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific barriers or incidents involving students without revealing those students' personally identifiable information, and
- b. any other information each public institution of higher education deems valuable for the public to evaluate whether free expression rights for all members of the campus community have been equally protected and enforced consistent with this act.

3. If a public institution of higher education is sued for an alleged violation of First Amendment rights, a supplementary report with a copy of the complaint, or any amended complaint, shall be submitted to the Governor and the Legislature within thirty (30) days.

H. Any person or student organization aggrieved by a violation of this section may bring an action against the public institution of higher education and its employees acting in their official capacities responsible for the violation and seek appropriate relief,

including but not limited to injunctive relief, monetary damages, reasonable attorneys' fees and court costs. Any person or student organization aggrieved by a violation of this section may assert such violation as a defense or counter claim in any disciplinary action or in any civil or administrative proceedings brought against such student or student organization. Nothing in this subsection shall be interpreted to limit any other remedies available to any person or student organization.

I. A person shall be required to bring suit for violation of this section no later than one year after the day the cause of action occurs. For purposes of calculating the one-year limitation period, each day that the violation persists and each day that a policy in violation of this section remains in effect shall constitute a new day that the cause of action has occurred.

J. If any provision of this section or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of the section and the application of the provision to any other person or circumstance shall not be affected.

Added by Laws 2019, c. 212, § 1.

§70-2121. Repealed by Laws 1969, c. 47, § 4, eff. March 4, 1969.

§70-2122. Repealed by Laws 1969, c. 47, § 4, eff. March 4, 1969.

§70-2123. Repealed by Laws 1969, c. 47, § 4, eff. March 4, 1969.

§70-2124. Repealed by Laws 1985, c. 198, § 3.

§70-2125. Repealed by Laws 1985, c. 198, § 3.

§70-2126. Repealed by Laws 1985, c. 198, § 3.

§70-2127. Southern Regional Education Compact.

The Southern Regional Educational Compact is hereby entered into by this state with all other states legally joining therein in accordance with its terms in the form substantially as follows:

THE REGIONAL COMPACT

(As amended)

WHEREAS, the states who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said states who are parties hereto; and

WHEREAS, the said states desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The states do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which Board shall consist of the Governor of each state, ex officio, and three (3) additional citizens of each state to be appointed by the Governor thereof, at least one (1) of whom shall be selected from the field of education. The Governor shall continue as a member of the Board during his tenure of office as Governor of the State, but the members of the Board appointed by the Governor shall hold office for a period of four (4) years except that in the original appointments one (1) Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of two (2) years, one (1) Board member to serve an initial term of three (3) years, and the remaining Board member to serve the full term of four (4) years, but thereafter the successor of each appointed Board member shall serve the full term of four (4) years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the Governor for the unexpired portion of the term. The officers of the Board shall be a Chairman, a Vice Chairman, a Secretary, a Treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to

hold office until the next annual meeting. The Board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an Executive Committee and a Finance Committee with such powers and authority as the Board may delegate to them from time to time. The Board may, within its discretion, elect as its Chairman a person who is not a member of the Board, provided such person resides within a signatory state, and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

It shall be the duty of the Board to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the state, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the states and to all properties and facilities used in connection therewith shall be vested in said Board as the agency of and for the use and benefit of the said states and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the states authorizing the creation, establishment and operation of such educational institutions.

In addition to the power and authority heretofore granted, the Board shall have the power to enter into such agreements or arrangements with any of the states and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective states residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of the said states.

Any two (2) or more states who are parties of this compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the Board representing such states provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

Each state agrees that, when authorized by the Legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six (6) or more of the states whose Governors have subscribed hereto within a period of eighteen (18) months from the date hereof. When and if six (6) or more states shall have given legislative approval to this compact within said eighteen (18) months' period, it shall be and become binding upon such six (6) or more states sixty (60) days after the date of legislative approval by the sixth state and the Governors of such six (6) or more states shall forthwith name the members of the Board from their states as hereinabove set out, and the Board shall then meet on call of the Governor of any state approving this compact, at which time the Board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two (2) years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any state whose constitution may require amendment in order to permit legislative approval of the compact, such state or states shall become parties hereto upon approval of this compact by legislative action within seven (7) years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the states and provided further that any state may withdraw from this compact if such withdrawal is approved by its Legislature, such withdrawal to become effective two (2) years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact.

If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state, its members on the Board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one (1) year immediately following the date of such default this compact may be terminated with respect to such defaulting state by an affirmative vote of three-fourths (3/4) of the members of the Board (exclusive of the members representing the state in default), from and after which time such state shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this compact, but such termination shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.
Added by Laws 1985, c. 198, § 1.

§70-2128. Administration.

The Oklahoma State Regents for Higher Education is hereby designated to be the agency of the State of Oklahoma to administer the Regional Education program in cooperation with other southern states.
Added by Laws 1985, c. 198, § 2.

§70-2141. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2142. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2143. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2144. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2145. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2146. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

- §70-2147. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2148. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-2149. Repealed by Laws 1965, c. 396, § 1309, eff. July 1, 1965.
- §70-2150. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2151. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2152. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2153. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2154. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2155. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2156. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2157. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2158. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2159. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2160. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2161. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.
- §70-2162. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2163. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2164. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2165. Repealed by Laws 1971, c. 281, § 24-127, eff. July 2, 1971.

§70-2166. Televised instruction system - Cooperative agreements - Revolving fund - Appropriation.

The Oklahoma State Regents for Higher Education may establish and maintain as a part of the state system of higher education a system of televised instruction designed primarily for persons living in industrial communities remote from campuses of colleges and universities and for the interchange of classes and teachers between campuses of the state's public and private colleges and universities; and may enter into cooperative agreements with federal agencies, state agencies and public and private educational institutions and receive, use and administer grants, contributions and donations of funds and property for such purpose. All such funds shall be deposited in a revolving fund, which is hereby created, to be known as the Oklahoma State Regents for Higher Education Televised Instruction Revolving Fund, which revolving fund shall be nonfiscal and be used and expended by the State Regents for the aforesaid purpose. Up to One Million Dollars (\$1,000,000.00) of the funds received by or credited to the account of the State Regents from investments by the State Treasurer from proceeds of building bonds as provided by Senate Bill No. 349 and Senate Bill No. 350 of the First Session of the Thirty-Second Legislature, or similar funds hereafter provided in legislation vitalizing Section 38, Article X, Oklahoma Constitution, may be used and expended by the State Regents for the purpose of planning and installing the televised instruction system. There is also hereby appropriated to the State Regents from any monies in the General Revenue Fund of the State Treasury, not otherwise appropriated, the sum of Two Hundred Thousand Dollars (\$200,000.00) for the purpose of establishing, maintaining and operating the televised instruction system, the sum so appropriated to be nonfiscal and to be subject to encumbrance at any time within thirty (30) months after the effective date of this act. Laws 1970, c. 3, § 1, emerg. eff. Feb. 3, 1970.

§70-2167. Legislative intent.

It is the intent of the Legislature that the State Regents continue to study and determine the feasibility of establishing a statewide joint system to make use of the above services in all colleges, municipal or community junior colleges and technology

center schools in Oklahoma, or make use of the above services in any one of such colleges upon proper agreement.

Added by Laws 1970, c. 3, § 2, emerg. eff. Feb. 3, 1970. Amended by Laws 2001, c. 33, § 137, eff. July 1, 2001.

§70-2201. Authorization to construct and equip buildings, plants, systems, etc. - Fees and charges.

Any school district which has established junior college educational courses above the twelfth grade which complies with the regulations and standards set up by the State Board of Education and the State Regents for Higher Education, by its Board of Education, acting for and in behalf of such school district, subject to and in accordance with the terms hereof, is hereby authorized from time to time to set aside such portion of its respective campuses or of the campuses under the jurisdiction of said Board, or any other land owned or leased by said Board as may be necessary and suitable for the construction thereon of dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, public utility plants, and systems for the supplying of water, gas, heat, or power to the junior college or such college or institution, and other self-liquidating projects and other revenue-producing buildings deemed necessary by said Board for the comfort, convenience, and welfare of its students, and suitable for the purposes for which said institutions were established, including additions to existing buildings used for such purposes; to acquire through construction, purchase, condemnation, or any combination thereof, such dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, public utility plants and systems, and other revenue-producing buildings and acquire or construct additions, improvements, and extensions to existing buildings and structures used for such purposes and to equip, furnish, maintain, and operate all such buildings and structures; and to acquire through purchase, condemnation or otherwise, any land, rights-of-way, easements, licenses and permits needed for the present or future use of such buildings, structures, plants, and systems; provided, that such Board of Education shall not construct or acquire, for its respective institution, such utility plants or systems whose capacity is in excess of the present or reasonably contemplated future needs of such institution.

When, in the opinion of the Board of Education of any such institution, any of the buildings, structures, plants, and systems constructed, acquired, improved, extended, added to, furnished, or equipped as above authorized are deemed necessary by the said Board for the comfort, convenience, and welfare of the student body as a whole, or for any specified class or part thereof, the Board of Education shall have authority to charge and collect from all students in attendance at such college, school, or institution, or

from any specified class or part thereof for which such facilities are so deemed necessary, fees and charges for the use or availability of such buildings and structures and for the services or commodities to be made available by such plants, systems, or facilities. The proceeds of all such fees and charges shall be considered as revenues within the meaning of Section 3 hereof and the provisions of said section shall be applicable thereto. Where the commodities and services supplied by any such plant and system temporarily shall be found to be in excess of the requirements of the college, school, or institution, the Board of Education may sell the surplus to other public or nonprofit consumers, including incorporated municipalities, and in that connection may enter into such agreements as it may consider advisable. All revenues received from the sale of such surplus shall likewise be considered and treated as other revenues under Section 3 hereof. Such Board of Education may also enter into agreements for the purchase of water, electricity, gas, heat, or power to be distributed through the medium of any such plant or system, provided only that no agreement entered into under the provisions of this paragraph shall pledge the credit of the State of Oklahoma.

Added by Laws 1961, p. 556, § 1, emerg. eff. June 29, 1961.

§70-2202. Bonds.

For the purpose of paying all or part of the cost of acquisition of any such lands, rights-of-way, easements, licenses, and permits, and the construction, acquisition, equipment, and furnishing of any such building or buildings, or structure or structures, plants, or systems, or of any additions, improvements, or extensions thereto, or any additions to existing buildings, the Board of Education of the institution for which such buildings, structures, plants, or systems (all of which lands, rights-of-way, easements, licenses, and permits, buildings, structures, plants, and systems constructed, acquired, added to, improved or extended hereunder as a single project are hereafter referred to as "the building") are to be constructed, acquired, added to, improved, extended, furnished, or equipped (which Board of Education or each of them is hereinafter referred to as "the Board") is authorized to borrow money on the credit of the income and revenues to be derived from the operation of the building and, in anticipation of the collection of such income and revenues, to issue negotiable bonds in such amount as may in the opinion of the Board be necessary for such purposes, and is authorized to provide for the payment of such bonds and the rights of the holders thereof as hereinafter provided. Such bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges,

may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest, not exceeding five percent (5%) per annum, as may be provided by resolution or resolutions to be adopted by the Board. Such bonds may be sold in such manner and at such price or prices, not less than par plus accrued interest to date of delivery, as may be considered by the Board to be advisable, but interest costs to maturity for any bonds issued hereunder shall not exceed five percent (5%) per annum, computed on the basis of average maturities according to standard tables of bond values. Such bonds shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the State of Oklahoma or by any county, municipality, or political subdivision therein. The Board may in its discretion authorize one issue of bonds hereunder for the construction, acquisition, adding to, improving, extending, furnishing, or equipping of more than one building, as "building" is above defined, and may make one issue of bonds payable from the combined revenues of all buildings so constructed, acquired, added to, improved, extended, furnished, or equipped, in whole or in part, with the proceeds thereof, and where bonds are so issued the words "the building" as herein used shall be construed to refer to all such buildings.

In the event any issue or series of bonds is issued under authority of this act pursuant to a loan agreement or bond purchase agreement with any agency of the U.S. Government, then and in that event, notwithstanding any other provision of law, the Board may in any resolution authorizing bonds hereunder provide for the initial issuance of one or more bonds (in this section called "bond") aggregating the amount of the entire issue and make such provision for installment payments of the principal amount of any such bond as it may consider desirable and may provide for the making of any such bond, payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and, where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bonds. The Board may further make provision in any such resolution for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal or principal and interest.

In addition to the above authority to borrow money on the credit of the income and revenues to be derived from the operation of said buildings, the board may also so borrow on the income and revenue derived from any existing revenue-producing building or facility, or facilities.

The Board may issue bonds hereunder for the purpose of refunding any obligations of the Board payable from the revenues of any

building, as "building" is hereinabove defined, or may authorize and deliver a single issue of bonds hereunder for the purpose in part of refunding obligations of the Board payable from the revenues derived from any building or buildings and in part for making of additions, improvements, and extensions to such building or buildings, or the construction or acquisition of additional buildings, and the furnishing and equipping of such buildings or additions. Where bonds are issued under this paragraph solely for refunding purposes, such bonds may either be sold as above provided or delivered in exchange for the outstanding obligations. If sold, the proceeds may be either applied to the payment of the obligations refunded or deposited in escrow for the retirement thereof. Nothing herein contained shall be construed to authorize the refunding of any outstanding obligations which are not either maturing, callable for redemption under their terms, or voluntarily surrendered by their holder for cancellation, unless the Board covenants that sufficient funds to pay all remaining interest and principal payments of the outstanding obligations when due will be placed in escrow for such purpose in the State Treasury at the time of delivery of and payment for the new bonds issued hereunder. All bonds issued under this paragraph shall in all respects be authorized, issued, and secured in the manner provided for other bonds issued under this act, and shall have all of the attributes of such bonds. The Board may provide that any such refunding bonds shall have the same priority of lien on the revenues pledged for their payment as was enjoyed by the obligation refunded thereby.

All proceedings heretofore adopted by said Board of Education for the issuance of revenue bonds on a parity as to payment with other existing revenue bonds and/or which provide for the pledging of revenues from the building to be constructed, improved, and furnished from the proceeds of revenue bonds and income and revenue derived from any existing revenue-producing building or facility, or facilities, and the bonds issued pursuant thereto are hereby validated, ratified, and confirmed, and such revenue bonds constitute valid and binding obligations in accordance with the terms of such proceedings, provided, however, that said proceedings were not in contravention of this act.

Added by Laws 1961, p. 557, § 2, emerg. eff. June 29, 1961.

§70-2203. Bonds as special obligations - Covenants.

The bonds issued hereunder shall not be an indebtedness of the State of Oklahoma or of the institution for which they are issued or of the Board of Education thereof, but shall be special obligations payable solely from the revenues to be derived from the operation of the building, and the Board is authorized and directed to pledge all or any part of such revenues to the payment of principal of and interest on the bonds. In order to secure the prompt payment of such

principal and interest and the proper application of the revenues pledged thereto, the Board is authorized by appropriate provisions in the resolution or resolutions authorizing the bonds:

(a) to covenant as to the use and disposition of the proceeds of the sale of such bonds;

(b) to covenant as to the operation of the building and the collection and disposition of the revenues derived from such operation;

(c) to covenant as to the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;

(d) to covenant and agree to carry such insurance on the building and the use and occupancy thereof as may be considered desirable and, in its discretion, to provide that the cost of such insurance shall be considered a part of the expense of operating the building;

(e) to vest in a trustee or trustees the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder and to hold, apply, and dispose of the same, and the right to enforce any covenant made to secure the bonds and to execute and deliver a trust agreement or agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and may limit the liabilities thereof and prescribe the terms and conditions upon which such trustee or trustees or the holder or holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all such covenants and resort to such remedies as may be appropriate;

(f) to fix rents, charges, and fees to be imposed in connection with and for the use of the building and the facilities supplied thereby, which rents, charges, and fees shall be considered to be income and revenues derived from the operation of the building, and are hereby expressly required to be fully sufficient to assure the prompt payment of principal and interest on the bonds as each becomes due, and to make and enforce such rules and regulations with reference to the use of the building and with reference to requiring any class or classes of students to use the building as it may deem desirable for the welfare of the institution and its students or for the accomplishment of the purposes of this act;

(g) to covenant to maintain a maximum percentage of occupancy of the building;

(h) to covenant against the issuance of any other obligations payable from the revenues to be derived from the building; and

(i) to make covenants other than and in addition to those herein expressly mentioned of such character as may be considered necessary or advisable to effect the purposes of this act.

All such agreements and covenants entered into by the Board shall be binding in all respects upon the Board and its officials, agents,

and employees, and upon its successors, and all such agreements and covenants shall be enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

Added by Laws 1961, p. 559, § 3, emerg. eff. June 29, 1961.

§70-2204. Agreements or contracts with United States.

The Board may enter into any agreement or contracts with the United States of America or any agency or instrumentality thereof which it may consider advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of the construction, furnishing, and equipment of the building.

Added by Laws 1961, p. 560, § 4, emerg. eff. June 29, 1961.

§70-2205. Deposit of proceeds from bond sales.

The proceeds derived from the sale of the bonds herein authorized shall be deposited by the Treasurer of the Board of Education to the credit of the Board and kept in a separate fund and used solely for the purpose for which the bonds are authorized. The Board is authorized to make all contracts and execute all instruments which in its discretion may be deemed necessary or advisable to provide for the construction, furnishing, and equipment of the building, and the Treasurer is hereby directed and authorized to issue warrants against such funds for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the Board for such purpose.

Added by Laws 1961, p. 560, § 5, emerg. eff. June 29, 1961.

§70-2206. Deposit of income and revenues - Payment of principal and interest.

Except as to revenues paid directly to a trustee under the provisions of subsection (e) of Section 3 hereof, all income and revenues derived from the operation of the building shall be deposited as collected in a fund to be applied solely to the payment of the principal of and interest on the bonds and, to the extent so provided in the resolution authorizing the bonds, to the payment of the cost of maintaining and operating the building and the establishment of reserves for such purpose. As principal and interest become due from time to time the Treasurer shall, not less than fifteen (15) days prior to the payment date, transmit to the paying agent for the bonds money from said fund in an amount sufficient to pay the principal or interest so falling due. Said fund and the money therein is hereby irrevocably pledged to such purposes.

Added by Laws 1961, p. 560, § 6, emerg. eff. June 29, 1961.

§70-2207. Approval of bonds - Incontestability.

All bonds issued hereunder shall have on the backs thereof the certificate required by Section 29 of Article X of the Constitution of Oklahoma. Such bonds shall be submitted to the Attorney General of Oklahoma for his examination and when such bonds have been examined and certified as legal obligations by the Attorney General, in accordance with such requirements as he may make, shall be incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction thereof within thirty (30) days from the date of such approval. Bonds so approved by the Attorney General shall be prima facie valid and binding obligations according to their terms, and the only defense which may be offered thereto in any suit instituted after such thirty-day period shall have expired shall be forgery, fraud, or violation of the Constitution.

Added by Laws 1961, p. 560, § 7, emerg. eff. June 29, 1961.

§70-2208. Bonds as legal investment.

Any bank, trust, or insurance company organized under the laws of Oklahoma may invest its capital, surplus, and reserves in bonds issued under the provisions of this act. The officers having charge of any sinking fund or any other fund of the state or any department, agency, or institution thereof, including the various funds established by Chapter 27 of Title 70 (House Bill No. 244 of the Session Laws of 1945), or any county, city, town, township, or school district in the state, may invest such funds in bonds issued under the provisions of this act at the reasonable market value thereof. Such bonds are also approved as collateral security for the deposit of any public funds and for the investment of trust funds.

Added by Laws 1961, p. 561, § 8, emerg. eff. June 29, 1961.

§70-2209. Borrowing of money in anticipation of issuance of bonds.

Whenever the Board shall have adopted a resolution authorizing the issuance of any series of bonds hereunder and said bonds have been sold but prior to the time as of which the bonds can be delivered the Board finds it necessary to borrow money for the purpose for which the bonds were authorized, the Board may, by appropriate resolution, authorize the borrowing of money in anticipation of the issuance of the bonds, and the issuance of the note or notes of the Board to evidence such borrowing. The amount so borrowed shall not exceed the principal amount of the bonds and shall not bear interest at a rate exceeding the average interest rate of the bonds. Such note or notes shall be signed in the manner prescribed by the Board and shall be made payable at such time or times as the Board may prescribe not later than one (1) year from their respective dates and may be renewed from time to time by the issuance of new notes hereunder. The proceeds of any loan made under

this section shall be devoted exclusively to the purposes for which the bonds shall have been authorized and the note or notes and the interest thereon shall be paid with the proceeds of the bonds simultaneously with the delivery of the bonds. If for any reason the bonds shall not be issued, the holder or holders of the notes shall be entitled to all rights which would have been enjoyed by the holders of the bonds had they been issued, and the notes shall be paid from the revenues provided for the payment of the bonds and shall be entitled to the benefit of all covenants, agreements, the rights appearing in the resolution authorizing the bonds for the benefit of the bonds.

Added by Laws 1961, p. 561, § 9, emerg. eff. June 29, 1961.

§70-2210. Approval of bonds by Supreme Court.

The Board is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any series of bonds to be issued hereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to give such applications precedence over the other business of the Court and to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the state that on a day named the Board will ask the court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with this act and that when issued they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Board, its officers, and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.

Added by Laws 1961, p. 561, § 10, emerg. eff. June 29, 1961.

§70-2211. Leases to nonprofit corporations.

In any instance in which the Board shall consider it preferable to acquire the building or additions to existing buildings and equipment therefor in the manner authorized in this section rather than through the issuance of bonds by the Board, it may do so by

complying with this section. In each such case the Board is authorized to lease to any nonprofit corporation, organized for the purpose of constructing the building or additions to existing buildings, such portion or portions of the campus of the institution as may be necessary as sites therefor. The lease shall contain such provisions with respect to the type, construction, and operation of any such building or addition as the Board may consider desirable, and the Board may enter into agreements with the nonprofit corporation as to the use which will be made of any such building or addition, the operation, maintenance, and supervision of said building or addition, the imposition of fees and charges by the Board for the use of the building or addition, and the collection and disposition to be made of the proceeds of such fees and charges. The Board may agree to make such fees and charges adequate to provide a sum sufficient to pay the cost of the maintenance and operation of the building or any addition to existing buildings and the amortization of the cost of the building or any addition to existing buildings and equipment therefor, over a specified period of years, and when such cost shall have been paid and any obligations issued by the nonprofit corporation to finance such cost shall have been fully paid as to principal and interest, the lease shall terminate and title to the building or any addition to existing buildings and equipment shall vest in the Board. The agreements herein authorized to be entered into by the Board may, in the discretion of the Board, include a lease of the buildings from the nonprofit corporation and the payment of rentals therefor. The Board may furnish, without charge, heat, light, water, power, and similar facilities for any building erected under the provisions of this section and all buildings and additions to existing buildings so erected and equipment therefor shall be exempt from taxation.

Added by Laws 1961, p. 561, § 11, emerg. eff. June 29, 1961.

§70-2212. Use of other funds - Bonds not obligation of State.

No provision of this act shall be construed to authorize the pledging or use of revenue of existing buildings and facilities for other than auxiliary enterprise and other self-liquidating buildings and facilities nor shall any provisions of this act be construed to authorize the pledging or use of any revolving funds. No bonds issued under the authorization of this act shall ever become an obligation or debt of the State of Oklahoma.

Added by Laws 1961, p. 562, § 12, emerg. eff. June 29, 1961.

§70-2251. Validation of Memorandum of Understanding and Agreement subscribed to by State Board of Vocational and Technical Education and State Regents For Higher Education.

The Legislature takes note of the implications and significance of this historic development in the administration of affairs

relating to public education in Oklahoma and validates the Memorandum of Understanding and Agreement subscribed to by these two agencies of state government.

Added by Laws 1973, p. 549, S.J.R. No. 35, § 1.

§70-2252. Definitions.

The term "higher education" as used in Article XIII-A of the Constitution of Oklahoma and the vitalizing statutes or the term "postsecondary education" shall mean all education of any kind beyond the twelfth grade in which students pursue study and for which the credit earned may apply toward meeting requirements for a degree, diploma, or other postsecondary academic or collegiate award, and shall also include bona fide postsecondary adult and continuing education, extension and public service education, and organized research as may be authorized by the State Regents as a part of the functions and courses of study of a member institution in the Oklahoma State System of Higher Education.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 2.

§70-2253. Manipulative skills - Development.

The development of vocational and occupational education which involves manipulative skills such as machine shop, printing, carpentry, stenography and distributive education shall be accomplished primarily at the secondary level of learning in programs provided by the high schools and technology center schools under the jurisdiction of the State Board of Career and Technology Education.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 3. Amended by Laws 2001, c. 33, § 138, eff. July 1, 2001.

§70-2254. Skill-type programs.

Educational programs in practical nursing, cosmetology and other skill-type programs requiring the completion of a certain number of clock hours of training for licensing shall be the responsibility of the technology center schools under the jurisdiction of the State Board.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 4. Amended by Laws 2001, c. 33, § 139, eff. July 1, 2001.

§70-2255. Out-of-school youth and adults - Programs.

Programs in initial skill training, refresher skill training and upgrade skill training for out-of-school youth and adults shall be the responsibility of the State Board.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 5.

§70-2256. Cooperation with industrial development efforts.

It is a responsibility of the State Board to cooperate with the industrial development efforts of the state by providing special

training programs to support the activity. The State Board will continue to provide this assistance in the area of initial skill training for workers to be employed in new industry locations. Added by Laws 1973, p. 550, S.J.R. No. 35, § 6.

§70-2257. Theory oriented education programs.

The development of technical and occupational education that is more theory oriented and requires knowledge of mathematics and/or the physical sciences for specialization in the engineering and/or scientific fields for preparation of support technician personnel such as engineering technicians, registered nurses and medical technicians, though not exclusive of other similar areas, shall be accomplished in institutions of higher education under the jurisdiction of the State Regents.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 7.

§70-2258. Approval of programs - Supplemental funding.

Technical and occupational education programs to be operated at the postsecondary level must be authorized and approved by the State Regents. Programs of technical and occupational education when approved by the State Regents may be eligible for supplemental funding provided by the State Board in accordance with terms of a contract existing between the State Board and the State Regents.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 8.

§70-2259. Research and planning.

Research and planning for the further development of higher education programs is accomplished by the State Regents including reports relating to enrollments, program operations, admissions, finances and the like, which are submitted by colleges and universities to the State Regents as provided by law and regulation, and information so gathered from these surveys and reports is analyzed and utilized by the State Regents in evaluating the progress of Oklahoma higher education and in planning for its future development, provided that the information will be used by the State Regents in making reports to the State Board regarding the operation of those programs for which the State Board provides supplemental funding and the results of other research will be shared as may be appropriate and useful.

Added by Laws 1973, p. 550, S.J.R. No. 35, § 9.

§70-2260. Manpower supply and demand data.

The State Board shall make available to the State Regents manpower supply and demand data and recommend the initiation, expansion or discontinuance of postsecondary occupational education programs as need for such is indicated by the demand data available.

Added by Laws 1973, p. 551, S.J.R. No. 35, § 10.

§70-2261. Review and assessment.

The State Regents and the State Board should cooperate in a comprehensive review and assessment of the needs, status and direction of vocational, technical and occupational education in Oklahoma with the view of preparing a statewide plan for the orderly, systematic and coordinated development of programs as deemed necessary to meet the needs of the people of Oklahoma in this field of education, which state plan should delineate between educational programs to be offered at the secondary level and those to be offered at the postsecondary level in order that any unnecessary duplication or overlap existing will be eliminated and that such will be avoided in the development of secondary-postsecondary programs of vocational, technical and occupational education in the future.

Added by Laws 1973, p. 551, S.J.R. No. 35, § 11.

§70-2262. Budget by State Regents.

The State Regents shall budget funds for the primary support of Regents' approved technical and occupational programs of education at junior colleges, technical institutes and other institutions in the State System to the extent of financial resources available and will anticipate supplemental funding from the State Board as needed and as may be available.

Added by Laws 1973, p. 551, S.J.R. No. 35, § 12.

§70-2263. Budget by State Board.

The State Board shall budget a portion of its funds received from state and federal sources for supplementing the funding of postsecondary programs of technical and occupational education offered in the State System, provided that the number of postsecondary educational programs being offered and the number of students enrolled in these programs at junior colleges, technical institutes and other institutions in the State System shall be taken into consideration in the State Board's determination of the amount of funds to be allotted for supplementing the funding of postsecondary programs, and provided further, that the professional staff of the State Board will be made available for technical assistance to the State Regents' staff in the development and review of postsecondary technical and occupational education programs.

Added by Laws 1973, p. 551, S.J.R. No. 35, § 13.

§70-2264. Supplemental funding contracts.

The State Board shall contract with the State Regents for the administration of the amount of funds set aside for supplementing the funding of postsecondary programs, and the State Regents shall assume responsibility under terms of the contract to allocate the funds for supplemental support of bona fide programs consistent with federal

laws and regulations and shall be accountable for expenditure of the funds accordingly, provided that the State Board will include in the supplemental funding contract with the State Regents an amount of funds to underwrite the costs of one or more professional positions on the staff of the State Regents for the purpose of working with institutions in the promotion and development of technical and occupational education, and provided that the contract should be negotiated early in the spring of the year to allow for the planning and budgeting for best use of the funds by various institutions receiving supplemental allocations.

Laws 1973, p. 551, S.J.R. No. 35, § 14.

§70-2265. Administration of federal funds.

The State Board, acting as the designated state agency for the federal Vocational Education Act of 1963, as amended, shall contract with the State Regents for the administration of that portion of federal funds received for allotment and expenditure for supplemental funding of postsecondary technical and occupational education programs approved by the State Regents.

Added by Laws 1973, p. 552, S.J.R. No. 35, § 15.

§70-2266. Preparation of State Plan.

The State Board, acting as the state agency for administration of vocational and technical education funds referred to in Section 14 above, should involve representation from the State Regents in the preparation of the Oklahoma State Plan for Administration of Vocational Education as it concerns postsecondary education programs, including representation on the State Advisory Council on Vocational Education provided for in the Vocational Education Amendments of 1968.

Added by Laws 1973, p. 552, S.J.R. No. 35, § 16.

§70-2267. Postsecondary occupational education.

The State Regents, acting as the designated Section 1202 Commission provided for in P.L. 92-318, should involve representation from the State Board in developing a comprehensive statewide plan for postsecondary education, including representation on the State Advisory Council on Community Colleges to be established by the State Commission pursuant to Title X - Part A, and a similar advisory group to be established regarding planning for development of postsecondary occupational education provided for in Title X - Part B.

Added by Laws 1973, p. 552, S.J.R. No. 35, § 17.

§70-2268. Occupational education offered at postsecondary institutions - Determination.

If it is determined that Title X - Part B of the Federal Aid Law known as P.L. 92-318 is principally for occupational education

offered at postsecondary institutions (those fitting the definition of junior colleges, postsecondary technical institutes, etc.), then the State Regents' functioning as the designated state agency for administering federal funds received for occupational education programs shall, by contract arrangement with the State Board, share certain of the federal funds as appropriate for allocation by the State Board for supplemental support of programs operated by institutions under the jurisdiction of the Board (the technology center schools); and the State Board shall be accountable for administration of the funds so shared with it by the State Regents in accordance with appropriate federal laws and regulations, provided that the number of education programs offered and the number of students enrolled in them shall be taken into consideration in arriving at appropriate division of the state's allotment of funds to be shared with the State Board.

Added by Laws 1973, p. 552, S.J.R. No. 35, § 18. Amended by Laws 2001, c. 33, § 140, eff. July 1, 2001.

§70-2269. Occupational education offered at non-postsecondary institutions - Determination.

If it is determined that Title X - Part B of the Federal Aid Law known as P.L. 92-318 is principally for occupational education offered at non-postsecondary institutions, it shall then become the responsibility of the State Board to function as the state agency for administering federal funds as described in Section 17 and a reverse arrangement of the contractual agreements referred to therein shall prevail.

Added by Laws 1973, p. 552, S.J.R. No. 35, § 19.

§70-2270. Purpose of Resolution.

It is the purpose of this Resolution to, by legislative expression, validate the Memorandum of Understanding and Agreement subscribed to by these two state agencies and signed by the Chancellor of the State Regents and the Director of the State Board under date of March 5, 1973, and ratified by the Chairman of the State Regents and the Chairman of the State Board under date of March 29, 1973, which provides that the conduct of the state's education business of a common responsibility will be carried out on a board-to-board contract basis and an office-to-office administrative relationship in order to avoid overlap, duplication, confusion and inefficiency in the planning, development and operation of programs of technical and occupational education.

Added by Laws 1973, p. 553, S.J.R. No. 35, § 20.

§70-2271. Example for other agencies.

The leadership in developing arrangements for understanding and cooperative action between these two agencies of state government,

the State Board of Career and Technology Education and the Oklahoma State Regents for Higher Education, should be an example for other agencies of state government for cooperation and teamwork when responsibilities of a common nature fall within the bounds of their respective jurisdictions; and the Legislature, by this expression, commends this display of cooperation by these two boards as example for the challenge and guidance of other agencies of state government accordingly.

Added by Laws 1973, p. 553, S.J.R. No. 35, § 21. Amended by Laws 2001, c. 33, § 141, eff. July 1, 2001.

§70-2272. Distribution of copies.

Duly authorized copies of this resolution shall be sent to the Director and each member of the State Board of Career and Technology Education, the Chancellor and each member of the Oklahoma State Regents for Higher Education, and the head of each state agency, department, board and commission.

Added by Laws 1973, p. 553, S.J.R. No. 35, § 22. Amended by Laws 2001, c. 33, § 142, eff. July 1, 2001.

§70-2281. Former prisoners of war - Persons missing in action - Dependents - Free tuition.

A. Any current or former prisoner of war or person missing in action, as defined by the provisions of this section, and any dependent of a current or former prisoner of war or person missing in action, upon being duly accepted for enrollment into any state-supported institution of higher education of any type, or state-supported technical or vocational school, shall be allowed to obtain a bachelors degree, or certificate of completion, for so long as such former prisoner of war, person missing in action or dependent is eligible, free of general enrollment fees. Once a person qualifies as a dependent under the terms and provisions of this section, the fact of the return of the parent or the reported death of the parent will not remove the dependent from the provisions or benefits of this section.

B. For purposes of this section:

1. "Prisoner of war" and "person missing in action" means any person who was a resident of the State of Oklahoma at the time he or she entered service of the United States Armed Forces, or whose official residence is within the State of Oklahoma, and who, while serving in the United States Armed Forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense; and

2. "Dependent" means any child not to exceed twenty-four (24) years of age born to or adopted by a parent who served or is serving as a prisoner of war or was declared by the United States Armed Forces to be a person missing in action.

C. If federal funds are provided for general enrollment fees of said dependent, this section shall not be applicable. Added by Laws 1973, c. 166, § 1, emerg. eff. May 16, 1973. Amended by Laws 1989, c. 369, § 26, operative July 1, 1989; Laws 1991, c. 327, § 7, eff. July 1, 1991; Laws 1993, c. 44, § 1, emerg. eff. April 9, 1993.

§70-2282. Heart of the Heartland Scholarship Fund.

A. There shall be created a trust fund to be known as the "Heart of the Heartland Scholarship Fund". The trust fund shall be managed and controlled by a board of trustees. The Oklahoma State Regents for Higher Education shall constitute the board of trustees of the Heart of the Heartland Scholarship Fund.

B. The trust capital shall consist of all monies received from the sale of the Heart of the Heartland special license plates authorized pursuant to Section 14 of this act.

C. The board of trustees shall invest the trust capital in a reasonable and prudent manner which, consistent with any long-term investment needs, will produce the greatest trust income over the term of the investment while preserving the trust capital. All trust income shall be reinvested into the trust fund except as provided in subsection D of this section.

D. The trust fund shall be administered for the purpose of providing the necessary funds for students attending institutions in The Oklahoma State System of Higher Education who were injured or whose parent or legal guardian was killed in the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. The Oklahoma State Regents for Higher Education shall grant the monies from the trust fund to any student eligible. To be eligible to receive the trust funds, an applicant shall:

1. Be enrolled full-time in an undergraduate or graduate program at a member institution of The Oklahoma State System of Higher Education; and

2. Be a child injured or be the child of a parent or legal guardian killed as a result of the bombing at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.

E. Any trust capital or income remaining in the trust fund on July 1, 2025, shall be transferred and deposited into the General Revenue Fund, and the Heart of the Heartland Scholarship Fund shall terminate. The Oklahoma State Regents for Higher Education shall promulgate any necessary rules to implement this section.

Added by Laws 1995, c. 206, § 3, eff. July 1, 1995. Amended by Laws 2004, c. 504, § 19, eff. July 1, 2004.

§70-2291. William P. Willis Trust Fund.

A. There is hereby created a trust fund to be known as the "William P. Willis Trust Fund". The Trust Fund shall be managed and

controlled by a Board of Trustees. The Oklahoma State Regents for Higher Education shall constitute the Board of Trustees of the William P. Willis Trust Fund.

B. The trust capital shall consist of:

1. any monies the Legislature may appropriate and transfer to the Trust Fund; and
2. any monies or assets contributed to the Trust Fund from any other source.

C. The Board of Trustees shall invest the trust capital in a reasonable and prudent manner which, consistent with any long-term investment needs, will produce the greatest trust income over the term of the investment while preserving the trust capital.

D. All trust income shall be deposited in the William P. Willis Scholarship Fund to be used for the payment of scholarships awarded from said Fund.

Added by Laws 1986, c. 246, § 12, operative July 1, 1986.

§70-2292. William P. Willis Scholarship Fund.

A. There is hereby created and established the William P. Willis Scholarship Fund to be administered by the Oklahoma State Regents for Higher Education for the purpose of providing scholarships to low-income students attending institutions in The Oklahoma State System of Higher Education. Income to such fund shall consist of interest accrued from the William P. Willis Trust created in Section 12 of this act.

B. The Oklahoma State Regents for Higher Education shall award scholarships from the William P. Willis Scholarship Fund each fiscal year, beginning July 1, 1986, to persons recommended by an advisory committee appointed by the State Regents for that purpose. To be eligible to receive a scholarship an applicant shall:

1. be a bona fide resident of the State of Oklahoma;
2. be enrolled full time in an undergraduate program at a member institution of The Oklahoma State System of Higher Education; and
3. meet low-income criteria established by the State Regents.

The scholarships shall be awarded per year, renewable for up to three (3) additional years, in an amount calculated annually by the State Regents to fully pay for general enrollment fees, other fees, books, materials, and services provided by the institution, including room and board.

C. No more than one scholarship recipient shall attend each institution in The Oklahoma State System of Higher Education; provided, one recipient, apart from the others, shall attend Northeastern Oklahoma State University and major in a program of history.

Added by Laws 1986, c. 246, § 14, operative July 1, 1986.

§70-2401. Short title.

Sections 4 through 10 of this act shall be known and may be cited as the "Oklahoma State Regents' Academic Scholars Act."
Added by Laws 1989, c. 375, § 4, emerg. eff. June 6, 1989.

§70-2402. Oklahoma State Regents' Academic Scholars Program - Purpose.

A. There is hereby created the Oklahoma State Regents' Academic Scholars Program. The purpose of the Oklahoma State Regents' Academic Scholars Program is to retain top-ranked students from Oklahoma in Oklahoma colleges, enable Oklahoma institutions of higher education to compete aggressively for top Oklahoma scholars, attract high-caliber out-of-state students to Oklahoma to attend colleges and universities, and enhance the academic quality in Oklahoma colleges and universities. The program shall provide participants funding for enrollment fees, tuition and other fees, room and board and required textbooks or materials for up to five (5) years of undergraduate and/or graduate study at accredited institutions of higher education in Oklahoma.

B. The Oklahoma State Regents for Higher Education shall administer the provisions of the Oklahoma State Regents' Academic Scholars Program.

Added by Laws 1989, c. 375, § 5, emerg. eff. June 6, 1989. Amended by Laws 1999, c. 241, § 1, eff. June 1, 1999.

§70-2403. Eligibility requirements - Enrollment requirements - Levels of scholarship awards - Award limits.

A. No person shall be eligible to participate in the Oklahoma State Regents' Academic Scholars Program unless the person:

1. Has complied with all of the rules promulgated by the Oklahoma State Regents for Higher Education pursuant to the provisions of the Oklahoma State Regents' Academic Scholars Act, Section 2401 et seq. of this title, for the award, regulation, and administration of scholarships; and

2. Qualifies as one of the following:

- a. an Individual Applicant Qualified Student, which shall mean a student who is a resident of the State of Oklahoma whose American College Testing Program score or whose Scholastic Aptitude Test score falls within the 99.5 to 100.0 percentile levels as administered in the State of Oklahoma and whose grade point average and/or class rank is exceptional, as determined by the State Regents,
- b. a Presidential Scholar, which shall mean a student selected by the Commission on Presidential Scholars administered by the United States Department of Education,

- c. a National Merit Scholar, which shall mean a student designated as a National Merit Scholar by the National Merit Scholarship Corporation,
- d. a National Merit Finalist, which shall mean a student designated as a National Merit Finalist by the National Merit Scholarship Corporation, or
- e. after October 1, 1999, an Institutional Nominee, which shall mean a student nominated by an institution in The Oklahoma State System of Higher Education:
 - (1) whose American College Testing Program or Scholastic Aptitude Test score falls within the 95.0 to 99.49 percentile levels, or
 - (2) who shows exceptional academic achievement as evidenced by factors, including, but not limited to, grade point average, class rank, national awards, scholastic achievements, honors, and who shows exceptional promise based on documentation that may include, but not be limited to, teacher recommendations, extracurricular activities, and evidence of overcoming economic and social obstacles as determined by the State Regents. The State Regents shall ensure that standards of high academic ability are documented. Scholarship awards to Institutional Nominees shall become effective when appropriate documentation is verified by the State Regents.

B. No person shall be eligible to receive a scholarship pursuant to the provisions of the Oklahoma State Regents' Academic Scholars Program unless the person is enrolled as a full-time student at a public or private accredited institution of higher education in Oklahoma.

C. The Oklahoma State Regents' Academic Scholars Program shall provide a scholarship in an amount not to exceed the average costs of all enrollment fees, tuition and other fees, room and board, and all required textbooks or materials for up to five (5) years of undergraduate and/or graduate study at an accredited public or private institution of higher education in Oklahoma as provided in subsection E of this section. The State Regents may establish separate scholarship award levels for each qualifying category.

D. If a person identifies himself or herself as a student with a disability and requests consideration for a scholarship under the Academic Scholars Program by means other than standard testing procedures, the State Regents shall determine what means of assessment are appropriate and upon the basis of said assessment results, determine what level of award, if any, shall be made.

E. 1. If the student is attending an institution of The Oklahoma State System of Higher Education, the total funding for the

scholarship provided in this section, exclusive of any internships, shall not exceed the costs for items specified in subsection C of this section at the institution attended as determined annually by the Oklahoma State Regents for Higher Education.

2. If the student is attending a private institution of higher education, the total funding for the scholarship provided in this section, exclusive of any internships, shall not exceed the costs for items specified in subsection C of this section at an institution of The Oklahoma State System of Higher Education of comparable type which has the highest general enrollment fees of its type institution in The Oklahoma State System of Higher Education as determined annually by the Oklahoma State Regents for Higher Education. Added by Laws 1989, c. 375, § 6, emerg. eff. June 6, 1989. Amended by Laws 1991, c. 310, § 1, emerg. eff. June 4, 1991; Laws 1992, c. 324, § 23, eff. July 1, 1992; Laws 1999, c. 241, § 2, eff. June 1, 1999; Laws 2002, c. 99, § 4, eff. July 1, 2002.

§70-2404. Scholarship award - Set-aside of funds - Additional selection and allocation criteria - Awards to nonresidents.

A. Scholarships awarded under the Oklahoma State Regents' Academic Scholars Program shall be awarded to all eligible applicants without any limitation on the number of scholarships to be awarded in any year other than the amount of funds available for the scholarship program and the number of eligible applicants.

B. The Oklahoma State Regents for Higher Education may, at the time a scholarship is awarded to a student, set aside in the Oklahoma State Regents' Academic Scholars Trust Fund funds for the full five-year commitment made to such eligible scholar. For all academic years, students who have previously received academic scholarships under the provisions of this act and who have continued at all times to fulfill the requirements for eligibility to receive academic scholarships provided in this act shall be given an absolute priority for continued financial support by the Oklahoma State Regents' Academic Scholars Program superior to any students who are applying for such academic scholarships for the first time.

C. In addition to the qualifications specified in Section 2403 of this title, the Oklahoma State Regents for Higher Education may adopt additional criteria for selection and allocation of awards which may include, but are not limited to, consideration of high school academic performance and personal interviews. The Oklahoma State Regents for Higher Education shall annually report on the number of former Academic Scholars Program participants who stay in state as compared to those who leave Oklahoma within five (5) years of leaving the Program. In addition, the Oklahoma State Regents for Higher Education are hereby authorized to determine a maximum number of awards or a maximum amount of funding which may go to nonresident students. Such maximum limitations shall not exceed twenty-five

percent (25%) of the awards or amount of funding in any category provided in paragraph 2 of subsection A of Section 2403 of this title.

Added by Laws 1989, c. 375, § 7, emerg. eff. June 6, 1989. Amended by Laws 1999, c. 241, § 3, eff. June 1, 1999.

§70-2405. Rules and regulations - Requirement of continuing and satisfactory progress towards degree - Conditions of expenditure of award monies.

The Oklahoma State Regents for Higher Education may adopt rules and regulations, prescribe and provide appropriate forms for application, and employ such persons, contract for such services and make such additional expenditures as may be necessary or appropriate for implementing the provisions of the Oklahoma State Regents' Academic Scholars Act; provided, as part of the regulations adopted for administration of the provisions of the Oklahoma State Regents' Academic Scholars Program, the Oklahoma State Regents for Higher Education shall require that each scholarship recipient make continuing and satisfactory progress toward a degree, including the establishment of an annual minimum grade point average and annual minimum credit hours to be maintained by the participants. Such regulations shall also provide for revoking or rescinding assistance to any scholarship recipient who fails to meet such required standards. Such regulations shall also provide that the funds made available to students as part of the Oklahoma State Regents' Academic Scholars Program shall be paid directly to the institution of the student's choice, in trust for the student, and on the student's behalf, and shall contain appropriate restrictions and conditions that such monies are expended only for the purposes authorized by this act. Such regulations shall also provide for portability of award for a recipient among accredited institutions of higher education in Oklahoma in which the recipient may enroll as long as the recipient meets requirements of the program.

Added by Laws 1989, c. 375, § 8, emerg. eff. June 6, 1989.

§70-2406. Construction of Act - Authority to control or influence educational institutions participating in scholarship program.

The Oklahoma State Regents' Academic Scholars Act shall not be construed as granting any authority to control or influence the policies of any educational institution because it accepts students who are participating in the scholarship program, or to require any such institution to admit, or once admitted to continue in such institution, any participant in the scholarship program.

Added by Laws 1989, c. 375, § 9, emerg. eff. June 6, 1989.

§70-2407. Encouragement of high school juniors to take Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test.

As part of its duties in administering the Oklahoma State Regents' Academic Scholars Program, the Oklahoma State Regents for Higher Education, in cooperation with the State Board of Education, shall encourage Oklahoma high school juniors who plan to attend college to take the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test in their junior year in high school as preparation for taking the Scholastic Aptitude Test their senior year in high school.

Added by Laws 1989, c. 375, § 10, emerg. eff. June 6, 1989.

§70-2601. Short title.

This act shall be known and may be cited as the "Oklahoma Higher Learning Access Act".

Added by Laws 1992, c. 353, § 1, eff. July 1, 1992.

§70-2602. Oklahoma Higher Learning Access Program.

There is hereby created the Oklahoma Higher Learning Access Program. The program shall also be known as "Oklahoma's Promise". The purpose of the program is to provide an award to students who meet the criteria set forth in the Oklahoma Higher Learning Access Act who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary career technology program that would meet the requirements to be eligible for federal student financial aid and is offered by a technology center school supervised by the State Board of Career and Technology Education, and who are in good academic standing in the institution or school in which the student is enrolled, that will relieve the student of the burden of paying nonguaranteed resident tuition at institutions of The Oklahoma State System of Higher Education, paying tuition for enrollment in postsecondary programs of the technology center districts, or paying some portion of such fees or tuition, pursuant to the provisions of the Oklahoma Higher Learning Access Act, as may be required of enrollees at private institutions of higher education which are accredited pursuant to Section 4103 of this title. The further purpose of this program is to establish and maintain a variety of support services whereby a broader range of the general student population of this state will be prepared for success in postsecondary endeavors.

Added by Laws 1992, c. 353, § 2, eff. July 1, 1992. Amended by Laws 1994, c. 153, § 1, emerg. eff. May 3, 1994; Laws 2000, c. 232, § 12, eff. July 1, 2000; Laws 2001, c. 33, § 143, eff. July 1, 2001; Laws 2006, c. 278, § 7, eff. July 1, 2006; Laws 2009, c. 437, § 1, eff. July 1, 2009; Laws 2017, c. 289, § 1, eff. July 1, 2017.

§70-2603. Eligibility requirements.

A. Except as otherwise provided for in subsection B of this section and elsewhere in this section, to be eligible to participate

in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment, a student shall:

1. Be a resident of this state or be enrolled in a school district located in this state that serves students who reside in both this state and an adjacent state pursuant to a contract as authorized in Section 5-117.1 of this title;

2. Be a United States citizen or lawfully present in the United States. A student who is not a United States citizen or lawfully present in the United States shall not be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award notwithstanding the provisions of Section 3242 of this title. The provisions of this paragraph shall not apply to any student who was enrolled in the Oklahoma Higher Learning Access Program prior to the end of the 2006-2007 school year;

3. Have a record of satisfactory compliance with agreements executed pursuant to Section 2605 of this title;

4. a. have graduated within the previous three (3) years from a high school accredited by the State Board of Education, or the Oklahoma School of Science and Mathematics with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve,
- b. have graduated within the previous three (3) years from a high school not accredited by the State Board of Education with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 22 or higher on the ACT test, or
- c. have satisfactorily completed within the previous three (3) years an educational program that was provided through a means other than a public or private school and have achieved a composite score of 22 or higher on the ACT test;

5. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements. The curriculum requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses. Students who attended a high school which did not offer all the core curriculum courses or students who were educated by other means and were not offered all the core

curriculum courses shall be allowed to satisfy this curriculum requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

6. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, have satisfied admission standards as determined by the private institution. No student participating in the Oklahoma Higher Learning Access Program shall be admitted into an institution of higher education by special admission standards;

7. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered by a technology center school that meets the requirements to be eligible for federal student financial aid, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title; and

8. a. have established financial need according to the provisions of subsection D of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education,
- b. if the student was adopted between birth and twelve (12) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, have established financial need according to the provisions of paragraph 1 of subsection E of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education, or
- c. if the student was adopted between thirteen (13) and seventeen (17) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, have established financial need according to the provisions of paragraph 2 of subsection E of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education.

B. 1. A student shall be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for the first

semester or other academic unit of postsecondary enrollment if the student meets all of the following criteria:

- a. is a child of any person killed after January 1, 2000, in the line of duty in any branch of the United States Armed Forces or who died after January 1, 2000, as a result of an injury sustained while in the line of duty in any branch of the United States Armed Forces and the person who was killed or died filed an individual or joint Oklahoma income tax return for the tax year prior to the year during which the person was killed or died,
- b. is a resident of this state or is enrolled in a school district located in this state that serves students who reside in both this state and an adjacent state pursuant to a contract as authorized in Section 5-117.1 of this title,
- c. enrolls in an institution within The Oklahoma State System of Higher Education prior to reaching the age of twenty-one (21),
- d. has satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, has satisfied admission standards as determined by the private institution. No student participating in the Oklahoma Higher Learning Access Program shall be admitted into an institution of higher education by special admission standards,
- e. has secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered by a technology center school that meets the requirements to be eligible for federal student financial aid, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, and
- f. executes an agreement pursuant to subsection C of Section 2605 of this title.

2. A student who is eligible to participate in the program pursuant to this subsection shall not be required to meet the eligibility requirements set forth in subsection A of this section.

C. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Meet the requirements for retention and degree completion as established by the institution in which the student is enrolled;
2. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education;

3. Maintain satisfactory academic progress as required for eligibility for federal Title IV student financial aid programs. The provisions of this paragraph shall become effective for the 2012-2013 school year;

4. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education; and

5. Refrain from conduct that leads to expulsion or suspension of more than one semester from an institution of higher education. A student who violates the provisions of this paragraph shall permanently lose eligibility for program benefits. The provisions of this paragraph shall become effective January 1, 2008.

D. The Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall promulgate rules relating to maintenance of eligibility under the Oklahoma Higher Learning Access Act by a student.

E. It is the intent of the Legislature that students in the ninth grade for the 1992-93 school year who are determined to be eligible Oklahoma Higher Learning Access students pursuant to the Oklahoma Higher Learning Access Act shall be the first students eligible for benefits from the Oklahoma Higher Learning Access Trust Fund.

F. The Oklahoma State Regents for Higher Education are authorized to study, develop and propose criteria for determining award eligibility based upon the completion of seven semesters of high school coursework by a student.

Added by Laws 1992, c. 353, § 3, eff. July 1, 1992. Amended by Laws 1994, c. 153, § 2, emerg. eff. May 3, 1994; Laws 1995, c. 322, § 29, eff. July 1, 1995; Laws 1996, c. 119, § 1, eff. July 1, 1996; Laws 1999, c. 190, § 1; Laws 2000, c. 232, § 13, eff. July 1, 2000; Laws 2001, c. 33, § 144, eff. July 1, 2001; Laws 2002, c. 293, § 1, emerg. eff. May 22, 2002; Laws 2007, c. 355, § 6, emerg. eff. June 4, 2007; Laws 2008, c. 3, § 41, emerg. eff. Feb. 28, 2008; Laws 2008, c. 409, § 1, emerg. eff. June 3, 2008; Laws 2009, c. 2, § 32, emerg. eff. March 12, 2009; Laws 2011, c. 94, § 1; Laws 2011, c. 351, § 1, eff. July 1, 2011; Laws 2012, c. 11, § 24, emerg. eff. April 4, 2012; Laws 2017, c. 289, § 2, eff. July 1, 2017.

NOTE: Laws 2007, c. 262, § 1 repealed by Laws 2008, c. 3, § 42, emerg. eff. Feb. 28, 2008. Laws 2008, c. 350, § 2 repealed by Laws 2009, c. 2, § 33, emerg. eff. March 12, 2009. Laws 2011, c. 288, § 1 repealed by Laws 2012, c. 11, § 25, emerg. eff. April 4, 2012.

§70-2604. Awards.

A. Subject to the availability of funds, an amount equivalent to the nonguaranteed resident tuition for which an eligible Oklahoma Higher Learning Access Program student is obligated at an institution

of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund.

B. Subject to the availability of funds, for each eligible Oklahoma Higher Learning Access Program student enrolled at a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, the Oklahoma State Regents for Higher Education shall award from the Oklahoma Higher Learning Access Trust Fund an amount equivalent to the amount of resident tuition for which the student would be eligible if the student were enrolled in a comparable program at a comparable institution of The Oklahoma State System of Higher Education. Comparability shall be determined by the State Regents.

C. Subject to the availability of funds, an amount equivalent to the tuition for any eligible Oklahoma Higher Learning Access Program student enrolled in a public postsecondary vocational-technical program or course for the purpose set forth in Section 2602 of this title shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Provided, such allocation shall not exceed the amount a student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education.

D. 1. An award allowed by this section shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first semester of postsecondary enrollment. The Oklahoma State Regents for Higher Education may award the Oklahoma Higher Learning Access Program benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no Oklahoma Higher Learning Access Program participant may receive benefits beyond a cumulative time period of five (5) years.

2. The Oklahoma State Regents for Higher Education may award the Oklahoma Higher Learning Access Program benefits for a student's first semester or other academic unit of postsecondary enrollment taken more than three (3) years after the student graduates from high school or completes an educational program equivalent to high school graduation as authorized in subsection A of Section 2603 of this title or after the student turns twenty-one (21) years of age as authorized in subsection B of Section 2603 of this title if the student is a member of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States, or the Oklahoma National Guard, and is ordered to active duty or active duty for special work or training and due to the duty commitment the student is unable to enroll prior to the end of the three-year period or before the student reaches twenty-one (21) years of age. The period shall be extended by the length of the term of duty.

3. The Oklahoma State Regents for Higher Education shall establish a maximum limit on the number of courses or other postsecondary units to which Oklahoma Higher Learning Access Program benefits will apply.

E. Benefits awarded under the Oklahoma Higher Learning Access Program shall be awarded to all eligible applicants without any limitation on the number of awards in any year other than the amount of funds available for the program and the number of eligible applicants. Subject to the provisions of subsection F of this section, if funds are not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. Provided, the Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible applicant when making awards.

F. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of an Oklahoma Higher Learning Access Program student, set aside in the Oklahoma Higher Learning Access Trust Fund funds for the full commitment made to such Higher Learning Access Program student. For all academic years, students who have previously received awards under the provisions of the Oklahoma Higher Learning Access Act, Section 2601 et seq. of this title, and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program shall be given an absolute priority for continued financial support by the Oklahoma Higher Learning Access Program superior to any students who are applying for such benefits for the first time.

G. Beginning with the 2018-2019 academic year, an award allowed by this section shall not include an amount for payment of remedial noncredit-earning courses taken by an eligible Oklahoma Higher Learning Access Program student.

Added by Laws 1992, c. 353, § 4, eff. July 1, 1992. Amended by Laws 1994, c. 153, § 3, emerg. eff. May 3, 1994; Laws 1997, c. 74, § 1, eff. July 1, 1997; Laws 1999, c. 190, § 2; Laws 2000, c. 232, § 14, eff. July 1, 2000; Laws 2001, c. 33, § 145, eff. July 1, 2001; Laws 2008, c. 350, § 3, emerg. eff. June 2, 2008; Laws 2009, c. 437, § 2, eff. July 1, 2009; Laws 2011, c. 351, § 2, eff. July 1, 2011; Laws 2017, c. 289, § 3, eff. July 1, 2017.

§70-2605. Public awareness program - Student agreements.

A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher Education and the

State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

B. On a form provided by the Oklahoma State Regents for Higher Education, every public school district shall designate at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth- or tenth-grade classes are taught. When requested by the State Regents, the State Board of Education shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one school official as a contact person. For students who are educated by other means, a parent or guardian or other person approved by the State Regents shall be designated the contact person.

C. 1. Students who qualify on the basis of financial need according to subsection D or E of this section or who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection B of Section 2603 of this title prior to entering the tenth grade or prior to reaching the age of fifteen (15) and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education shall be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into participation in the program by agreeing to, throughout the remainder of their school years or educational program:

- a. attend school or an educational program regularly and do homework regularly,
- b. refrain from substance abuse,
- c. refrain from commission of crimes or delinquent acts,
- d. have school work and school records reviewed by mentors designated pursuant to the program,
- e. provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education, and
- f. participate in program activities.

2. Students who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection B of Section 2603 of this title after completing the tenth grade or after reaching the age of sixteen (16) shall be given the opportunity prior to reaching the age of twenty-one (21) to enter into participation in the program and shall execute an agreement with provisions as determined by the Oklahoma State Regents for Higher Education.

3. The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact

person shall monitor compliance of the student with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 2604 of this title.

D. Except as otherwise provided for in subsection E of this section and except for students who qualify pursuant to subsection B of Section 2603 of this title, a student shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if:

1. At the time the student applies for participation in the program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable and nontaxable sources of the student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year;

2. Beginning with eighth-, ninth- or tenth-grade students who are enrolled in a public or private school or students between the ages of thirteen (13) and fifteen (15) who are educated by other means who apply for participation in the program in the 2017-2018 school year, the federal adjusted gross income of the student's parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

3. Beginning with eighth-, ninth- or tenth-grade students who are enrolled in a public or private school or students between the ages of thirteen (13) and fifteen (15) who are educated by other means who apply for participation in the program in the 2021-2022 school year, the federal adjusted gross income of the student's parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

4. At the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year; and

5. Beginning with the 2018-2019 academic year, prior to receiving any Oklahoma Higher Learning Access Program benefit award for any year during which the student is enrolled in an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered by a technology center school that meets the requirements to be eligible for federal student financial aid or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year.

The determination of financial qualification as set forth in paragraphs 4 and 5 of this subsection shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parents for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, at the time the student enrolled in the program.

The provisions of this paragraph shall apply to any student who has received an Oklahoma Higher Learning Access Program benefit award after the 2017-2018 school year;

6. The Oklahoma State Regents for Higher Education shall review the determination of financial qualification as set forth in paragraphs 1, 2 and 3 of this subsection if the income from taxable and nontaxable sources of the student's parent(s) includes income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s). If the income from taxable and nontaxable sources of the student's parent(s), excluding income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s), does not exceed the limitations set forth by paragraphs 1, 2 and 3 of this subsection, the student shall be determined to have met the financial qualification set forth in paragraphs 1, 2 and 3 of this subsection.

E. 1. A student who was adopted between birth and twelve (12) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

2. A student who was adopted between thirteen (13) and seventeen (17) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe,

as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

3. Except for students who qualify pursuant to subsection B of Section 2603 of this title, the determination of financial qualification as set forth in this subsection shall be based on the income of the student, not the income of the parent(s), if the student is determined to be independent of the student's parent(s) for federal financial aid purposes. A determination of financial qualification shall not be required for the student who meets the criteria set forth in this subsection at the time the student applies for participation in the program. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2008-2009 school year.

F. The financial qualification of a student as set forth in subsections D and E of this section shall be certified by the contact person or by the Oklahoma State Regents for Higher Education on the agreement form provided by the Oklahoma State Regents for Higher Education. The form shall be retained in the permanent record of the student and a copy forwarded to the Oklahoma State Regents for Higher Education.

G. Agreements shall be witnessed by the parent, custodial parent, or guardian of the student, who shall further agree to:

1. Assist the student in achieving compliance with the agreements;
2. Confer, when requested to do so, with the school contact person, other school personnel, and program mentors;
3. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
4. Assist the student in completing forms and reports required for program participation, making applications to institutions and schools of higher learning, and filing applications for student grants and scholarships.

H. Students who are enrolled in a school district located in this state that serves students who reside in both this state and an adjacent state pursuant to a contract as authorized in Section 5-117.1 of this title, are in the eleventh and twelfth grades during the 2006-2007 school year, and who were denied participation in the program shall be allowed to enter or reenter into participation in

the program by entering into agreements as set forth in subsections C and D of this section by June 1, 2008.

I. The Oklahoma State Regents for Higher Education shall promulgate rules for the determination of student compliance with agreements made pursuant to this section.

J. The Oklahoma State Regents for Higher Education shall designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the schools or are being educated by other means, provide staff development for contact persons in the schools, and provide liaison with the State Board of Education and local organizations and individuals participating in the program.

K. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in the program and any subsequent school district where the student enrolls shall forward information regarding participation by the student in the program to a school to which the student transfers upon the request of the school for the records of the student.

L. Students participating in the Oklahoma Higher Learning Access Program shall provide their Social Security number or their student identification number used by their school to the Oklahoma State Regents for Higher Education. The Regents shall keep the numbers confidential and use them only for administrative purposes.

Added by Laws 1992, c. 353, § 5, eff. July 1, 1992. Amended by Laws 1994, c. 153, § 4, emerg. eff. May 3, 1994; Laws 1995, c. 322, § 30, eff. July 1, 1995; Laws 1996, c. 119, § 2, eff. July 1, 1996; Laws 1997, c. 74, § 2, eff. July 1, 1997; Laws 1999, c. 190, § 3; Laws 2000, c. 232, § 15, eff. July 1, 2000; Laws 2003, c. 134, § 1, eff. July 1, 2003; Laws 2007, c. 355, § 7, emerg. eff. June 4, 2007; Laws 2008, c. 3, § 43, emerg. eff. Feb. 28, 2008; Laws 2008, c. 409, § 2, emerg. eff. June 3, 2008; Laws 2009, c. 2, § 34, emerg. eff. March 12, 2009; Laws 2009, c. 437, § 3, eff. July 1, 2009; Laws 2011, c. 351, § 3, eff. July 1, 2011; Laws 2012, c. 11, § 26, emerg. eff. April 4, 2012; Laws 2015, c. 63, § 1, eff. July 1, 2015; Laws 2017, c. 289, § 4, eff. July 1, 2017.

NOTE: Laws 2007, c. 262, § 2 repealed by Laws 2008, c. 3, § 44, emerg. eff. Feb. 28, 2008. Laws 2008, c. 350, § 4 repealed by Laws 2009, c. 2, § 35, emerg. eff. March 12, 2009. Laws 2011, c. 288, § 2 repealed by Laws 2012, c. 11, § 27, emerg. eff. April 4, 2012.

§70-2606. Return of funds upon withdrawal from class.

A. If a student withdraws from a class in which he or she has received an award from the Oklahoma Higher Learning Access Program, the awarded funds shall be returned to the Oklahoma Higher Learning Access Program. The provisions of this subsection shall only apply to awarded funds when a student withdraws prior to the end of the add/drop period for the session in which the student is enrolled.

B. The Oklahoma State Regents for Higher Education shall promulgate rules to implement the provisions of this section. Added by Laws 2018, c. 297, § 1, eff. Nov. 1, 2018.

§70-2610. Repealed by Laws 2002, c. 99, § 5, eff. July 1, 2002.

§70-2611. Repealed by Laws 2002, c. 99, § 5, eff. July 1, 2002.

§70-2612. Repealed by Laws 2002, c. 99, § 5, eff. July 1, 2002.

§70-2613. Repealed by Laws 2002, c. 99, § 5, eff. July 1, 2002.

§70-2620. Short title.

Sections 2620 through 2626 of this title and Section 12 of this act shall be known and may be cited as the "Tulsa Reconciliation Education and Scholarship Act".

Added by Laws 2001, c. 315, § 14. Amended by Laws 2002, c. 395, § 5, eff. Nov. 1, 2002.

§70-2621. Tulsa Reconciliation Education and Scholarship Program.

There is hereby created the Tulsa Reconciliation Education and Scholarship Program. The purpose of the program is to provide a scholarship award to residents of the Tulsa School District, which was greatly impacted both socially and economically by the civil unrest that occurred in the City of Tulsa during 1921. Beginning with the 2002-2003 school year, or as soon thereafter as practicable, and subject to the availability of funds, the program shall each year make scholarships available to qualified residents of the Tulsa School District, who meet the criteria set forth in Sections 2623 and 2624 of this title, and who are intending to pursue studies at an institution of higher education in The Oklahoma State System of Higher Education or a private institution of higher education, or who are intending to pursue studies in a postsecondary career technology education program. The scholarship shall be an amount of not more than the equivalent of the average amount of resident tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled at an institution in The Oklahoma State System of Higher Education or a postsecondary career technology education program, whichever is applicable, is obligated to pay. The scholarship shall be paid as provided for in Section 2625 of this title. The further purpose of this program is to establish and maintain a variety of educational support services whereby residents who qualify for the program will be prepared for success in postsecondary endeavors.

Added by Laws 2001, c. 315, § 15. Amended by Laws 2002, c. 395, § 6, eff. Nov. 1, 2002.

§70-2622. Definitions.

As used in the Tulsa Reconciliation Education and Scholarship Act:

1. "Resident" means a person of any age who has resided within the Tulsa School District for not less than two (2) years prior to applying for participation in the Tulsa Reconciliation Education and Scholarship Program;
2. "Private institution" means a private institution of higher learning located within this state which is accredited pursuant to Section 4103 of this title; and
3. "Postsecondary career technology education program" means a postsecondary vocational-technical program or course that is eligible for Title IV federal student aid and is offered through a technology center school.

Added by Laws 2001, c. 315, § 16. Amended by Laws 2002, c. 395, § 7, eff. Nov. 1, 2002.

§70-2623. Qualifications.

A. Subject to the availability of funds, the Oklahoma State Regents for Higher Education may annually award a maximum of three hundred full-time-equivalent scholarships for the Tulsa Reconciliation Education and Scholarship Program to residents of the Tulsa School District.

B. To qualify for a scholarship, an applicant shall satisfy the following criteria:

1. The family income of the applicant from taxable sources is not more than Seventy Thousand Dollars (\$70,000.00) per year;
2. The applicant attended a Tulsa public school where seventy-five percent (75%) or more of the students enrolled in the school qualify for the free and reduced lunch program; and
3. The applicant resides in a census block area within the Tulsa School District where thirty percent (30%) or more of the residents are at or below the poverty level established by the United States Bureau of the Census.

C. The Regents may consider as a factor, when determining the order of preference of applicants, whether an applicant is a direct lineal descendant of a person who resided in the Greenwood Area in the City of Tulsa between April 30, 1921, and June 1, 1921. If the Regents use descent as a preference factor, it shall be applied to all applicants regardless of race. The applicants shall be required to present verifiable documentation of their lineage. The Oklahoma Historical Society shall verify the authenticity and accuracy of the documentation submitted by an applicant and shall establish the boundaries of the Greenwood Area. Verifiable documentation shall include, but not be limited to the following:

1. Family records including family bibles, vital records, correspondence, memoirs, journals, diaries, unrecorded deeds, diplomas, certificates, or testimonials;

2. Public records including censuses, government records, military records, pensions, land bounty records, passport applications, passenger lists, original grants, naturalization or immigration records, records of entry, or state, province, or local records; or

3. Institutional records including church records, cemetery records and inscriptions, education institutions, insurance records, or societies and fraternal organizations.

D. The Regents shall promulgate rules establishing the application requirements for the program and the system for evaluating applications based on the preference factors.

E. Applicants shall also meet the eligibility criteria established in Section 2624 of this title.

F. The Oklahoma State Regents for Higher Education shall also be authorized to annually award scholarships for the Tulsa Reconciliation Education and Scholarship Program to two students at each of the high schools in the Tulsa School District for the purpose of preserving awareness of the history and meaning of the civil unrest that occurred in Tulsa in 1921. The following provisions shall apply to the scholarship provided in this subsection:

1. Notwithstanding the provisions of subsection B of this section, eligibility for the scholarships awarded pursuant to this subsection shall be:

- a. enrollment in the appropriate high school,
- b. family income of the applicant from taxable sources not to exceed Seventy Thousand Dollars (\$70,000.00) per year,
- c. satisfaction of the criteria specified in Section 2624 of this title, and
- d. any other relevant criteria determined by the Oklahoma State Regents for Higher Education;

2. The State Regents shall involve the administration of the Tulsa School District in the selection process;

3. The award shall be limited to a one-year full-time-equivalent period. Following successful completion of such award, recipients who meet the criteria provided in subsection B of this section shall be eligible to apply and be considered for continued participation in the full Tulsa Reconciliation Education and Scholarship Program. Any student subsequently awarded such scholarship shall have the duration of the scholarship provided pursuant to this subsection deducted from the limits set in subsection D of Section 2625 of this title;

4. The award may only be funded with state funds appropriated to the Tulsa Reconciliation Education and Scholarship Trust Fund and

income therefrom, and shall be made subject to the availability of such funds; and

5. The awards made pursuant to this subsection shall be included within the maximum number of scholarships specified in subsection A of this section.

Added by Laws 2001, c. 315, § 17. Amended by Laws 2002, c. 395, § 8, eff. Nov. 1, 2002.

§70-2624. Eligibility to participate in program - Requirements.

A. To be eligible to participate in the Tulsa Reconciliation Education and Scholarship Program and to qualify for an award, a resident shall:

1. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for the appropriate type of institution or, if attending a private institution of higher education, have satisfied admission standards as determined by the private institution. No resident participating in the Tulsa Reconciliation Education and Scholarship Program shall be admitted into an institution of higher education by special admission standards; and

2. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a private institution of higher education, or a postsecondary career technology education program.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the participant shall:

1. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education; and

2. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education or the State Board of Career and Technology Education.

C. The Oklahoma State Regents for Higher Education shall promulgate rules relating to maintenance of eligibility under this act by a participant.

Added by Laws 2001, c. 315, § 18. Amended by Laws 2002, c. 395, § 9, eff. Nov. 1, 2002.

§70-2625. Amount of awards - Set-asides.

A. Subject to the availability of funds, an amount of not more than the equivalent of the average amount of resident tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled in an institution in The Oklahoma State System of Higher Education, or enrolled in a postsecondary career technology education program, whichever is applicable, is obligated to pay shall be awarded by allocation from the Tulsa Reconciliation Education and Scholarship Trust Fund.

B. Subject to the availability of funds, for each eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled at a private institution of higher education, the Oklahoma State Regents for Higher Education shall award from the Tulsa Reconciliation Education and Scholarship Trust Fund an amount of not more than the equivalent of the average amount of resident tuition for which the participant would be eligible if the participant were enrolled in a program at an institution of The Oklahoma State System of Higher Education.

C. Subject to the availability of funds, an amount of not more than the equivalent of the average amount of tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled in a postsecondary career technology education program is obligated to pay shall be awarded by allocation from the Tulsa Reconciliation Education and Scholarship Trust Fund. The allocation shall not exceed the amount a participant would have received for enrollment at a two-year institution within The Oklahoma State System of Higher Education.

D. Benefits awarded under the Tulsa Reconciliation Education and Scholarship Program shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first semester of participation in the program. The Oklahoma State Regents for Higher Education may award the Tulsa Reconciliation Education and Scholarship Program benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of participation in the program only in hardship circumstances. No Tulsa Reconciliation Education and Scholarship Program participant may receive benefits beyond a cumulative time period of five (5) years. The Oklahoma State Regents for Higher Education may establish a maximum limit on the number of courses or other postsecondary units to which Tulsa Reconciliation Education and Scholarship Program benefits will apply. An award to an eligible Tulsa Reconciliation Education and Scholarship Program participant who is enrolled in a postsecondary career technology education program may be used to pay for both career technology education and college work if both are required by the program.

E. Benefits awarded under the Tulsa Reconciliation Education and Scholarship Program shall be awarded to not more than 300 eligible participants annually, subject to the amount of funds available for the program and the number of eligible participants. Subject to the provisions of subsection F of this section, if funds are not sufficient to provide awards for the maximum number of eligible participants each year, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. The Oklahoma State Regents for Higher Education shall take into

consideration other grants and scholarships received by an eligible student when making awards. If an eligible student receives other grants and scholarships, the benefits awarded under the Tulsa Reconciliation Education and Scholarship Program may cover any additional educational costs not covered by the other grants and scholarships. If the family of an eligible Tulsa Reconciliation Education and Scholarship Program participant may qualify for the federal Hope Scholarship or Lifetime Learning tax credit as provided for in the Taxpayer Relief Act of 1997, P.L. No. 105-34, the participant may elect to use the award allowed by this section to pay for fees, required textbooks or materials and, if any funds remain, to pay for room and board instead of resident tuition.

F. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of a Tulsa Reconciliation Education and Scholarship Program participant, set aside in the Tulsa Reconciliation Education and Scholarship Trust Fund funds for the full commitment made to such Tulsa Reconciliation Education and Scholarship Program participant. For all academic years, participants who have previously received awards under the provisions of the Tulsa Reconciliation Education and Scholarship Act and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program shall be given an absolute priority for continued financial support by the Tulsa Reconciliation Education and Scholarship Program superior to any residents who are applying for such benefits for the first time.

Added by Laws 2001, c. 315, § 19. Amended by Laws 2002, c. 395, § 10, eff. Nov. 1, 2002.

§70-2626. Tulsa Reconciliation Education and Scholarship Trust Fund.

A. There is hereby created a trust fund to be known as the "Tulsa Reconciliation Education and Scholarship Trust Fund". The trust fund shall be managed and controlled by a board of trustees. The Oklahoma State Regents for Higher Education shall constitute the board of trustees of the Trust Fund.

B. The State Regents shall utilize said Trust Fund to implement the provisions of the Tulsa Reconciliation Education and Scholarship Act.

C. The Trust Fund capital shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund, monies transferred from the donations from taxpayers pursuant to Section 12 of this act, and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. The board of trustees shall invest the trust capital in a reasonable and prudent manner which, consistent with any long-term investment needs, will produce the greatest trust income over the

term of the investment while preserving the trust capital. All trust income shall be reinvested into the trust fund except for the purposes of awarding scholarships pursuant to the Tulsa Reconciliation Education and Scholarship Act.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Tulsa Reconciliation Education and Scholarship Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions of higher education, and to the appropriate technology center school. Allocations from the Trust Fund may be made only for the purpose of covering the scholarship award of eligible participants. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school. Added by Laws 2001, c. 315, § 20. Amended by Laws 2002, c. 395, § 11, eff. Nov. 1, 2002.

§70-2627. Donation of income tax refund for scholarships.

A. The Oklahoma Tax Commission shall include on each state individual income tax return form for tax years beginning after December 31, 2002, and each state corporate tax return form for tax years beginning after December 31, 2002, an opportunity for the taxpayer to donate from a tax refund for the benefit of scholarships pursuant to the Tulsa Reconciliation Education and Scholarship Trust Fund.

B. The monies generated from donations made pursuant to subsection A of this section shall be used by the board of trustees of the Trust Fund for purposes set forth by the Tulsa Reconciliation Education and Scholarship Act.

C. All monies generated pursuant to the provisions of subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Tulsa Reconciliation Education and Scholarship Trust Fund.

Added by Laws 2002, c. 395, § 12, eff. Nov. 1, 2002.

§70-2630. Short title.

This act shall be known and may be cited as the "Oklahoma Tuition Equalization Grant Act".

Added by Laws 2003, c. 207, § 1, eff. July 1, 2003.

§70-2631. Purpose.

There is hereby created the Oklahoma Tuition Equalization Grant Program. The purpose of this program is to maximize use of existing educational resources and facilities within this state, both public and private. To accomplish this purpose, the Oklahoma State Regents for Higher Education are authorized to award Oklahoma Tuition Equalization Grants to Oklahoma residents enrolled as undergraduate

students in a private or independent institution of higher education that is located in this state and approved by the State Regents pursuant to this act.

Added by Laws 2003, c. 207, § 2, eff. July 1, 2003.

§70-2632. Eligibility requirements - Application - Eligible institutions - Permitted courses and programs.

A. To be eligible for an Oklahoma Tuition Equalization Grant, a student shall:

1. Be an Oklahoma resident as defined by the Oklahoma State Regents for Higher Education;

2. Have enrolled as a full-time undergraduate student in an eligible institution of higher education as prescribed in subsection D of this section;

3. Meet the income eligibility level, which is the student's parents' income from taxable and nontaxable sources which shall not be more than Fifty Thousand Dollars (\$50,000.00) per year or the student's income if the student is independent and self-supporting as determined by the State Regents consistent with federal financial aid regulations;

4. Pay more tuition than is required at a comparable public institution of higher education and pay no less than the regular tuition required of all students enrolled at the institution where the student is enrolled; and

5. Maintain at least minimum standards of academic performance as required by the enrolling institution.

B. The enrolling institution shall forward a completed student application, documentation of full-time enrollment status, and certification of resident status to the State Regents no later than October 15 for the fall semester and March 15 for the spring semester of each academic year.

C. Subject to the availability of funds in the Oklahoma Tuition Equalization Grant Trust Fund, an Oklahoma Tuition Equalization Grant in the amount of Two Thousand Dollars (\$2,000.00) per academic year, or One Thousand Dollars (\$1,000.00) per academic semester shall be awarded by the State Regents by allocation from the Oklahoma Tuition Equalization Grant Trust Fund, beginning with eligible students enrolled in the 2003-2004 school year. No grants pursuant to this act shall be provided to students for attending summer terms or intersessions.

D. The State Regents shall implement policies and procedures for the administration of this act. The State Regents shall approve as eligible institutions of higher education only those private or independent, not-for-profit colleges or universities that are domiciled within this state, meet approved program and accreditation standards as determined by the State Regents, and are fully accredited by the Higher Learning Commission of the North Central

Association on Colleges and Schools or a national accrediting body recognized by the United States Department of Education. To be eligible, institutions must have been granted not-for-profit status by the Internal Revenue Service and the U. S. Department of Education prior to July 1, 2012. Additionally, eligible institutions shall adhere to the complaint process policies and procedures administered by the State Regents. The State Regents shall review and take action, as authorized, on complaints concerning eligible institutions. The eligible institutions shall include Bacone College, Family of Faith College, Mid-America Christian University, Oklahoma Baptist University, Oklahoma Christian University, Oklahoma City University, Oklahoma Wesleyan University, Oral Roberts University, Southern Nazarene University, Southwestern Christian University, St. Gregory's University, the University of Tulsa and Randall University.

E. If funds are not sufficient in the Oklahoma Tuition Equalization Grant Trust Fund to provide grants for all eligible applicants, the State Regents shall award grants on the basis of need and take into consideration other grants and scholarships received by an eligible applicant when awarding grants. Students who have previously received a tuition equalization grant and who continue to meet the requirements for eligibility shall have absolute priority for continued financial support superior to any student who is applying for a grant for the first time.

F. Students enrolling as first-time freshmen for the 2003-2004 school year shall be the first class of students eligible to apply for Oklahoma Tuition Equalization Grants. In subsequent years, all previously eligible students and the first-time enrolling freshmen students shall be entitled to apply for a grant pursuant to this section. Beginning in the 2007-2008 school year, all eligible students shall be entitled to apply for a grant pursuant to this section.

G. A grant provided by this section shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first grant is received. The State Regents may award an Oklahoma Tuition Equalization Grant for courses of postsecondary units taken more than five (5) years after the student's first grant is received only in hardship circumstances. No Oklahoma Tuition Equalization Grant recipient may receive benefits beyond a cumulative time period of five (5) years.

H. On or before February 1 after the first semester in which grants are awarded pursuant to this act and every year thereafter, the State Regents shall provide a report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives to include, but not be limited to the number of students awarded grants, grade point average, persistence rates,

degree completion rates, demographic data, and any other indicators the State Regents deem appropriate.

Added by Laws 2003, c. 207, § 3, eff. July 1, 2003. Amended by Laws 2008, c. 350, § 5, emerg. eff. June 2, 2008; Laws 2015, c. 287, § 1; Laws 2017, c. 108 § 1, eff. July 1, 2017.

§70-2640. Oklahoma Health Care Workers and Educators Assistance Program.

A. There is hereby established the Oklahoma Health Care Workers and Educators Assistance Program. The purpose of the program shall be to encourage persons to enter nursing and allied health careers within this state. Priority in awarding assistance is intended to go toward those career fields in which there is an urgent need for qualified employees to provide health care services or in career fields in which a shortage of qualified employees is projected to exist in the future.

B. Only students who are residents of this state shall be eligible to participate in the Oklahoma Health Care Workers and Educators Assistance Program.

C. Only students of accredited or recognized health care programs or colleges and universities shall be eligible for awards from the Oklahoma Health Care Workers and Educators Assistance Program.

D. The Oklahoma Health Care Workers and Educators Assistance Program shall be administered by the Health Care Workforce Resources Board. The Board is authorized to enter into an agreement with the Oklahoma State Regents for Higher Education for fiscal services as may be necessary to implement the provisions of this section.

E. The Health Care Workforce Resources Board shall implement the provisions of this section in the most balanced, efficient, and effective means necessary to meet the following priorities:

1. Create additional nursing or allied health faculty by providing scholarships to cover individuals' costs of gaining the advanced degrees necessary to serve as faculty members in nursing and allied health education programs;

2. Expand and modernize learning environments by providing matching grants to nursing and allied health education institutions to increase the number of clinical opportunities, and to better utilize online and distance learning, simulations, and other innovative methods to provide education and training; and

3. Attract more students in nursing and allied health careers by providing scholarships to cover individuals' costs of gaining degrees or certifications necessary to prepare them for nursing and allied health occupations.

F. The Board shall make an annual public declaration of which nursing and allied health care education fields have been identified for priority funding due to either an urgent need for qualified

employees or due to a determination of a future shortage of qualified employees.

G. Scholarships established through the Oklahoma Health Care Workers and Educators Assistance Program may be awarded contingent on funds made available through the State Regents for Higher Education. Added by Laws 2008, c. 387, § 5, eff. July 1, 2008. Amended by Laws 2009, c. 159, § 1, eff. July 1, 2009.

§70-3101. Title of act.

This Act shall be known as the Oklahoma Higher Education Code. Laws 1965, c. 396, § 101.

§70-3102. Meaning of certain terms as used in act.

As used in this act, unless the context clearly indicates that a different meaning is intended:

(a) "Code" means this act.

(b) "State System" means the Oklahoma State System of Higher Education referred to in Section 1, Article XIII-A, Oklahoma Constitution.

(c) "State Regents" means the Oklahoma Regents for Higher Education, the coordinating board of control, established by Section 2, Article XIII-A, Oklahoma Constitution.

(d) "State educational institution" means any institution supported wholly or in part by direct legislative appropriations and offering courses of education of any kind beyond or in addition to the twelfth grade, or its equivalent, as such grade is generally understood and accepted in the public school system of Oklahoma, whether called a university, college, junior college, school or academy.

(e) "Private educational institution" means any private, denominational or other institution of the same type as a state educational institution except that it is not supported wholly or in part by direct legislative appropriations.

(f) "Board of Regents" means the board or body designated by the Oklahoma Constitution or by this Code as the board of regents or governing board of a state educational institution. Laws 1965, c. 396, § 102.

§70-3103. Agency of state educational institution.

A. For the purposes of this Code, each of the following shall be deemed an agency and an integral part of the University of Oklahoma:

1. The Health Sciences Center;
2. The Law Center;
3. The Oklahoma Geological Survey; and
4. OU-Tulsa.

B. For the purposes of this Code, each of the following shall be deemed an agency and an integral part of Oklahoma State University:

1. The College of Veterinary Medicine;
2. The College of Osteopathic Medicine;
3. The Agricultural Experiment Station;
4. The Agricultural Extension Division;
5. The campus located at Oklahoma City; and
6. The Oklahoma State University Institute of Technology-

Okmulgee.

Added by 1965, c. 396, § 103, eff. July 1, 1965. Amended by Laws 1988, c. 137, § 5, eff. July 1, 1988; Laws 2002, c. 194, § 1, eff. July 1, 2002; Laws 2004, c. 400, § 1; Laws 2008, c. 54, § 3, eff. July 1, 2008.

§70-3201. Institutions comprising The Oklahoma State System of Higher Education.

The following state educational institutions shall be members of The Oklahoma State System of Higher Education: University of Oklahoma, Oklahoma State University, Langston University, Oklahoma Panhandle State University, Murray State College, Connors State College, Cameron University, Eastern Oklahoma State College, Northeastern Oklahoma Agricultural and Mechanical College, University of Central Oklahoma, East Central University, Northeastern State University, Northwestern Oklahoma State University, Southeastern Oklahoma State University, Southwestern Oklahoma State University, University of Science and Arts of Oklahoma, Rogers State University, Carl Albert State College, Redlands Community College, Northern Oklahoma College, Oklahoma City Community College, Rose State College, Seminole State College, Tulsa Community College, and Western Oklahoma State College.

Added by Laws 1965, c. 396, § 201, eff. July 1, 1965. Amended by Laws 1965, c. 510, § 1, eff. July 21, 1965; Laws 1982, c. 62, § 1, operative July 1, 1982; Laws 1982, c. 285, § 1, operative July 1, 1982; Laws 1990, c. 218, § 3, eff. July 1, 1991; Laws 1991, c. 61, § 1, eff. Sept. 1, 1991; Laws 1992, c. 223, § 1, eff. July 1, 1992; Laws 1996, c. 171, § 1, emerg. eff. May 14, 1996; Laws 1996, c. 276, § 1, emerg. eff. May 30, 1996; Laws 1999, c. 274, § 4, eff. June 1, 1999; Laws 2002, c. 194, § 2, eff. July 1, 2002.

§70-3201.1. Veterinary Medicine Teaching Hospital redesignated as Oklahoma State Veterinary Medicine Teaching Hospital.

The Veterinary Medicine Teaching Hospital located at Oklahoma State University is hereby officially named and shall only be known and referred to as the Oklahoma State Veterinary Medicine Teaching Hospital. The Oklahoma State Regents for Higher Education, the Board of Regents for Oklahoma Agricultural and Mechanical Colleges, and the administration of Oklahoma State University shall take such action as deemed necessary to implement the provisions of this section immediately upon its passage and approval.

Laws 1981, c. 253, § 19, emerg. eff. June 24, 1981.

§70-3202. Oklahoma State Regents for Higher Education - Appointment of members - Eligibility - Removal - Vacancies.

(a) The Oklahoma State Regents for Higher Education, referred to in this section as the Board, established by Section 2, Article XIII-A, Oklahoma Constitution, shall consist of nine (9) members appointed by the Governor by and with the advice and consent of the Senate. Provided, that persons now serving on such Board shall be members of and shall continue to serve on the Board for the terms for which they were appointed.

(b) Members shall be citizens of the state, not less than thirty-five (35) years of age, and shall not be employees or members of the staff or governing board of any constituent member of the State System; and no official or employee of the State of Oklahoma shall be eligible to serve on such Board. Not more than four members shall be from the same profession or occupation; and not more than three graduates of any one institution in the State System shall be eligible to serve as members during the same period of time. Not more than two members shall be from the same congressional district at the time said members are appointed; provided, if a county is divided among three (3) or more congressional districts, said limit shall not apply to members from that county; rather, there shall be a limit of not more than two (2) members from that county.

(c) Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be, as follows:

(1) Position No. 1. The term of office of one member shall expire on the 16th day of May, 1966, and each nine (9) years thereafter.

(2) Position No. 2. The term of office of one member shall expire on the 16th day of May, 1967, and each nine (9) years thereafter.

(3) Position No. 3. The term of office of one member shall expire on the 16th day of May, 1968, and each nine (9) years thereafter.

(4) Position No. 4. The term of office of one member shall expire on the 16th day of May, 1969, and each nine (9) years thereafter.

(5) Position No. 5. The term of office of one member shall expire on the 16th day of May, 1970, and each nine (9) years thereafter.

(6) Position No. 6. The term of office of one member shall expire on the 16th day of May, 1971, and each nine (9) years thereafter.

(7) Position No. 7. The term of office of one member shall expire on the 16th day of May, 1972, and each nine (9) years thereafter.

(8) Position No. 8. The term of office of one member shall expire on the 16th day of May, 1973, and each nine (9) years thereafter.

(9) Position No. 9. The term of office of one member shall expire on the 16th day of May, 1974, and each nine (9) years thereafter.

(d) Members shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment.

(e) Vacancies on the Board shall be filled by the Governor, for the unexpired term, by and with the advice and consent of the Senate. Laws 1965, c. 396, § 202. Amended by Laws 1990, c. 257, § 14, emerg. eff. May 23, 1990.

§70-3203. State Regents - Oaths - Travel expenses - Recommendations for employment prohibited.

(a) Each member of the State Regents shall take and subscribe to the oaths required of state officials generally.

(b) Each member of the State Regents shall be allowed necessary travel expenses, as may be approved by the State Regents pursuant to the State Travel Reimbursement Act.

(c) No member or employee of the State Regents shall directly or indirectly recommend to any state educational institution, or official or board of regents thereof, the employment of any person by such institution. Any violation of this paragraph by any such member or employee shall constitute a cause for his removal from office. Amended by Laws 1985, c. 178, § 59, operative July 1, 1985.

§70-3204. State Regents - Body corporate - Official seal - officers - Terms - Powers and duties - Proceedings.

(a) The State Regents shall be a body corporate, and shall adopt an official seal; and all contracts, official documents, awards, degrees or other papers or instruments issued by the State Regents and requiring the official signature of the State Regents shall have the impression of such seal.

(b) The State Regents shall annually elect from its membership a chairman, vice-chairman, secretary, and assistant secretary, each of whom shall serve for a term of one (1) fiscal year. The chairman shall be the presiding officer of the State Regents. He shall, on behalf of the State Regents, subscribe the official name thereof, and the secretary shall affix the official seal to all contracts, official documents, awards, degrees or other papers or instruments issued by the State Regents and requiring the official signature of the State Regents. In the absence, disqualification or disability of the chairman or secretary to act, the vice-chairman and assistant secretary shall perform the duties of such respective officers. The officers of the State Regents shall have such other powers and perform such other duties as may be prescribed by the State Regents,

which shall also adopt such rules and regulations as it deems necessary to govern its proceedings and the conduct of its business. Laws 1965, c. 396, § 204; Laws 1980, c. 159, § 23, emerg. eff. April 2, 1980.

§70-3205. State Regents - Quarters - Personnel - Employee benefits - Revolving fund - Disbursements.

(a) The Oklahoma State Regents for Higher Education shall be furnished suitable permanent quarters by the Oklahoma Capitol Improvement Authority for which the State Regents shall pay an appropriate rental charge and shall appoint and fix the duties and compensation of such personnel as the State Regents deems necessary to perform its functions and duties. Until such time as space can be provided by the Oklahoma Capitol Improvement Authority the Office of Management and Enterprise Services shall provide quarters for the State Regents without rental charge. The State Regents may establish and maintain plans for tenure and retirement of its employees and for payment of deferred compensation of such employees, and may provide hospital and medical benefits, accident, health, and life insurance, and annuity contracts for such employees, and pay for all or part of the cost thereof, with funds available for payment of its operating expenses.

(b) Monies received by the State Regents for payment of the cost of maintaining offices, payment of personnel, and other operating expenses shall be deposited in a special fund in the State Treasury, to be known as the "Oklahoma State Regents for Higher Education Revolving Fund". Such fund shall be a continuing fund not subject to appropriation by the Legislature, and shall be subject to expenditure by and shall be paid out upon the order of the State Regents at such times and in such amounts as the State Regents may direct. Disbursements from such revolving fund shall be by state warrants issued by the State Treasurer.

Added by Laws 1965, c. 396, § 205, eff. July 1, 1965. Amended by Laws 1974, c. 307, § 1, emerg. eff. May 29, 1974; Laws 1983, c. 304, § 70, eff. July 1, 1983; Laws 2012, c. 304, § 625.

§70-3205.5. State Regents - Student advisory board - Members - Selection.

A. There is hereby established the student advisory board to the Oklahoma State Regents for Higher Education. The board shall be advisory in nature and shall represent the student viewpoint and interests to the Oklahoma State Regents for Higher Education.

B. The board shall be composed of seven (7) members. Members shall be elected to serve one-year terms by a vote of delegates to the Oklahoma Student Government Association annual meeting.

C. The members shall be enrolled in at least twelve (12) semester credit hours and maintaining a minimum cumulative grade

point average of 2.8 on a 4.0 point scale and shall be attending the type of institution which the member is elected to represent.

D. Members shall be selected as follows:

1. Two members shall be elected at large to represent the comprehensive universities within The Oklahoma State System of Higher Education;

2. Two members shall be elected at large to represent the regional and senior universities within The Oklahoma State System of Higher Education;

3. Two members shall be elected at large to represent the junior colleges within The Oklahoma State System of Higher Education; and

4. One member shall be elected at large to represent the accredited independent colleges and universities.

E. Members shall take office at the May meeting of the State Regents for Higher Education.

Added by Laws 1988, c. 137, § 1, eff. Nov. 1, 1988.

§70-3205.6. Student advisory board - Representative to meetings of State Regents - Legislative intent.

The student advisory board shall designate a representative who may attend all regularly scheduled meetings of the Oklahoma State Regents for Higher Education. It is the intention of the Oklahoma Legislature that the Oklahoma State Regents for Higher Education grant speaking privileges to the members of the student advisory board.

Added by Laws 1988, c. 137, § 2, eff. Nov. 1, 1988.

§70-3206. State Regents - Powers and duties.

As provided in Article XIII-A of the Constitution of Oklahoma, the State Regents shall constitute a coordinating board of control for all state educational institutions, with the following specific powers:

(a) It shall prescribe standards of higher education applicable to each institution.

(b) It shall determine the functions and courses of study in each of the institutions to conform to the standards prescribed.

(c) It shall grant degrees and other forms of academic recognition for completion of the prescribed courses in all of such institutions.

(d) It shall recommend to the State Legislature the budget allocations to each institution.

(e) It shall have the power to recommend to the Legislature proposed fees for all of such institutions, and any such fees shall be effective only within the limits prescribed by the Legislature, after taking due cognizance of expressed legislative intent.

(f) It shall allocate funds to each institution according to its needs and functions from appropriations made by the Legislature.

(g) It may coordinate private, denominational and other institutions of higher learning with the State System under regulations set forth by the State Regents.

Among other powers and duties, the State Regents shall:

(h) Prescribe standards for admission to, retention in, and graduation from state educational institutions.

(i) Accept federal funds and grants and use the same in accordance with federal requirements; and accept and disburse grants, gifts, devises, bequests and other monies and property from foundations, corporations and individuals; and establish, award and disburse scholarships and scholarship funds and rewards for merit from any funds available for such purpose.

(j) Allocate revolving and other non-state-appropriated educational and general funds.

(k) Transfer from one institution to another any property belonging to such institution when no longer needed by it and when needed by another institution to accomplish its functions.

(l) Prepare and publish annually a report to the Governor, the Legislature, and institutions, setting forth the progress, needs, and recommendations of state educational institutions and of the State Regents; conduct studies, surveys and research projects to gather information about the needs of state educational institutions and make such additional reports and recommendations as it deems necessary or as the Governor or the Legislature may direct, and publish such information obtained as may be considered worthy of dissemination.

(m) Any monies which it is authorized to invest shall be invested with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

(n) Issue, on behalf of institutions within The Oklahoma State System of Higher Education, other than the University of Oklahoma and Oklahoma State University, and with the powers enumerated by this act, its obligations for purposes of such capital projects as the Regents may deem to be proper for the benefit of such institutions. The obligations issued pursuant to the authority of this paragraph shall be part of a comprehensive program for capital maintenance of such institutions and the obligations shall be special and limited obligations of the Oklahoma State Regents for Higher Education and shall not constitute general obligations of the State of Oklahoma.

(o) Exercise all powers necessary or convenient to accomplish the purposes and objectives of Article XIII-A of the Constitution of Oklahoma.

Added by Laws 1965, c. 396, § 206, eff. July 1, 1965. Amended by Laws 1997, c. 99, § 15, emerg. eff. April 15, 1997; Laws 1998, c.

364, § 23, emerg. eff. June 8, 1998; Laws 2005, c. 2, § 13, emerg. eff. March 31, 2005.

§70-3206.1. Uniform course numbering system to be established.

As provided in Article XIII-A of the Constitution of Oklahoma and the Oklahoma Higher Education Code, the Oklahoma State Regents for Higher Education shall prescribe a system of uniform course numbering for all State Educational Institutions within The Oklahoma State System of Higher Education.

Laws 1979, H.J.R.No.1016, § 1.

§70-3206.2. Designation of course numbers.

All courses of study of the same subject matter, nature, character and content, as determined by the Oklahoma State Regents for Higher Education, and taught in state educational institutions within The Oklahoma State System of Higher Education shall be designated by identical course numbers.

Laws 1979, H.J.R.No.1016, § 2.

§70-3206.3. Policies relating to research and development in technology in cooperation with private entities.

The Oklahoma State Regents for Higher Education shall:

1. Establish, pursuant to the requirements of this paragraph, a model policy, which to the extent not inconsistent with this section may be adapted by the governing board of regents for each institution within The Oklahoma State System of Higher Education, regarding:
 - a. the use of facilities, whether consisting of real property, personal property, intangible personal property, or any combination of such properties, within The Oklahoma State System of Higher Education, for the purpose of conducting research, the principal purpose of which is to develop or refine a product, process or idea in cooperation with a private business entity in order to market the product, process or idea for profit,
 - b. the investment of value available to institutions within The Oklahoma State System of Higher Education, in private business entities or the receipt of royalty income from a private business entity, or both, in conjunction with research and development conducted on the premises of or with the assistance of institutions within The Oklahoma State System of Higher Education, its faculty, staff or students,
 - c. a method to inform the faculty, staff, students and third parties conducting research on the premises of or with the assistance of the faculty, staff or students of an institution within The Oklahoma State System of

Higher Education of the policies developed pursuant to this paragraph, and

- d. the extent to which professors and other faculty and students at institutions within The Oklahoma State System of Higher Education may acquire property interests in technology developed on the premises of or with the assistance of an institution within The Oklahoma State System of Higher Education or a property interest in the revenues derived by the sale, marketing, licensing or other disposition of technology by an institution within The Oklahoma State System of Higher Education or by a private business entity conducting research or engaged in the development of technology on the premises of or with the assistance of an institution within The Oklahoma State System of Higher Education; and

2. Establish policies for institutions within The Oklahoma State System of Higher Education to:

- a. encourage development of a product, process or idea, whether or not the product, process or idea is protectable under the intellectual property laws of the United States or of this state, and to encourage the institutions to take such actions as may be appropriate in order to promote the development of products, processes or ideas having a potential for the improvement or advancement of:
 - (1) medical technology,
 - (2) biotechnology,
 - (3) energy technology,
 - (4) telecommunications technology,
 - (5) chemical technology,
 - (6) industrial technology, and
 - (7) such other technologies as are deserving of the resources and assistance available through institutions and the faculty and students of institutions within The Oklahoma State System of Higher Education,
- b. develop appropriate methods to maintain a system for recording the nature of research being conducted at institutions within The Oklahoma State System of Higher Education and the results of research having potential for protection pursuant to the intellectual property laws of the United States or of this state, and
- c. develop a system to account for:
 - (1) expenses associated with research and development conducted on the premises of or with the

- assistance of an institution within The Oklahoma State System of Higher Education,
- (2) the financial relationships, if any, established between those institutions and private business entities,
 - (3) the acquisition of equity interests in private business entities,
 - (4) the receipt of royalty income or other income related to the sale or other disposition of products, processes or ideas by institutions or private business entities with which the institution has established a financial arrangement,
 - (5) the gains or losses upon the sale or other disposition of equity interests in private business entities, and
 - (6) such other matters relating to the income and expenses associated with the research, development, intellectual property protection, marketing, distribution or other matters as the State Regents determine to be appropriate.

Added by Laws 1998, c. 211, § 2, emerg. eff. May 18, 1998.

§70-3206.4. Ownership interest in private enterprise in exchange for research and development.

A. The Legislature hereby specifically authorizes the board of regents for each of the institutions within The Oklahoma State System of Higher Education to own an equity interest in a private business enterprise if the equity interest is acquired through an exchange of value other than money and the exchange of value is made in connection with the development of technology by the private business enterprise through the use of facilities or resources or both of an institution within The Oklahoma State System of Higher Education. Acquisition of an equity interest shall be permissible through the use of the facilities, premises or assets of an institution within The Oklahoma State System of Higher Education or through the use of faculty expertise or student expertise, including the value of time expended by faculty or students upon developing a technology in connection with a private business enterprise or private business entity.

B. No state-appropriated monies shall be used or obligated to acquire an ownership interest in a private business enterprise except as authorized by the provisions of this section.

Added by Laws 1998, c. 211, § 3, emerg. eff. May 18, 1998.

§70-3206.5. Repealed by Laws 2002, c. 2, § 25, emerg. eff. Feb. 15, 2002.

§70-3206.6. Master lease program - Acquisition of personal property - Refinance of lease obligations.

The Oklahoma State Regents for Higher Education may establish a master lease program to finance the acquisition of items of personal property, or refinance or restructure outstanding equipment lease obligations as may be required by or useful to institutions and entities within The Oklahoma State System of Higher Education in order to achieve cost-saving efficiencies. The funds used by the Regents for the purposes authorized by this section shall be available for lease transactions having a minimum value of Fifty Thousand Dollars (\$50,000.00) and a maximum value of Ten Million Dollars (\$10,000,000.00). Such leases shall have a term that is no more than the useful life of the personal property acquired by institutions pursuant to the provisions of this section, and, in no event, more than twenty (20) years. The amount of transactions financed in a calendar year through the personal property master lease program shall not exceed Fifty Million Dollars (\$50,000,000.00).

Added by Laws 2002, c. 2, § 19, emerg. eff. Feb. 15, 2002. Amended by Laws 2002, c. 448, § 2, emerg. eff. June 5, 2002; Laws 2005, c. 2, § 5, emerg. eff. March 31, 2005; Laws 2005, c. 218, § 4, emerg. eff. May 24, 2005; Laws 2008, c. 303, § 1, emerg. eff. June 2, 2008; Laws 2010, c. 262, § 1, eff. July 1, 2010.

§70-3206.6a. Master lease program - Acquisition of, improvements to, or refinance of outstanding obligations for real property

A. The Oklahoma State Regents for Higher Education may finance acquisition of or improvements to, or refinance or restructure outstanding obligations for real property pursuant to the master lease program. The funds used by the Regents for the purposes authorized by this section shall be available for lease transactions having a term that is no more than the useful life of any real property or improvements acquired by institutions pursuant to the provisions of this section, and in no event, more than thirty (30) years.

B. After May 24, 2005, any bonds issued pursuant to this section shall be subject to the approval of the Legislature as provided by this subsection. The Oklahoma State Regents for Higher Education shall submit an itemized list of the proposed projects and the terms of the financing to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the State Senate and all members of the Legislature within the first seven (7) legislative days of an annual legislative session and prior to the time any such obligations are sold. The submission to such elected officials shall occur upon the same date for purposes of computing the time within which action must be taken as further prescribed by this subsection.

The Legislature shall have a period of forty-five (45) calendar days from the date on which the information is submitted to pass a concurrent resolution disapproving all or part of the proposed issuance. If the Legislature does not disapprove the proposed issuance by concurrent resolution by the end of the forty-fifth day following the date upon which the proposed issuance is submitted, the proposed issuance shall be deemed to have been approved by the Legislature.

C. The amount of transactions financed in a calendar year through the real property master lease program authorized by this section shall not exceed the combined total of:

1. The submission described in subsection B of this section, or portion thereof, approved by the Legislature;

2. Any issuance for additional proposed individual projects submitted by institutions under the coordination of the Oklahoma State Regents for Higher Education and approved by the Legislature; and

3. Any projects approved by the Legislature in a prior calendar year for which no financing action was taken in the prior calendar year.

Added by Laws 2005, c. 218, § 5, emerg. eff. May 24, 2005. Amended by Laws 2008, c. 303, § 2, emerg. eff. June 2, 2008; Laws 2010, c. 262, § 2, eff. July 1, 2010; Laws 2016, c. 102, § 1, eff. Nov. 1, 2016.

§70-3206.6b. Master lease program - Revolving lease fund.

Within the master lease program, the Legislature hereby designates the sum of Twenty-five Million Dollars (\$25,000,000.00) to be a permanent revolving lease fund to be funded by bonds to be issued under the master lease program. It is the intent of the Legislature to make annual appropriations as may be necessary from the Oklahoma Education Lottery Trust Fund to retire such bonded indebtedness. Such bonds may be issued on either a taxable or tax-exempt basis. The lien on such Lottery Trust Fund revenues may be subordinate to other pledges of revenue from this fund. Any bonds issued pursuant to this section shall not be subject to the provisions of Section 4 of Enrolled House Bill No. 1191 of the 1st Session of the 50th Oklahoma Legislature.

Added by Laws 2005, c. 218, § 6, emerg. eff. May 24, 2005.

§70-3207. Repealed by Laws 1977, c. 1, § 4, emerg. eff. Jan. 13, 1977.

§70-3207.1. Transfer of credits - Development of policies - Legislative intent.

A. It is the intent of the Legislature that credits earned by students in any institution of higher education within The Oklahoma

State System of Higher Education be fully accepted at any other institution of higher education within The Oklahoma State System of Higher Education and that the Oklahoma State Regents for Higher Education assume leadership in working with institutional faculty and administrators to ensure that students move smoothly from one level of education to another. Objectives should include development of transfer policies and guides, degree sheets, course equivalencies, and common course numbering.

B. It is the intent of the Legislature that institutions of higher education within The Oklahoma State System of Higher Education, private institutions accredited by the Oklahoma State Regents for Higher Education, technology center school districts, schools or training programs licensed, accredited, approved or regulated by any state agency, and private schools licensed by the Oklahoma Board of Private Vocational Schools be prohibited from placing statements in documents or brochures given to students or advertising in publications that credits earned at the institution, training program, or school are fully accepted at another institution or school without having a written agreement with the other institution or school stating that the credits will be fully accepted.

Added by Laws 1995, c. 184, § 1, eff. July 1, 1995. Amended by Laws 1997, c. 231, § 1, eff. July 1, 1997; Laws 2003, c. 77, § 1, eff. July 1, 2003.

§70-3208. Functions and courses of study - Hearings.

All functions and courses of study of the constituent institutions of the State System shall stand as they now are until changed with the approval or by order of the State Regents. In the determination of the functions of the said constituent institutions, and the approval or disapproval of courses of study prescribed by them, the State Regents shall afford any and all institutions affected a full public hearing, after such notice as may be prescribed by the State Regents, before ordering any change, and shall allow sufficient time before final action is taken for the said institution or institutions to prepare and present its or their arguments and briefs in support of or in opposition to any such proposed change.

Added by Laws 1965, c. 396, § 208.

§70-3208.1. American Sign Language - Intent of Legislature - Courses and credit.

It is the intent of the Legislature that American Sign Language be recognized as a foreign language. Any institution in The Oklahoma State System of Higher Education may, in accordance with Section 3208 of Title 70 of the Oklahoma Statutes, offer courses in American Sign Language and grant credit for such courses in the same manner as

provided for other foreign language courses. Course credit earned by a student for American Sign Language classes taken in the public schools may be credited by an institution for purposes of meeting elective course entrance or graduation requirements or both entrance and graduation requirements.

Added by Laws 1982, c. 126, § 2, operative July 1, 1982. Amended by Laws 1991, c. 201, § 2, emerg. eff. May 17, 1991.

§70-3209. Endowments, gifts, bequests and indirect cost reimbursements.

A. All endowments, gifts, bequests, and indirect cost reimbursements from sponsored grants and contracts given to, or received by, any constituent institution, and the income therefrom, shall belong to and be used only for and by the recipient institution.

B. The State Regents shall not take into consideration either the principal or income of paid endowments, gifts and bequests, or any indirect cost reimbursements from sponsored grants and contracts in allocating the state-appropriated funds to such constituent institution, but shall allocate the state-appropriated funds to such institution as though such funds did not exist.

Amended by Laws 1987, c. 204, § 67, operative July 1, 1987; Laws 1989, c. 281, § 9, operative July 1, 1989.

§70-3210. Appropriations - Allocations - Allotments - Reports.

(a) All appropriations made by the Legislature for state educational institutions of the State System shall be made to the State Regents in consolidated form, indicating the amount appropriated from the General Revenue Fund and each special fund, without reference to the amount appropriated to any particular institution. On April 1 of each year, or as soon thereafter as possible, but not later than June 15 of each year, the State Regents shall certify to the Director of the Office of Management and Enterprise Services such portions of the consolidated appropriation as they shall have allocated to each institution from the General Revenue Fund and each special fund for the next fiscal year and the amount of the allocation for each institution which is to be reserved for the purpose authorized by subsection B of Section 34.53 of Title 62 of the Oklahoma Statutes. The Director of the Office of Management and Enterprise Services shall allocate the revenue deposited in the State Treasury to the credit of the General Revenue Fund to a cash account for each institution or special appropriation, and to any unallocated portion of such consolidated appropriations, on a percentage basis in the same manner as provided by law for allocations of cash to Legislative appropriations for other departments and institutions.

(b) The State Regents may make additional allocations from the consolidated appropriation to any institution during the year but they shall not decrease the amount allocated to any institution during the year. Where an additional allocation is made to an institution, the Director of the Office of Management and Enterprise Services shall make such adjustment by decreasing the consolidated appropriation balance and increasing the appropriation of the institution or institutions to which the additional allocation is made. At the same time he shall make an adjustment between the cash accounts by reducing the consolidated cash account and increasing the institution's cash account, giving the institution or institutions credit in cash for that portion of revenue which has already been allocated to that portion of the consolidated appropriation transferred, thereby transferring the percentage of cash which belongs to the additional allocation made from the consolidated appropriation. Thereafter, the Director of the Office of Management and Enterprise Services shall increase the revenue allocations to each of the educational institutions which have received additional allocations so that such allocations shall take into consideration the original allocation plus the additional allocation from the consolidated appropriation. The State Regents may make additional allocations each month of the fiscal year but such allocations for all institutions shall be certified to the Director of the Office of Management and Enterprise Services at the same time and shall not take effect until the first day of the month following the month in which such additional allocations are certified to the Director of the Office of Management and Enterprise Services. The cash allocated to all of the institutions shall never exceed the amount of revenue which would have been allocated to the consolidated appropriation had such consolidated appropriation never been divided. The division of cash among the several institutions shall be considered a division of the revenue which would have been allocated to the consolidated account.

(c) Both the cash allocations and the appropriation allotments shall be considered cumulative in that the balance unexpended or unencumbered at the end of any month of the fiscal year shall add to the amount allocated during the subsequent months so that the fiscal year shall be considered as a unit.

(d) The appropriations allocated by the State Regents to each institution for the year on June 15 shall be set up in the same manner as other departments and institutions for contractual purposes except as otherwise provided in this section.

(e) Financial documents arising from the appropriation allocations to each institution shall be filed with the Director of the Office of Management and Enterprise Services in the same manner and at the same time as is now provided by law.

(f) Nothing contained in this section shall be construed to change existing laws relating to the apportionment of cash to Section 13 or New College Funds for each of the institutions which under present laws receive monies from such sources. Provided, that nothing herein shall be construed to give the State Regents authority to take money from the revolving fund of one institution and give it to another institution. Revolving funds of all of the constituent institutions shall operate as a continuing appropriation under the law creating each such revolving fund which allocates the revenue collected by each such institution to the revolving fund of that institution. None of such institutions shall incur obligations against such revolving fund in excess of the unencumbered balance of surplus cash on hand. Such revolving funds shall be nonfiscal year appropriations, and shall be disbursed by warrants issued by the State Treasurer.

(g) No expenditure from any of the revolving funds of the various institutions shall be made for any purpose, except that for which said portion of said fund was specifically collected; provided, that when any portion of any of such revolving funds shall not be needed for the purpose for which the same was collected, the State Regents may, upon the request of the Board of Regents of any institution, authorize such Board of Regents to expend such unneeded balance of such revolving fund for any other purpose which, in the opinion of the State Regents, shall be necessary or desirable in the conduct of such institution.

(h) The Director of the Office of Management and Enterprise Services shall make monthly reports to the institutions and agencies comprising the State System indicating, by classification of funds, the amounts allotted by the State Regents, the cumulative expenditures at the end of each month, the unexpended balances, the encumbrances outstanding, and the unencumbered balances at the end of the month.

(i) The State Regents shall direct the disposition of such funds as the Legislature shall appropriate, which funds shall be allocated to the state educational institutions entitled thereto under the provisions of, and in accordance with, the Enabling Act and the Constitution of the State of Oklahoma, for the support of such state educational institutions.

Added by Laws 1965, c. 396, § 210, eff. July 1, 1965. Amended by Laws 1979, c. 47, § 80, emerg. eff. April 9, 1979; Laws 1999, c. 371, § 6, eff. July 1, 1999; Laws 2012, c. 304, § 626.

§70-3211. Revolving Loan Fund of the Oklahoma State Regents for Higher Education.

(a) There is hereby created in the State Treasury a Revolving Loan Fund to be designated "Revolving Loan Fund of the Oklahoma State Regents for Higher Education." Such fund shall be a continuing fund,

and the State Regents may allocate on a loan basis any of the monies therein to any of the state educational institutions under their jurisdiction, for projects authorized by the Board of Regents of the institution and approved by the State Regents.

(b) Monies in such fund shall be disbursed by claims approved by the President of the institution to which the monies were allocated. The State Regents shall prescribe rules and regulations for the safekeeping and proper expenditure, repayment procedures, and reports covering the expenditure, of moneys used for projects authorized. Laws 1965, c. 396, § 211.

§70-3212. Private educational institutions - Co-ordination with state system.

Private educational institutions may become coordinated with the State System under regulations prescribed by the State Regents. No such institution, however, shall receive any financial aid out of any appropriations made by the Legislature and over which the State Regents may have control. Laws 1965, c. 396, § 212.

§70-3213. Ardmore Higher Education Program - Board of trustees - Duties.

A. The Oklahoma State Regents for Higher Education shall make educational program resources at institutions in The Oklahoma State System of Higher Education available to the people in the Ardmore area which resources shall be known as the University Center of Southern Oklahoma. The State Regents shall draw upon the educational programs of institutions best suited to provide the kind of educational programs needed and shall, in pursuance of Article XIII-A of the Constitution of Oklahoma and appropriate statutes, set the standards of education as they relate to the programs operated to assure that credits earned by students will be fully accepted at institutions of higher education to which the students may transfer the credit to apply toward an educational study objective. The State Regents may establish appropriate funds and accounts, including a revolving fund, in the Office of Management and Enterprise Services for servicing the fiscal operations of the University Center of Southern Oklahoma. Such funds and accounts shall be subject to the direct supervision, management, and control of the board of trustees created by subsection B of this section. The people locally shall provide suitable physical plant accommodations for the program.

B. There is hereby created a board of ten (10) trustees to be appointed by the Governor by and with the consent of the Senate to serve as the administrative agency for the University Center of Southern Oklahoma. The board shall be a body corporate and shall adopt and use an official seal. The board so created shall have the authority to submit a budget annually to the Oklahoma State Regents

for Higher Education, administer monies budgeted by the State Regents, negotiate agreements with institutions for courses and programs of study approved by the State Regents, provide educational facilities, recommend courses and programs to be offered by participating institutions, select a chief executive officer whose duties include the general coordination of approved programs and services and the selection of other appropriate nonteaching personnel. The board of trustees is authorized to expend all monies allocated to the University Center of Southern Oklahoma as may be necessary to perform the duties and responsibilities imposed upon the board by this section. For purposes of acquiring and taking title to real and personal property from sources other than state appropriations, the board is authorized to enter into contracts and to adopt rules and regulations pertaining to such actions. The initial nine members shall serve their terms for the period to which originally appointed, in numbered positions having dates of expiration identical to the dates of expiration of the original appointments:

Position No. 1. The term of office of one member shall expire on the 30th day of June, 1986, and each nine (9) years thereafter;

Position No. 2. The term of office of one member shall expire on the 30th day of June, 1987, and each nine (9) years thereafter;

Position No. 3. The term of office of one member shall expire on the 30th day of June, 1988, and each nine (9) years thereafter;

Position No. 4. The term of office of one member shall expire on the 30th day of June, 1989, and each nine (9) years thereafter;

Position No. 5. The term of office of one member shall expire on the 30th day of June, 1990, and each nine (9) years thereafter;

Position No. 6. The term of office of one member shall expire on the 30th day of June, 1991, and each nine (9) years thereafter;

Position No. 7. The term of office of one member shall expire on the 30th day of June, 1992, and each nine (9) years thereafter;

Position No. 8. The term of office of one member shall expire on the 30th day of June, 1993, and each nine (9) years thereafter;

Position No. 9. The term of office of one member shall expire on the 30th day of June, 1994, and each nine (9) years thereafter.

The tenth member shall be appointed to Position No. 10, the term of office of which shall expire on the 30th day of June, 1996, and each nine (9) years thereafter.

The board shall organize and elect a chair, vice-chair and secretary annually.

C. The board of trustees may establish and maintain plans for tenure and retirement of its employees and for payment of deferred compensation of employees and may provide hospital and medical benefits, accident, health and life insurance and annuity contracts for employees and pay for all or part of the cost thereof with funds available for payment of its operating expenses.

D. The board may establish with the State Treasurer any accounts as are necessary to operate retirement, deferred compensation or benefits plans for its employees. The accounts shall be revolving funds not subject to fiscal year limitations. Funds deposited in such accounts may be invested in any of the types of instruments in which the State Treasurer is authorized by law to invest. Added by Laws 1974, c. 233, § 5, emerg. eff. May 17, 1974. Amended by Laws 1975, c. 294, § 8, emerg. eff. June 5, 1975; Laws 1985, c. 317, § 7, emerg. eff. July 26, 1985; Laws 1987, c. 204, § 65, operative July 1, 1987; Laws 1988, c. 272, § 8, operative July 1, 1988; Laws 1992, c. 223, § 6, eff. July 1, 1992; Laws 2009, c. 73, § 1, eff. July 1, 2009; Laws 2012, c. 252, § 2, eff. July 1, 2012; Laws 2012, c. 304, § 627.

§70-3213.1. University Center at Ponca City.

A. The Oklahoma State Regents for Higher Education shall make educational program resources at institutions in The Oklahoma State System of Higher Education available to the people in the Ponca City area. This program shall be known as the University Center at Ponca City.

B. The State Regents shall draw upon the educational programs of institutions best suited to provide the kind of educational programs needed and shall, in pursuance of Article XIII-A of the Constitution of Oklahoma and appropriate statutes, set the standards of education as they relate to the programs operated to assure that credits earned by students will be fully accepted at institutions of higher education to which the students may transfer the credit to apply toward an educational study objective. Northern Oklahoma College shall have exclusive authority to offer all lower division courses and programs at the University Center at Ponca City as listed in the current college catalog of Northern Oklahoma College.

C. The State Regents may establish appropriate funds and accounts, including a revolving fund, in the Office of State Finance for servicing the fiscal operations of the University Center at Ponca City. The funds and accounts shall be subject to the direct supervision, management, and control of the board of trustees created by subsection D of this section. The people locally shall provide suitable physical plant accommodations for the University Center at Ponca City.

D. There is hereby created a board of nine (9) trustees to be appointed by the Governor by and with the consent of the Senate to serve as the administrative agency for the University Center at Ponca City. The board shall be a body corporate and shall adopt and use an official seal. The board so created shall have the authority to submit a budget annually to the Oklahoma State Regents for Higher Education, administer monies budgeted by the State Regents, provide educational facilities, recommend courses and programs to be offered

by participating institutions, select a chief executive officer whose duties include the general coordination of approved programs and services and the selection of other appropriate nonteaching personnel. The board of trustees is authorized to expend all monies allocated to the University Center at Ponca City as may be necessary to perform the duties and responsibilities imposed upon the board by this section. For purposes of acquiring and taking title to real and personal property from sources other than state appropriations, the board is authorized to enter into contracts and to adopt rules and regulations pertaining to such actions. The initial nine (9) members shall serve their terms for the period to which originally appointed, in numbered positions having dates of expiration identical to the dates of expiration of the original appointments:

Position No. 1. The term of office of one member shall expire on June 30, 2013, and each nine (9) years thereafter;

Position No. 2. The term of office of one member shall expire on June 30, 2014, and each nine (9) years thereafter;

Position No. 3. The term of office of one member shall expire on June 30, 2015, and each nine (9) years thereafter;

Position No. 4. The term of office of one member shall expire on June 30, 2016, and each nine (9) years thereafter;

Position No. 5. The term of office of one member shall expire on June 30, 2017, and each nine (9) years thereafter;

Position No. 6. The term of office of one member shall expire on June 30, 2018, and each nine (9) years thereafter;

Position No. 7. The term of office of one member shall expire on June 30, 2019, and each nine (9) years thereafter;

Position No. 8. The term of office of one member shall expire on June 30, 2020, and each nine (9) years thereafter; and

Position No. 9. The term of office of one member shall expire on June 30, 2021, and each nine (9) years thereafter.

The board shall organize and elect a chair, vice-chair and secretary annually.

E. The board of trustees may establish and maintain plans for tenure and retirement of its employees and for payment of deferred compensation of employees and may provide hospital and medical benefits, accident, health and life insurance and annuity contracts for employees and pay for all or part of the cost with funds available for payment of its operating expenses.

F. The board may establish with the State Treasurer any accounts as are necessary to operate retirement, deferred compensation or benefits plans for its employees. The accounts shall be revolving funds not subject to fiscal year limitations. Funds deposited in the accounts may be invested in any of the types of instruments in which the State Treasurer is authorized by law to invest.

Added by Laws 2012, c. 6, § 1.

§70-3213.2. University Center of Southern Oklahoma.

A. The educational program resources provided by the Oklahoma State Regents for Higher Education in Ardmore, Oklahoma, shall continue at the same location and are hereby officially named and shall be designated in all future references as the "University Center of Southern Oklahoma".

B. The name change prescribed in this section shall not affect in any manner whatsoever any legal relationships, bonds, contracts, title to property, obligations, authority of the board of trustees as set forth in Section 3213 of Title 70 of the Oklahoma Statutes, or any other aspect of the legal status of the named program for any purpose, except that the program shall be referred to as the "University Center of Southern Oklahoma" in all future references to the program.

Added by Laws 2012, c. 252, § 1, eff. July 1, 2012.

NOTE: Editorially renumbered from Title 70, § 3213.1 to avoid a duplication in numbering.

§70-3214. Repealed by Laws 2015, c. 69, § 1, eff. Nov. 1, 2015.

§70-3215. Repealed by Laws 2015, c. 69, § 2, eff. Nov. 1, 2015.

§70-3216. Secondary education administration - Northeastern Oklahoma State University.

The Oklahoma State Regents for Higher Education are hereby authorized to establish an educational program of study in the field of Secondary Education Administration at Northeastern Oklahoma State University and to grant the University the authority to confer administrators' and superintendents' certificates in the field of secondary education to successful candidates.

Added by Laws 1975, c. 294, § 19, emerg. eff. June 5, 1975.

§70-3217. Supportive medicine educational program.

The Oklahoma State Regents for Higher Education are hereby authorized to establish educational programs of study of less than four (4) years in supportive medicine at East Central State University and Cameron University.

Added by Laws 1975, c. 294, § 20, emerg. eff. June 5, 1975.

§70-3218. Repealed by Laws 1988, c. 251, § 10, operative July 1, 1988.

§70-3218.1. Certain courses exempt from tuition.

No tuition shall be charged for any course for which a student receives credit by examination and does not attend class meetings of the course.

Added by Laws 1985, c. 354, § 15, emerg. eff. July 30, 1985. Amended by Laws 1999, c. 330, § 1, eff. July 1, 1999.

§70-3218.2. Establishment of tuition and fees by State Regents for Higher Education - Annual reports.

A. Resident tuition, nonresident tuition, and other fees to be required of students receiving instruction or other academic services provided by institutions of The Oklahoma State System of Higher Education shall be established by the Oklahoma State Regents for Higher Education with due regard for the provisions of Section 3218.14 of this title within limits prescribed by the Legislature. Nothing in this act shall be construed as limiting or prohibiting the requirement of payment for goods or services provided by auxiliary enterprises operated by or in conjunction with institutions of The Oklahoma State System of Higher Education and authorized by the Oklahoma State Regents for Higher Education.

B. By January 1 of each year, the Oklahoma State Regents for Higher Education shall submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the minority floor leaders and education committee chairs of both houses of the Oklahoma Legislature. The annual report shall include the following information:

1. Actions taken in regard to and the schedule of tuition and fees approved for The Oklahoma State System of Higher Education for the current academic year;

2. Data on the impact of any tuition or fee increases on the ability of students to meet the costs of attendance, enrollment patterns, availability of financial aid;

3. The budget prepared by the State Regents setting out in detail the necessary expenses of the State Regents for the next fiscal year;

4. The budget requests or proposals submitted by each institution to the State Regents for the next fiscal year;

5. The funding formula or allotment system used by the State Regents to allocate money to each institution, including a description of the functional goals of the formula or system for distributing funds to each institution;

6. A calculation of any differences in the budget requests amounts for each institution and the actual amounts allocated to each institution, including an explanation for any differences; and

7. Any other data considered relevant by the State Regents.

C. By January 1 of each year, each institution of The Oklahoma State System of Higher Education shall submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the minority floor leaders and education committee chairs of both houses of the Oklahoma

Legislature. The annual report shall include the following information:

1. A copy of reports submitted to the State Regents which itemizes the tuition and fees for each institution by campus or location; and

2. The total budget of each institution for the previous fiscal year including the amount of revenue received from tuition and fees and other sources and expenses for each campus or location. Added by Laws 1988, c. 251, § 1, operative July 1, 1988. Amended by Laws 1999, c. 330, § 2, eff. July 1, 1999; Laws 2001, c. 224, § 1, emerg. eff. May 21, 2001; Laws 2003, c. 4, § 1, emerg. eff. March 28, 2003; Laws 2016, c. 208, § 1, eff. Nov. 1, 2016.

§70-3218.3. Repealed by Laws 1991, c. 327, § 8, eff. July 1, 1991.

§70-3218.4. Repealed by Laws 1991, c. 327, § 8, eff. July 1, 1991.

§70-3218.5. Repealed by Laws 1991, c. 327, § 8, eff. July 1, 1991.

§70-3218.6. Repealed by Laws 1991, c. 327, § 8, eff. July 1, 1991.

§70-3218.7. Waiver of tuition for children of peace officers or firefighters killed in line of duty.

A. Within The Oklahoma State System of Higher Education, no resident tuition or nonresident tuition shall be charged to the:

1. Children of Oklahoma peace officers as defined by Section 648 of Title 21 of the Oklahoma Statutes who have given their lives in the line of duty;

2. Children of Oklahoma firefighters who have given their lives in the line of duty;

3. Children of members of the Oklahoma Law Enforcement Retirement System who have given their lives in the line of duty or whose disability is by means of personal and traumatic injury of a catastrophic nature, as defined by Section 2-300 of Title 47 of the Oklahoma Statutes, and occurred in the line of duty; and

4. Children of Oklahoma emergency medical technicians who have given their lives in the line of duty.

B. Such waiver of resident tuition and nonresident tuition shall be limited to a period of five (5) years.

C. Such waiver of resident tuition or nonresident tuition to the children of deceased peace officers and to the children of deceased firefighters as provided for in this section shall be a service benefit of each Oklahoma peace officer and Oklahoma firefighter.

D. For purposes of this section:

1. "Firefighter" means a volunteer firefighter or a permanent salaried professional member of any fire department within the State of Oklahoma; and

2. "Emergency medical technician" means a person volunteering or employed as an emergency medical technician and who is licensed as an emergency medical technician pursuant to Section 1-2505 of Title 63 of the Oklahoma Statutes.

Added by Laws 1988, c. 251, § 7, operative July 1, 1988. Amended by Laws 1989, c. 358, § 1, operative July 1, 1989; Laws 1990, c. 59, § 1, emerg. eff. April 16, 1990; Laws 1999, c. 330, § 3, eff. July 1, 1999; Laws 2002, c. 399, § 8, eff. July 1, 2002; Laws 2005, c. 454, § 2, eff. July 1, 2005.

§70-3218.7-1. Waiver of room and board for children of commissioned members of Oklahoma Law Enforcement Retirement System killed in line of duty.

A. Within The Oklahoma State System of Higher Education, no room and board shall be charged to the children of commissioned members of the Oklahoma Law Enforcement Retirement System who have given their lives in the line of duty.

B. Such waiver of room and board shall be limited to a period of five (5) years.

C. Such waiver of room and board shall be a service benefit of a commissioned member of the Oklahoma Law Enforcement Retirement System.

Added by Laws 2007, c. 62, § 20, emerg. eff. April 30, 2007.

§70-3218.7a. Sean Skelley and Shane Gilmore Act.

This act shall be known and may be cited as the "Sean Skelley and Shane Gilmore Act".

Added by Laws 2005, c. 454, § 1, eff. July 1, 2005.

§70-3218.8. Undergraduate resident and nonresident tuition and mandatory fees.

A. Subject to the provisions of subsection D of this section, the Oklahoma State Regents for Higher Education are authorized to establish undergraduate resident tuition, nonresident tuition and mandatory fees, which students shall pay as a condition of enrollment, except as otherwise provided by law. The process for establishing tuition and mandatory fees shall incorporate the provisions of Section 3218.14 of this title.

1. At the comprehensive universities the combined average of the resident tuition and mandatory fees established for any school year for the nonguaranteed rate, as determined by the State Regents, shall remain less than the combined average of the resident tuition and fees at the state-supported institutions of higher education that are members of the Big Twelve Conference on the effective date of this

act. The combined average of the nonresident tuition and mandatory fees, as determined by the State Regents, shall remain less than one hundred five percent (105%) of the combined average of the nonresident tuition and fees at the state-supported institutions of higher education that are members of the Big Twelve Conference on the effective date of this act.

2. At the regional universities and two-year colleges the combined average of the resident tuition and mandatory fees established for any school year for the nonguaranteed rate, as determined by the State Regents, shall remain less than the combined average of the resident tuition and mandatory fees at like-type state-supported institutions of higher education in states determined by the State Regents that include, but are not limited to, those adjacent to Oklahoma. The combined average of the nonresident tuition and mandatory fees, as determined by the State Regents, shall remain less than one hundred five percent (105%) of the combined average of the nonresident tuition and fees at like-type state-supported institutions of higher education in states determined by the State Regents that include, but are not limited to, those adjacent to Oklahoma.

B. In its deliberation on the establishment of resident tuition rates for undergraduate and graduate education, the Oklahoma State Regents for Higher Education shall balance the affordability of public higher education with the provision of available, diverse and high-quality learning opportunities. In this endeavor the State Regents shall give consideration to the level of state appropriations, the state economy, the per capita income and cost of living, the college-going and college-retention rates, and the availability of financial aid in Oklahoma. For any increase in the tuition rates, the State Regents shall demonstrate a reasonable effort to effect a proportionate increase in the availability of need-based student financial aid. Need-based financial aid shall include, but shall not be limited to, awards for the Oklahoma Higher Learning Access Program, Oklahoma Tuition Aid Grants, federal need-based financial aid and tuition waivers, and private donations. In addition, when determining the guaranteed tuition rates as provided for in subsection D of this section, the Regents shall consider the anticipated revenue needs during the four-year period of the guarantee.

C. Students permitted to audit courses shall pay the same resident tuition and nonresident tuition as required of students who enroll for course credit.

D. 1. Beginning with the 2008-2009 academic year, each comprehensive and regional institution within The Oklahoma State System of Higher Education shall offer to resident students enrolling for the first time as a full-time undergraduate a tuition rate that will be guaranteed for a period of not less than four (4) consecutive

academic years as provided for in this subsection. Students shall have the option to participate or not participate in the guaranteed tuition rate program and shall indicate their election at the time of enrollment. Each institution shall provide students with the following information prior to enrollment:

- a. the annual tuition rate charged and the percentage increase for the previous four (4) academic years, and
- b. the annual tuition and percentage increase that the nonguaranteed tuition rate would have to increase to equal or exceed the guaranteed tuition rate for the succeeding four (4) academic years.

2. Except as otherwise provided for in this subsection, for a student who elects to participate in the guaranteed tuition rate program, who is a resident of the state, and who enrolls for the first time as a full-time undergraduate student at an institution in the state after the 2007-2008 academic year, the amount of undergraduate resident tuition charged to the student for four (4) consecutive academic years at a comprehensive and regional institution shall not exceed the amount that the student was charged at the time of first enrollment, nor shall it exceed one hundred fifteen percent (115%) of the nonguaranteed undergraduate tuition rate charged to resident students enrolling for the first time as undergraduate students at the same institution for the same academic year.

3. If the normal time of completion for an undergraduate program is more than four (4) years, as determined by the institution, the amount of resident tuition charged to students in that program who have elected to participate in the guaranteed tuition rate program shall not increase during the normal completion period of the program.

4. If a student who has elected to participate in the guaranteed tuition rate program is a member of the United States Armed Forces including the Army and Air National Guard, the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any other component of the Armed Forces, and when ordered by the proper authority to active or inactive duty or service is required to withdraw from an institution for military or other national defense emergencies, the amount of resident tuition the student is required to pay upon reentering the institution shall not exceed the amount the student was charged at the time of withdrawal.

5. If a student who has elected to participate in the guaranteed tuition rate program transfers to another institution or transfers from a constituent agency of an institution to another constituent agency or the institution after initial enrollment, the student shall be charged the amount of resident tuition charged to other students enrolling for the first time at that institution or constituent agency.

6. If a student who has elected to participate in the guaranteed tuition rate program changes majors or transfers to another campus of the same institution after initial enrollment, the tuition charged to the student shall equal the amount the student would have been charged had the student been admitted to the changed major or enrolled at the new campus when the student first enrolled. This paragraph shall not apply if a student transfers from a constituent agency of an institution to another constituent agency of the institution.

7. A student who elects to participate in the guaranteed tuition rate program shall maintain full-time enrollment during the guaranteed four-year period. For purposes of this subsection, full-time enrollment shall be the number of credit hours as determined by the State Regents for Higher Education to be full-time enrollment for each institution.

Added by Laws 1991, c. 327, § 1, eff. July 1, 1991. Amended by Laws 1993, c. 348, § 1, eff. July 1, 1993; Laws 1995, c. 247, § 2, eff. July 1, 1995; Laws 1997, c. 303, § 1; Laws 1999, c. 330, § 4, eff. July 1, 1999; Laws 2001, c. 224, § 2, emerg. eff. May 21, 2001; Laws 2003, c. 4, § 2, emerg. eff. March 28, 2003; Laws 2007, c. 368, § 1, eff. Nov. 1, 2007; Laws 2008, c. 53, § 1, emerg. eff. April 18, 2008.

§70-3218.8a. Repealed by Laws 2003, c. 4, § 8, emerg. eff. March 28, 2003.

§70-3218.9. Graduate and professional resident and nonresident tuition and mandatory fees.

The Oklahoma State Regents for Higher Education are authorized to establish resident tuition, nonresident tuition and mandatory fees for graduate and professional courses and programs which shall remain less than the combined average of such tuition and fees for like-type graduate and professional courses and programs of comparable quality and standing at state-supported institutions of higher education as determined by the State Regents. Professional courses and programs include, but are not limited to, law, medicine, veterinary medicine, optometry, pharmacy, and dentistry.

Added by Laws 1991, c. 327, § 2, eff. July 1, 1991. Amended by Laws 1993, c. 348, § 2, eff. July 1, 1993; Laws 1995, c. 247, § 4, eff. July 1, 1995; Laws 1997, c. 303, § 3; Laws 1999, c. 330, § 6, eff. July 1, 1999; Laws 2001, c. 224, § 4, emerg. eff. May 21, 2001; Laws 2003, c. 4, § 3, emerg. eff. March 28, 2003.

§70-3218.10. Academic service fees.

A. The governing boards of institutions within The Oklahoma State System of Higher Education are authorized to establish academic service fees at their respective institutions with the approval of the Oklahoma State Regents for Higher Education. These fees may be

required, in addition to the resident and nonresident tuition and mandatory fees authorized by Sections 3218.8 and 3218.9 of this title. The academic service fees shall not exceed the actual costs of the academic services provided by the institution which may include, but shall not be limited to, special instruction, testing, and provision of laboratory supplies and materials.

B. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education maintain information on the established mandatory fees authorized in Sections 3218.8 and 3218.9 of this title and on those fees authorized in this section. The information shall include, but shall not be limited to, the basis for the amount of the fee, the amount of total revenue to be collected from the fee, and the use of the revenue collected.

Added by Laws 1991, c. 327, § 3, eff. July 1, 1991. Amended by Laws 1993, c. 348, § 3, eff. July 1, 1993; Laws 2003, c. 4, § 4, emerg. eff. March 28, 2003.

§70-3218.11. Repealed by Laws 2003, c. 4, § 8, emerg. eff. March 28, 2003.

§70-3218.12. Financing of education and training of veterans - Tuition and fee waiver scholarships - Educational assistance programs.

A. State educational institutions may be authorized by the State Regents to contract for, charge, collect, receive, and use any and all fees, tuition, charges, grants, and allowances available through the United States Veterans Administration, or any other federal agency, for the education and training of veterans.

B. The State Regents are hereby authorized to establish a system of student tuition and fee waiver scholarships for each institution in The Oklahoma State System of Higher Education to be administered by the Board of Regents of the institution. Said system shall include students provided for in the Oklahoma State Regents Academic Scholars Program. Any institution may waive tuition and fees for such students as determined by the institution.

C. The institutions comprising The Oklahoma State System of Higher Education are hereby authorized to establish an educational assistance program whereby such institutions may administer and utilize state funds when federal student loan programs require institutional matching funds.

D. Any institution, constituent agency or higher education center within The Oklahoma State System of Higher Education is authorized to establish a program for payment by consumer credit card of tuition, enrollment fees, and any other higher education fee authorized by law.

Added by Laws 1991, c. 327, § 5, eff. July 1, 1991. Amended by Laws 1993, c. 348, § 5, eff. July 1, 1993; Laws 1999, c. 330, § 7, eff.

July 1, 1999; Laws 2000, c. 134, § 2, eff. July 1, 2000; Laws 2003, c. 4, § 5, emerg. eff. March 28, 2003.

§70-3218.13. Waiver of nonresident tuition for teaching assistants or research assistants.

A scholarship which includes a waiver of nonresident tuition may be awarded to a teaching assistant or research assistant on the basis of hours of work actually performed in a teaching or research assistant position which relates to the assistant's degree program, provided such assistant is proficient in the oral and written use of the English language.

Added by Laws 1995, c. 247, § 5, eff. July 1, 1995.

§70-3218.14. Fees and tuition recommendations.

Each institution and constituent agency shall have the option to recommend to the governing board and to the State Regents fees and tuition to be charged to students enrolled at the institution or constituent agency. The fees and tuition shall not exceed the limits established by law. The State Regents shall consider and if appropriate, shall approve the recommendations of the institution or constituent agency pursuant to Article XIII-A of the Oklahoma Constitution.

Added by Laws 1997, c. 303, § 4.

§70-3218.15. Reports submitted to U.S. Department of Education - Public inspection - Audits.

A. The Oklahoma State Regents for Higher Education shall maintain for public inspection, electronically or otherwise, all reports submitted by the institutions in The Oklahoma State System of Higher Education to the United States Department of Education regarding each institution's tuition and fees.

B. Each institution in The Oklahoma State System of Higher Education that receives federal funds shall submit the Integrated Postsecondary Education Data System Report, or any successor report with like data, annually to the United States Department of Education reflecting the average annual tuition rates and mandatory fees charged to its students.

C. Pursuant to the provisions of Section 3909 of Title 70 of the Oklahoma State Statutes, each institution in The Oklahoma State System of Higher Education shall conduct an independent third-party audit concerning its financial statements and submit the audit to the Oklahoma State Regents for Higher Education and the Oklahoma State Auditor and Inspector, and shall assure that the audit is available to the public.

Added by Laws 2003, c. 4, § 6, emerg. eff. March 28, 2003.

§70-3219. Repealed by Laws 1991, c. 327, § 8, eff. July 1, 1991.

§70-3219.1. Special fees - Publication of tuition and fees.

A. The Oklahoma State Regents for Higher Education may establish any special fee not specified by law if the Regents determine that such fee is necessary for academic services or other activities, facilities or services provided by any institution of The Oklahoma State System of Higher Education.

Within thirty (30) days of the establishment by the Regents of such fee, the Regents shall file a report with the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chairperson of the Higher Education Committee of the House of Representatives and the Chairperson of the Education Committee of the Senate. The report shall specify the reasons the Regents determined such fee was necessary and any other information concerning the fee.

B. Each educational institution within The Oklahoma State System of Higher Education shall annually publish all tuition and fees charged at that institution. The institution shall provide that publication free of charge to any person requesting any information relating to tuition or fees at that institution.

Added by Laws 1988, c. 251, § 8, operative July 1, 1988. Amended by Laws 1996, c. 276, § 2, emerg. eff. May 30, 1996.

§70-3219.2. Repealed by Laws 1991, c. 327, § 8, eff. July 1, 1991.

§70-3219.3. Special fees for delivery of courses and programs to governmental activities.

The Oklahoma State Regents for Higher Education are authorized to establish special fees for delivery of courses and programs to governmental entities, including but not limited to the military, profit and nonprofit associations, corporations and other private entities in an amount sufficient to cover the cost of delivery of such courses and programs.

Added by Laws 1990, c. 263, § 95, operative July 1, 1990.

§70-3220. Increase in fees - Notice - Hearing.

The State Regents shall give public notice at least thirty (30) days prior to the effective date of any increases in fees and tuition and shall hold a public hearing at least twenty (20) days prior to the effective date of any increases in fees and tuition.

Amended by Laws 1983, c. 257, § 3, emerg. eff. June 21, 1983; Laws 1987, c. 227, § 3, operative July 1, 1987.

§70-3221. Repealed by Laws 1983, c. 248, § 8, emerg. eff. June 21, 1983.

§70-3222. Repealed by Laws 1988, c. 251, § 10, operative July 1, 1988.

§70-3222.1. Repealed by Laws 1987, c. 227, § 20, operative July 1, 1987.

§70-3223. Juris Doctor or equivalent degree - Recognition with other doctorate degrees.

All institutions within The Oklahoma State System of Higher Education employing personnel who have earned Juris Doctorate or equivalent degrees, granted by institutions of higher learning with membership in a recognized accrediting association, shall be required to accord and grant to such degrees equal recognition with other doctorate degrees for salary purposes and other remunerative benefits. Hours taken to earn a Juris Doctorate or equivalent degree or an advanced academic degree in law shall be classified as graduate hours in the teaching field.

Laws 1980, c. 320, § 18, emerg. eff. June 16, 1980.

§70-3224. Instructors to be proficient in speaking English language - Intent of Legislature - Certification of proficiency - Reports.

A. It is the intent of the Oklahoma Legislature that all instructors, including all graduate teaching assistants, now employed or being considered for employment at institutions within The Oklahoma State System of Higher Education shall be proficient in speaking the English language so that they may adequately instruct students.

B. Exceptions to this statement of intent shall include the instruction of courses that are:

1. Designed to be taught predominantly in a foreign language; and

2. Elective, special arrangement courses such as individualized instruction and independent study courses.

C. It is further the intent of the Legislature that each institution within The Oklahoma State System of Higher Education evaluate its instructional faculty for oral, aural, and written fluency in the English language in the classroom. By September 1 of each year, each state institution shall file with the Oklahoma State Regents for Higher Education a certification stating that the instructional faculty members, whose native language is other than English, hired either after July 1, 1995, or hired subsequent to the last annual certification, are proficient in the English language.

D. Each college and university of the State System shall provide an annual report to the President Pro Tempore of the Senate and the Speaker of the House of the Oklahoma Legislature by January 1 of each year setting forth the following information:

1. Procedures established to guarantee faculty members have proficiency in both written and spoken English; and

2. Procedures established to inform students of grievance procedures regarding instructors who are not able to speak the English language.

Added by Laws 1982, c. 47, § 1, eff. June 1, 1982. Amended by Laws 1995, c. 184, § 2, eff. July 1, 1995.

§70-3225. Complaints.

Any student may file a complaint of violation of this act with the office of president of any publicly supported college or university in the State of Oklahoma. It shall be the duty of said president to inquire after such complaint and report said complaints and disposition to the State Regents annually.

Added by Laws 1982, c. 47, § 2, eff. June 1, 1982.

§70-3226. Waiver of nonresident tuition.

Any institution in The Oklahoma State System of Higher Education may award a scholarship that includes a waiver of nonresident tuition.

Added by Laws 1987, c. 204, § 60, operative July 1, 1987. Amended by Laws 1989, c. 281, § 10, operative July 1, 1989.

§70-3227. Consultant services - Contracts with retired employees.

No institution within The Oklahoma State System of Higher Education shall enter into a contract for consultant services with any person who has retired from employment with any institution for two (2) years after the retirement date of such person. Nothing in this section shall prohibit an institution within The Oklahoma State System of Higher Education from entering into a contract for a part-time teaching or research position of not more than twelve (12) semester hours per academic year with a person who has retired from employment with an institution within two (2) years after the retirement date of the person; provided that the earnings do not exceed the limitations on earnings pursuant to Section 17-116.10 of this title.

Added by Laws 1988, c. 128, § 3, emerg. eff. April 12, 1988. Amended by Laws 2015, c. 47, § 1, eff. Nov. 1, 2015.

§70-3228. Regents - Continuing education requirement.

A. Unless otherwise prohibited by law, each person appointed on or after January 1, 1991, as a member of the board of regents for an institution or group of institutions within The Oklahoma State System of Higher Education shall be required to attend a minimum of fifteen (15) clock hours of continuing education during the first two (2) years of the term of office of the member. At least two (2) of the fifteen (15) hours must be in ethics. The continuing education courses which shall satisfy the continuing education requirement shall be held within this state and shall be selected by the Oklahoma

State Regents for Higher Education. The Attorney General shall advise the Oklahoma State Regents for Higher Education on the selection of continuing education courses.

B. It is the intent of the Oklahoma Legislature that the failure by a member of the board of regents to satisfy the continuing education requirement of this section shall disqualify such member from being reappointed to the membership of the board of regents to which such person is a member or from being appointed to the membership of any other board of regents of any institution or group of institutions within The Oklahoma State System of Higher Education.

C. The Oklahoma State Regents for Higher Education shall provide opportunities for regents to complete said continuing education at various locations within the state. At least half of said opportunities shall be scheduled outside of the major population centers.

Added by Laws 1990, c. 257, § 11, emerg. eff. May 23, 1990.

§70-3228.1. Attendance of regents at continuing education events - Records.

The Oklahoma State Regents for Higher Education shall maintain records of attendance of regents of the various governing boards of regents at continuing education events required to be attended by law and shall notify the regent by mail of any final opportunity to complete these requirements prior to the final opportunity for the regent to do so.

Added by Laws 1990, c. 284, § 3, eff. Sept. 1, 1990.

§70-3229. Administrators guilty of felony offenses - Dismissal or nonreemployment.

It is the intent of the Legislature that any president, provost, chief executive officer or director of any college, university or higher education program within The Oklahoma State System of Higher Education who is or has been convicted of, plead guilty to or nolo contendere to a felony offense and a judgment of guilt has been entered shall be dismissed or not reemployed unless a presidential or gubernatorial pardon has been granted.

Added by Laws 1996, c. 261, § 3, eff. July 1, 1996.

§70-3230. Eligibility for tuition waivers.

A. Students who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between an area vocational-technical school and an institution of The Oklahoma State System of Higher Education, and who are in good academic standing in the institution of higher education or vocational-technical school in which enrolled, shall be eligible for a waiver of:

1. Undergraduate resident tuition at institutions within The Oklahoma State System of Higher Education. Students shall be eligible for such waivers up to the age of twenty-six (26) years or completion of the requirements for a baccalaureate degree, whichever comes first; and

2. Resident tuition for enrollment in postsecondary programs of the area vocational-technical districts. Students shall be eligible for such waivers up to the age of twenty-six (26) years or earn a program certificate, whichever comes first.

B. To be eligible for a waiver of tuition for the first semester or other academic unit of postsecondary enrollment, a student shall:

1. Be an individual who, within the past three (3) years, has been in the custody of the Department of Human Services for any nine (9) of the twenty-four (24) months after the individual's sixteenth birthday and before the individual's eighteenth birthday;

2. Be a resident of this state;

3. Have graduated within the previous three (3) years from a high school accredited by the State Board of Education, the Oklahoma School of Science and Mathematics, or upon approval of the Oklahoma State Regents for Higher Education, a public high school in a state bordering Oklahoma in which the student enrolled with approval of the State Board of Education as provided in Section 8-103 of Title 70 of the Oklahoma Statutes or have completed General Educational Development (GED) requirements;

4. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution; and

5. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education or a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between an area vocational-technical school and an institution of The Oklahoma State System of Higher Education.

C. To retain eligibility for a waiver of tuition while pursuing the program of higher learning in which enrolled, the student shall:

1. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education; and

2. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education.

D. It is the intent of the Legislature that students in the 12th grade for the 1999-2000 school year who are determined to be eligible pursuant to this section shall be the first students eligible for the tuition waiver.

Added by Laws 2000, c. 374, § 39, eff. July 1, 2000.

§70-3230.1. Oklahoma Experimental Program to Stimulate Competitive Research Advisory Committee.

A. There is hereby created the Oklahoma Experimental Program to Stimulate Competitive Research (EPSCoR) Advisory Committee to the Oklahoma State Regents for Higher Education. The Committee shall be advisory in nature and shall provide recommendations on EPSCoR programs to the Regents, which is the funding agency for the state share of matching requirements for EPSCoR initiatives.

B. The purpose of the Committee shall be, through a partnership of higher education institutions, independent research entities, industry, and state government, to enhance scientific and engineering research and development conducted at universities in the state and thereby to enhance the success of Oklahoma researchers in federal award competitions.

Added by Laws 2000, c. 375, § 1, eff. July 1, 2000.

§70-3230.2. Committee appointments - Compensation - Travel reimbursement.

A. The Oklahoma State Regents for Higher Education shall appoint members to the Oklahoma EPSCoR Advisory Committee that include:

1. Representatives of the state's universities and colleges;
2. Representatives of private research entities located in

Oklahoma;

3. Representatives of private business;

4. Residents of Oklahoma whose contribution will enhance the goals of the Committee; and

5. A representative of the Oklahoma Center for the Advancement of Science and Technology.

B. The membership of the Committee shall also include:

1. One member of the Governor's staff to be appointed by the Governor;

2. One member of the State Senate to be appointed by the President Pro Tempore of the Senate; and

3. One member of the House of Representatives to be appointed by the Speaker of the House of Representatives.

C. The Regents shall ensure that the membership of the Committee complies with requirements and guidelines of the appropriate federal agencies.

D. Members of the Committee shall not receive compensation for serving on the Committee, but may receive travel reimbursement as follows:

1. Legislative members of the Committee may be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes from the legislative body in which they serve;

2. State agency employees who are members of the Committee shall be reimbursed for travel expenses incurred in the performance of

their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

3. All other Committee members may be reimbursed for travel expenses incurred in the performance of their duties by the Oklahoma State Regents for Higher Education in accordance with the State Travel Reimbursement Act.

Added by Laws 2000, c. 375, § 2, eff. July 1, 2000.

§70-3230.3. Duties and responsibilities.

A. The Oklahoma EPSCoR Advisory Committee shall recommend to the Oklahoma State Regents for Higher Education EPSCoR research projects requiring state matching funds and other research and systemic initiatives as requested by the Regents.

B. The Committee shall have the duty and responsibility of:

1. Promoting cooperative research efforts among public and private universities in Oklahoma;

2. Promoting private sector involvement in university research and encouraging technology transfer;

3. Promoting human resource development in science and engineering within The Oklahoma State System of Higher Education;

4. Selecting specific research projects for submission in response to solicitations by EPSCoR Programs administered by federal agencies, which include but are not limited to the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, the United States Department of Agriculture, and the National Institutes of Health, (NIH), including the NIH IDeA Program for which a limited number of projects may be submitted by the State of Oklahoma;

5. Appointing the Oklahoma State EPSCoR Director; and

6. Undertaking other efforts as appropriate.

Added by Laws 2000, c. 375, § 3, eff. July 1, 2000.

§70-3230.4. Annual report.

The Oklahoma EPSCoR Advisory Committee shall submit by July 1, 2001, and each July 1 thereafter, an annual report of its activities for the preceding year to the Oklahoma State Regents for Higher Education.

Added by Laws 2000, c. 375, § 4, eff. July 1, 2000.

§70-3240. Low-cost textbook rental system - Purpose - Conditions of rental.

A. The Oklahoma State Regents for Higher Education are hereby authorized to establish and implement a system for the rental and distribution of higher education textbooks to students attending any institution of higher education within The Oklahoma State System for

Higher Education. The purpose of this system for rental and distribution of textbooks is to:

1. Make textbooks available on a rental basis to students who may not be able to afford the price of a new or used textbook;
2. Encourage faculty within The Oklahoma State System of Higher Education to use class textbooks for a longer period of time;
3. Encourage department heads to review textbooks used in that department to help determine if a textbook can be utilized for a longer period of time or whether such textbook is outdated; and
4. Encourage students to make use of all textbooks required for the courses of study of such student and not limit the education of the student because of lack of funds to purchase new or used textbooks.

B. The Oklahoma State Regents for Higher Education are hereby encouraged to authorize the board of regents of the various higher education institutions within The Oklahoma State System for Higher Education to utilize the system to purchase textbooks as determined by the faculty or department heads to be marked as rental textbooks to be provided at a low rental payment for students attending that institution of higher education. Among other conditions of rental established by the State Regents and the Board of Regents of the institution of higher education, such textbooks shall be rented on condition of return of such textbook at the conclusion of the course of study of such student and that any damage to the textbook will be paid for by the student. The Oklahoma State Regents for Higher Education are authorized to promulgate and adopt rules for the establishment and implementation of this system for low-cost textbook rental for institutions of higher education.

Added by Laws 1994, c. 39, § 1, eff. July 1, 1994.

§70-3241. Instructional materials - Provision in digital electronic format.

It is the intent of the Legislature to ensure that all students with disabilities enrolled in institutions in The Oklahoma State System of Higher Education be afforded the opportunities to succeed. In recognition of the fact that instructional materials are a critical component of education, the Oklahoma State Regents for Higher Education shall encourage the state institutions of higher education to communicate to all manufacturers and publishers of required or essential instructional materials that such materials should be provided in a digital electronic format, in a timely manner to fit course schedules, and at no additional cost to the institutions. Instructors of higher education should be made aware of this alternative format, and should provide whatever assistance that may be feasible in making the materials available to students when so requested.

Added by Laws 2000, c. 62, § 1, eff. July 1, 2000.

§70-3241.1. Instructional materials - Costs, purchasing, and definitions.

A. It is the intent of the Legislature to:

1. Give students enrolled in institutions in The Oklahoma State System of Higher Education more choices for purchasing textbooks and instructional materials;

2. Encourage higher education faculty and staff to work closely with bookstores and publishers to implement the least costly option without sacrificing educational content; and

3. Provide maximum cost savings to students.

B. As used in this section:

1. "Instructional material" means any textbooks, workbooks, CD-ROMs, and other course-related material that are published with the intent that they be used for or in conjunction with classroom instruction and that are adopted for academic use by the faculty or the person or entity in charge of selecting learning materials at the institution within The Oklahoma State System of Higher Education;

2. "Bundled" means a textbook and other supplemental instructional materials that may be packaged together to be sold as course materials for one price but shall not include integrated textbooks that cannot be sold separately due to third-party contractual agreements, custom editions, or special editions;

3. "Integrated textbook" means a textbook that:

a. is combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the textbook with which the materials are combined, or

b. is combined with other materials that are so interrelated with the intent of the textbook that the separation of the textbook from the other materials would render the textbook unusable for its intended purpose; and

4. "Custom edition" means instructional material that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution, and may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

C. Each board of regents of an institution or group of institutions within The Oklahoma State System of Higher Education shall adopt an instructional material policy that requires:

1. Bookstores located on campus or bookstores which contract with the institution to provide bookstore services to students to:

- a. provide students with the option of purchasing instructional materials that are unbundled when possible, disclose to faculty and staff the costs to students of purchasing instructional materials, and disclose publicly how new editions vary from previous editions,
- b. actively promote and publicize book buy-back programs, and
- c. disclose retail costs for instructional materials on a per-course basis to faculty and staff and make this information publicly available; and

2. Higher education faculty and staff members to consider the least costly practices in assigning instructional materials for a course, such as adopting the least expensive edition available when educational content is comparable as determined by the faculty and working closely with publishers and bookstores to create bundles and packages if they deliver cost savings to students.

D. In developing an instructional material policy as required in subsection C of this section, each board of regents shall work with and seek input from bookstores, publishers, students and faculty representatives.

E. Each publisher of instructional material used by students enrolled at institutions in The Oklahoma State System of Higher Education shall make available to the faculty and staff of that institution the:

1. Price at which the publisher will make the instructional materials available to bookstores, either those located on campus of the institution or those which have a contract with the institution to provide bookstore services to students; and

2. A description of the substantial content revisions made between the current edition of the textbook or supplemental material and the previous edition, if any.

Added by Laws 2007, c. 368, § 2, eff. Nov. 1, 2007. Amended by Laws 2009, c. 58, § 1, eff. Aug. 1, 2009.

§70-3241.2. Receipt of inducements for requiring purchase of particular materials - Solicitation of free review instructional materials - Prohibition.

A. No employee or department at an institution within The Oklahoma State System of Higher Education shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students enrolled at the institution to purchase specific textbooks or instructional material required for coursework or instruction. An employee or department of an institution may receive:

1. Sample copies of textbooks or instructional material, instructor copies of textbooks or instructional material, or other

instructional material, that are not to be sold by faculty, staff, or bookstores;

2. Royalties or other compensation from sales of textbooks or instructional materials that include the writing or work of the employee;

3. Honoraria for academic peer review of instructional materials; and

4. Training in the use of instructional materials and technologies.

B. No instructional material vendor or bookstores located on campus or bookstores which contract with the institution to provide bookstore services to students shall solicit higher education faculty and staff members for the purpose of selling free review instructional materials that have been provided by a publisher at no charge to the faculty or staff. Bookstores shall not permit book wholesalers conducting buybacks on campus to accept review instructional materials from faculty or staff. No bookstore shall engage in any trade of any instructional material marked as or identified as free review instructional materials.

Added by Laws 2007, c. 368, § 3, eff. Nov. 1, 2007.

§70-3242. Eligibility for enrollment and resident tuition - Immigrant status - Scholarships and financial aid.

A. The Oklahoma State Regents for Higher Education may adopt a policy which allows a student to enroll in an institution within The Oklahoma State System of Higher Education and allows a student to be eligible for resident tuition if the student:

1. Graduated from a public or private high school in this state; and

2. Resided in this state with a parent or legal guardian while attending classes at a public or private high school in this state for at least two (2) years prior to graduation.

B. To be eligible for the provisions of subsection A of this section, an eligible student shall:

1. Satisfy admission standards as determined by the Oklahoma State Regents for Higher Education for the appropriate type of institution and have secured admission to, and enrolled in, an institution within The Oklahoma State System of Higher Education; and

2. If the student cannot present to the institution valid documentation of United States nationality or an immigration status permitting study at a postsecondary institution:

a. provide to the institution a copy of a true and correct application or petition filed with the United States Citizenship and Immigration Services to legalize the student's immigration status, or

b. file an affidavit with the institution stating that the student will file an application to legalize his or her

immigration status at the earliest opportunity the student is eligible to do so, but in no case later than:

- (1) one (1) year after the date on which the student enrolls for study at the institution, or
 - (2) if there is no formal process to permit children of parents without lawful immigration status to apply for lawful status without risk of deportation, one (1) year after the date the United States Citizenship and Immigration Services provide such a formal process, and
- c. if the student files an affidavit pursuant to subparagraph b of this paragraph, present to the institution a copy of a true and correct application or petition filed with the United States Citizenship and Immigration Services no later than:
- (1) one (1) year after the date on which the student enrolls for study at the institution, or
 - (2) if there is no formal process to permit children of parents without lawful immigration status to apply for lawful status without risk of deportation, one (1) year after the date the United States Citizenship and Immigration Services provide such a formal process, which copy shall be maintained in the institution's records for that student.

C. Any student who completes the required criteria prescribed in subsection A of this section, paragraph 1 of subsection B of this section, and subparagraph a of paragraph 2 of subsection B of this section shall not be disqualified on the basis of the student's immigration status from any scholarships or financial aid provided by this state.

D. The provisions of this section shall not impose any additional conditions to maintain resident tuition status at a postsecondary educational institution within The Oklahoma State System of Higher Education on a student who was enrolled in a degree program and first received such resident tuition status at that institution during the 2006-2007 school year or any prior year. Added by Laws 2003, c. 210, § 1. Amended by Laws 2007, c. 112, § 13, eff. Nov. 1, 2007.

§70-3242.1. Repealed by Laws 2014, c. 7, § 1, eff. Nov. 1, 2014.

§70-3242.2. Individuals unlawfully in the country ineligible for resident benefits or tuition - Exceptions.

A. Except as otherwise provided in Section 3242 of Title 70 of the Oklahoma Statutes, an individual who is not lawfully present in

the United States shall not be eligible on the basis of residence within the state for:

1. Any postsecondary education benefit, including, but not limited to, scholarships or financial aid; or
2. Resident tuition.

B. The provisions of subsection A of this section shall not apply to a student enrolled in a degree program at a postsecondary educational institution within The Oklahoma State System of Higher Education during the 2006-2007 school year or any prior year who received a resident tuition benefit pursuant to Section 3242 of Title 70 of the Oklahoma Statutes at that institution.

Added by Laws 2007, c. 112, § 11, eff. Nov. 1, 2007.

§3242.3. Repealed by Laws 2015, c. 141, § 2, eff. July 1, 2015.

§70-3243. Provision of information on meningococcal disease - Vaccination - Waiver.

A. Beginning with the 2004-2005 academic year, public or private postsecondary educational institutions shall provide detailed information on the risks associated with meningococcal disease and the risks and benefits of the vaccination as well as the availability of vaccine to students who reside or plan to reside in on-campus student housing.

B. Beginning with the 2004-2005 academic year, students who are first-time enrollees in any public or private postsecondary educational institution in this state and who reside in on-campus student housing shall be vaccinated against meningococcal disease, unless:

1. In the case of an individual who is eighteen (18) years of age or older, the individual signs a written waiver provided by the institution of higher education stating that the individual has received and reviewed the information provided and has chosen not to be vaccinated against meningococcal disease; or

2. In the case of an individual who is a minor, the individual's parent or guardian signs a written waiver provided by the institution of higher education stating that the parent or guardian has received and reviewed the information provided and has chosen not to have the individual vaccinated against meningococcal disease.

C. The Oklahoma State Regents for Higher Education shall consult the State Department of Health regarding the preparation of the informational material and waiver form required in subsection B of this section. The Regents shall provide the material and form to all public or private postsecondary educational institutions with on-campus student housing in this state. It shall be the responsibility of the governing body or board of regents for each public or private postsecondary institution or group of institutions to adopt policies for the implementation of this section.

D. Public or private postsecondary institutions in this state shall not be required to provide or pay for vaccinations against meningococcal disease.

Added by Laws 2003, c. 322, § 1, eff. Nov. 1, 2003.

NOTE: Editorially renumbered from § 3242 of Title 70 to avoid a duplication in numbering.

§70-3244. Documentation of vaccinations by students - Exemption - Exceptions for certain categories of students.

A. 1. Beginning with the 2004-2005 academic year, in order to enroll as a full-time or part-time student in an institution within The Oklahoma State System of Higher Education or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes, an individual shall provide written documentation of vaccinations against hepatitis B, measles, mumps, and rubella (MMR).

2. The requirement shall not apply to students enrolling in courses delivered via the Internet or distance learning in which the student is not required to attend class on campus.

B. Beginning with the 2004-2005 academic year, institutions shall notify students of the requirements of subsection A of this section and provide students with educational information on hepatitis B, measles, mumps, and rubella (MMR) upon enrollment. Such information shall also include the risks and benefits of the vaccination. Institutions shall not be required to provide or pay for vaccinations against hepatitis B, measles, mumps, and rubella (MMR).

C. A written statement from a licensed physician indicating that a vaccine is medically contraindicated shall exempt a student from the vaccination. A student shall be exempt from the vaccination if the student submits a written, signed statement declaring that the administration of the vaccine conflicts with the student's moral or religious tenets or, if the student is a minor, the student's parent or guardian provides a written statement that the administration of the vaccine conflicts with the parent's or guardian's moral or religious tenets.

D. It shall be the responsibility of the governing body or board of regents for each public or private postsecondary institution or group of institutions to adopt policies for the implementation of this section. In adopting these policies the relevant governing body or board of regents may include exceptions for certain categories of students at its discretion.

Added by Laws 2003, c. 322, § 2, eff. Nov. 1, 2003.

NOTE: Editorially renumbered from § 3243 of Title 70 to avoid a duplication in numbering.

§70-3245. Agreements to sell student data for marketing of consumer credit prohibited - Definitions.

No institution within The Oklahoma State System of Higher Education or technology center school within the state system of career and technology education shall enter into any agreement on or after the effective date of this act to sell student data to any creditor for purposes of marketing consumer credit to students. Provided, nothing in this section shall preclude an institution or school from releasing student data as permitted by the Oklahoma Open Records Act.

As used in this section:

1. "Creditor" means a person, partnership, corporation, association, or other entity who, in the ordinary course of business, regularly extends consumer credit. The term creditor shall include any agent of a creditor for collection, processing, or other purposes;

2. "Consumer credit" means credit extended to a consumer as a consumer loan as defined in Section 3-104 of Title 14A of the Oklahoma Statutes or a lender credit card or seller credit card as defined in Section 1-301 of Title 14A of the Oklahoma Statutes; and

3. "Student data" means the same as directory information as defined in Section 24A.16 of Title 51 of the Oklahoma Statutes.

Added by Laws 2007, c. 114, § 1, eff. July 1, 2007.

§70-3246. Teacher education programs - Statewide professional educators' association - Equal access to students.

It is the intent of the Legislature that the Oklahoma State Regents for Higher Education adopt a policy for each institution within The Oklahoma State System of Higher Education which has a teacher education program that will require equal access for statewide professional educators' associations to students enrolled in the program. The policy shall prohibit teacher education programs and the faculty and employees of the program from denying a statewide professional educators' association equal access to students enrolled in the program to the same extent that access is granted to other educators' associations. The policy shall define access to include:

1. Setting up informational tables at the institution or student meetings;

2. Speaking at student meetings;

3. Distributing information in mail boxes or through the e-mail system of the institution;

4. Utilizing institution meeting rooms during nonworking hours;

5. Posting information on bulletin boards; and

6. Utilizing printing services for the institution.

Added by Laws 2011, c. 283, § 1, eff. Nov. 1, 2011.

§70-3247. Higher education in-state status - Dependents of military personnel.

A. A student shall be eligible for in-state status regardless of the residency of the student if the student is a:

1. Dependent child or spouse of a person currently serving as a member of the active uniformed services of the United States on full-time active duty status of more than thirty (30) days and for whom Oklahoma is the home of record;

2. Dependent child or spouse of a person currently serving as a member of the military reserve on active duty orders of more than thirty (30) days and for whom Oklahoma is the home of record;

3. Person, or spouse or dependent child of a person, currently serving as a member of the uniformed services of the United States who is on full-time active duty for a period of more than thirty (30) days and is stationed or temporarily present in Oklahoma through military orders;

4. Person, or spouse or dependent child of a person, who was discharged or released from a period of not fewer than ninety (90) days of active uniformed service, less than five (5) years before the date of enrollment in the course(s) concerned and for whom Oklahoma is the home of record; or

5. Person who is participating in or has received a partial or full scholarship from the Air Force Reserve Officers' Training Corps, Army Reserve Officers' Training Corps or the Navy/Marines Reserve Officers' Training Corps.

B. To be eligible for in-state status as provided for in subsection A of this section and to maintain eligibility, the student shall:

1. Satisfy admission and retention standards as determined by the Oklahoma State Regents for Higher Education for an institution within The Oklahoma State System of Higher Education; and

2. Have secured admission to and enrolls full-time or part-time in a program of study at an institution within The Oklahoma State System of Higher Education.

C. A student who files with the institution within The Oklahoma State System of Higher Education at which the student intends to register a letter of intent to establish residence in the state and who resides in the state while enrolled in the institution shall be eligible for in-state status, regardless of the residency of the student or home of record, if the student:

1. Is a person who:

a. was discharged or released from a period of not fewer than ninety (90) days of active duty uniformed service, less than five (5) years before the date of enrollment in the course(s) concerned, and

- b. is pursuing a course of education with educational assistance under Chapter 30 or 33 of Title 38 of the United States Code while living in this state; or
2. Is a person who:
- a. is entitled to assistance under Section 3311(b)(9) or 3319 of Title 38 of the United States Code by virtue of a relationship to a person who was discharged or released from a period of not fewer than ninety (90) days of active duty uniformed services, and
 - b. enrolls in the course(s) concerned within five (5) years of the date the related person was discharged or released from a period of not fewer than ninety (90) days of active duty uniformed services.

D. To be eligible for in-state status as provided for in subsection C of this section and to maintain eligibility, the student shall:

1. Satisfy admission and retention standards as determined by the Oklahoma State Regents for Higher Education for an institution within The Oklahoma State System of Higher Education; and

2. Have secured admission to and enrolls full-time or part-time in a program of study at an institution within The Oklahoma State System of Higher Education.

E. A student who meets the eligibility requirements for in-state status shall maintain in-state status if the student remains continuously enrolled at an institution within The Oklahoma State System of Higher Education after the student:

1. As described in paragraphs 1, 2 or 3 of subsection A of this section is discharged or released from active duty service;

2. As described in paragraph 4 of subsection A of this section or paragraph 1 and 2 of subsection C of this section exceeds the five-year period after being discharged or released from active duty uniformed service;

3. As described in paragraph 1 of subsection C of this section has exhausted education assistance provided under Chapter 30 or 33 of Title 38 of the United States Code; or

4. As described in paragraph 2 of subsection C of this section has exhausted education assistance provided under Section 3311(b)(9) or 3319 of Title 38 of the United States Code.

F. For purposes of this section, "home of record" means the place where one was living when the person enlisted or was commissioned into the military or reenlisted in the military.

G. The State Regents for Higher Education shall develop policies and procedures necessary to implement the provisions of this section. Added by Laws 2012, c. 290, § 1, eff. July 1, 2012. Amended by Laws 2015, c. 141, § 1, eff. July 1, 2015.

§70-3248. Leave of absence for members of military.

A. An institution within The Oklahoma State System of Higher Education shall grant a leave of absence to a student who is a member of the active uniformed military services of the United States and is called to active duty. The student shall be eligible to:

1. Withdraw from and receive a refund for any or all classes for the period of active duty service without penalty to admission status or grade point average and without loss of institutional financial aid; or

2. Receive an incomplete grade for any or all classes for the period of active duty status; provided, however, that the student has completed a minimum of fifty percent (50%) of all class work prior to being called to active duty and the student completes all classes upon return from active duty. The student's admission status and grade point average shall not be penalized, and the student shall experience no loss of institutional financial aid.

B. The leave of absence granted pursuant to subsection A of this section shall not exceed a cumulative five (5) years.

C. If an institution within The Oklahoma State System of Higher Education fails to comply with the provisions of this act, the student may bring an action in district court for actual and compensatory damages for noncompliance and may be granted such relief as is just and proper under the circumstances.

Added by Laws 2014, c. 28, § 2, eff. July 1, 2014.

§70-3301. University of Oklahoma.

The State Educational Institution located at Norman and known as the University of Oklahoma shall continue at the same location and its official name shall be the University of Oklahoma. The Oklahoma Geological Survey located at Norman and the medical facilities of the University of Oklahoma located at Oklahoma City, which shall be designated as the University of Oklahoma Medical Center, shall continue in existence and shall be integral parts of the University of Oklahoma.

Laws 1965, c. 396, § 301.

§70-3302. Board of Regents of the University of Oklahoma - Body corporate - Appointment and terms of members - Removal - Vacancies.

(a) The Board of Regents provided for by Section 8, Article XIII, Oklahoma Constitution, shall constitute a body corporate by the name of Regents of the University of Oklahoma and shall be the government of the University of Oklahoma, Cameron University, and Rogers State University. It shall consist of seven (7) members to be appointed by the Governor by and with the advice and consent of the Senate. Provided, that persons now serving on such Board shall be

members of and continue to serve on the Board for the terms for which they were appointed.

(b) Appointments shall be to numbered positions on the Board, and terms of members of the Board shall be, as follows:

(1) Position No. 1. The term of office of one member shall expire on the 21st day of March, 1966, and each seven (7) years thereafter.

(2) Position No. 2. The term of office of one member shall expire on the 21st day of March, 1967, and each seven (7) years thereafter.

(3) Position No. 3. The term of office of one member shall expire on the 21st day of March, 1968, and each seven (7) years thereafter.

(4) Position No. 4. The term of office of one member shall expire on the 21st day of March, 1969, and each seven (7) years thereafter.

(5) Position No. 5. The term of office of one member shall expire on the 21st day of March, 1970, and each seven (7) years thereafter.

(6) Position No. 6. The term of office of one member shall expire on the 21st day of March, 1971, and each seven (7) years thereafter.

(7) Position No. 7. The term of office of one member shall expire on the 21st day of March, 1972, and each seven (7) years thereafter.

(c) No member of the Board shall be employed upon any work to be performed in connection with the University of Oklahoma, Cameron University, or Rogers State University, nor shall any member of said Board enter into any contract or business transaction involving a financial consideration with the University of Oklahoma, Cameron University, or Rogers State University.

(d) Members of the Board shall be subject to removal from office as provided by law for the removal of elective officers not liable to impeachment.

(e) Vacancies on the Board shall be filled by the Governor, for the unexpired term, by and with the advice and consent of the Senate. Laws 1965, c. 396, § 302; Laws 1992, c. 308, § 11, eff. June 1, 1992; Laws 1999, c. 274, § 2, eff. June 1, 1999.

§70-3303. Board of Regents of the University of Oklahoma - Oaths - Travel expenses.

(a) Each member of the Board of Regents of the University of Oklahoma shall take and subscribe to the oaths required of State officials generally.

(b) Each member of the Board shall be allowed necessary travel expenses, as may be approved by the Board pursuant to the State Travel Reimbursement Act.

Amended by Laws 1985, c. 178, § 60, operative July 1, 1985.

§70-3304. Board of Regents of the University of Oklahoma - Official seal - Officers - Terms and duties of officers - Proceedings.

The Board of Regents of the University of Oklahoma shall adopt an official seal. It shall annually elect a President who may also be known as Chairman, a Vice President who may also be known as Vice Chairman and a Secretary, each of whom shall serve a term of one (1) year and until his successor is elected and qualified, and who shall have such powers and duties as may be prescribed by the Board. The Board shall adopt such rules and regulations as it deems necessary to govern its proceedings and the conduct of its business. The Secretary of the Board on behalf of the University of Oklahoma Board shall keep a record of all transactions of the Board and it shall not be necessary that the Secretary be a member of the Board.

Laws 1965, c. 396, § 304; Laws 1980, c. 159, § 24, emerg. eff. April 2, 1980.

§70-3305. Board of Regents of the University of Oklahoma - Powers and duties.

The Board of Regents of the University of Oklahoma shall have the supervision, management and control of the University of Oklahoma and all its integral parts, of Cameron University, and of Rogers State University and shall have the following additional powers and duties:

(a) Adopt such rules and regulations as it deems necessary to govern the University of Oklahoma, Cameron University, and Rogers State University.

(b) Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers and other professional and technical persons, for its operation and for the operation of the University of Oklahoma, Cameron University, and Rogers State University. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by the Board, payable to the State of Oklahoma and conditioned upon a faithful accounting of all such funds and property.

(c) Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective.

(d) Authorize officials of the University of Oklahoma, Cameron University, and Rogers State University to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it.

(e) Receive and make disposition of monies, grants, and property from federal agencies, and administer the same in accordance with federal requirements.

(f) Accept gifts of real and personal property, monies and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

(g) Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by the University of Oklahoma, Cameron University, and Rogers State University.

(h) Acquire and take title to real and personal property in its name, on behalf of the University of Oklahoma or any agency thereof, on behalf of Cameron University, and on behalf of Rogers State University and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of the University of Oklahoma or agency thereof, Cameron University, and Rogers State University, including the granting of leases, permits, easements and licenses over or upon such real property. The Board shall have the power to institute legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have the custody and control of abstracts of title and instruments affecting the ownership of or title to real property belonging to the Board, and being held by the Board on behalf of the University of Oklahoma or any agency thereof, on behalf of Cameron University, and on behalf of Rogers State University.

(i) Have supervision and charge of the construction of all buildings at the University of Oklahoma, Cameron University, and Rogers State University.

(j) Determine the need for and cause to be constructed, dormitories and other buildings, on a self-liquidating basis, at the University of Oklahoma or any branch or facility thereof, at Cameron University, and at Rogers State University.

(k) Establish and maintain plans for tenure and retirement of employees of the Board and of the University of Oklahoma, Cameron University, and Rogers State University and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost thereof for employees, with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may, with the consent of the employee, be deducted from his salary.

(l) Audit all accounts against the funds appropriated for the use and maintenance of the University of Oklahoma, Cameron University, and Rogers State University and the State Treasurer shall issue his warrant for the amount of all accounts, including salaries and expenses of said Board, which shall have been audited and allowed by the Board of Regents and attested by the President and Secretary of the University of Oklahoma, the President of Cameron University, and the President of Rogers State University.

(m) Provide penalties and forfeitures by way of damages and otherwise for the violation of rules and regulations of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions.

(n) Issue, on behalf of the University of Oklahoma, special and limited obligations for purposes of such capital projects as the Regents may deem to be proper.

(o) Do all things necessary and convenient to carry out the powers expressly granted to it by the Constitution and the laws of the state, or to make the University of Oklahoma, Cameron University, and Rogers State University effective for the purposes for which they are maintained and operated and the enumeration herein of certain powers and immunities of the Board of Regents of the University shall not be construed as in derogation or as a limitation of the powers and immunities properly belonging to the Board in the government of the University of Oklahoma, Cameron University, and Rogers State University by virtue of Section 8, Article XIII of the Constitution. Added by Laws 1965, c. 396, § 305. Amended by Laws 1979, c. 47, § 81, emerg. eff. April 9, 1979; Laws 1992, c. 308, § 12, eff. June 1, 1992; Laws 1998, c. 364, § 24, emerg. eff. June 8, 1998; Laws 1999, c. 274, § 3, eff. June 1, 1999; Laws 2005, c. 2, § 14, emerg. eff. March 31, 2005; Laws 2005, c. 218, § 14, emerg. eff. May 24, 2005.

§70-3306. Repealed by Laws 1973, c. 103, § 13, operative July 1, 1973.

§70-3306.1. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.2. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.3. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.4. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.5. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.5a. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.6. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.7. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.8. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.10. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3306.11. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

- §70-3306.12. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.
- §70-3306.12a. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.
- §70-3306.13. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980 and Laws 1980, c. 68, § 1.
- §70-3306.14. Repealed by Laws 1983, c. 169, § 1, emerg. eff. June 6, 1983.
- §70-3306.15. Repealed by Laws 1983, c. 169, § 1, emerg. eff. June 6, 1983.
- §70-3306.16. Repealed by Laws 1983, c. 169, § 1, emerg. eff. June 6, 1983.
- §70-3306.17. Repealed by Laws 1983, c. 169, § 1, emerg. eff. June 6, 1983.
- §70-3306.18. Repealed by Laws 1983, c. 169, § 1, emerg. eff. June 6, 1983.
- §70-3306.19. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.
- §70-3306.20. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.
- §70-3306.21. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.
- §70-3306.22. Repealed by Laws 1980, c. 20, § 12, eff. July 1, 1980.

§70-3307. University Hospital Psychiatry and Neurology Service - Definitions - Chief of service - Admission, release and transfer of patients.

It shall be the policy of the State and is the intent of this section to provide the citizens of Oklahoma with a diagnostic and remedial psychiatry and neurology service, to provide the School of Medicine of the University of Oklahoma with a means of furnishing professional education and research in psychiatry and neurology, to provide for the administration and use of the facilities, located in the University Hospital, for this purpose.

(a) The following terms when used in this section shall mean as herein defined:

(1) "University Hospital" shall mean the Oklahoma Memorial Hospital of the Oklahoma Medical Center.

(2) "Psychiatry and Neurology Service" shall mean the diagnostic and therapeutic service for mental patients established in the psychiatric and neurological facilities of the University Hospital.

(3) "Psychiatric and neurological facilities" shall mean the psychiatry and neurology unit of the University Hospital and such ancillary facilities as may be necessary for its operation.

(4) "Chief" shall mean the Chief of the Psychiatry and Neurology Service.

(5) "School of Medicine" shall mean the School of Medicine of the University of Oklahoma Medical Center.

(6) "Board" shall mean the Board of Regents of the University of Oklahoma.

(b) The psychiatry and neurology unit (commonly called the neuro-psychiatric unit) of the University Hospital shall be such clinics and laboratories of the University Hospital as may be required, together with the psychiatric and neurological facilities of the School of Medicine and the University Hospital.

The Board shall establish a Psychiatry and Neurology Service in the psychiatric and neurological facilities, to be used as a training and research unit for the teaching of psychiatry and neurology. The Service shall be established and operated under such conditions and terms as may be instituted by the School of Medicine and University Hospital with the approval of the Board and subject to the provisions of this section.

(c) The Board shall appoint a full time Chief of Psychiatry and Neurology Service.

(1) He shall be licensed to practice medicine in this state and shall be qualified to supervise residency training and shall meet the standards established by the American Board of Psychiatry and Neurology or its successor.

(2) He shall be appointed as a member of the faculty of the School of Medicine in the Department of Psychiatry and Neurology.

(3) He shall be in charge of the Psychiatry and Neurology Service, subject to the general policies and direction of the University Hospital administration.

(d) The admission of patients to the University Hospital Psychiatry and Neurology Service and the trial release of patients shall be based on the following criteria.

(1) Admission shall be on the basis of the teaching needs, and requirements of the School of Medicine, in accordance with regulations approved by the Board.

(2) Admission shall be in conformity with the mental health laws providing for the admission of mental patients to mental hospitals.

(3) "Trial release" from inpatient to outpatient status is authorized in conformity with the state mental health laws in recognition of special therapeutic requirements of certain mental

patients as determined by the Chief. Such trial release will be in the custody of the responsible relative or guardian.

(4) In case such custody is not assumed by the responsible relative or guardian within one week after written notice from the Chief, the patient may be committed or transferred by the Director of the Department of Mental Health and Substance Abuse Services to the appropriate state mental hospital.

(e) Authority is hereby provided for the transfer of any patient of the psychiatric and neurological facilities and services of the University Hospital to a component facility of the Department of Mental Health and Substance Abuse Services and for the transfer of any patient of a component facility of that Department to the University Hospital psychiatric and neurological facilities and services under such procedures as the Department and the School of Medicine may adopt, subject to the provisions of this section and the mental health laws of this state.

(1) The transfer of such patients shall be for the following purposes:

a. to provide necessary patients for the teaching of diagnosis and therapy of mental illness, according to the needs of the School of Medicine,

b. to make special diagnostic and/or therapeutic measures available to the patients, and

c. to maintain the Psychiatry and Neurology Service of the University Hospital as a short term diagnostic and therapeutic facility.

(2) The procedure for transfer of patients provided for in Paragraph (d), subparagraph (4) and this paragraph shall be determined by a board of three (3) members, one each to be appointed by the Director of the Department of Mental Health and Substance Abuse Services, the Superintendent of the University Hospital, and the State Commissioner of Health.

(f) The discharge of certified patients from the Psychiatry and Neurology Service shall be determined by the consensus of a board of three members from the Department of Psychiatry and Neurology, including the Chief. The Chief shall notify the court, which certified the patient originally, that the Board has concluded that the patient so certified is mentally well and is being discharged. Amended by Laws 1988, c. 326, § 36, emerg. eff. July 13, 1988; Laws 1990, c. 51, § 140, emerg. eff. April 9, 1990.

§70-3308. School of Dentistry - Creation - Courses of instruction - Degrees - Rules and regulations - Tuition - Gifts and grants - Location - Plan for initiation.

(a) The University of Oklahoma School of Dentistry is hereby created for instruction in Dentistry. The Board of Regents of the University of Oklahoma and the Oklahoma State Regents for Higher

Education are hereby authorized and directed to establish and maintain the School of Dentistry and to provide for courses of instruction in Dentistry as will provide a thorough knowledge of Dentistry, and all subjects pertaining thereto, and that will meet the requirements of the Council on Dental Education, the American Association of Dental Schools and other such educational associations of like standard concerned with Dentistry.

(b) The Oklahoma State Regents for Higher Education, through the Board of Regents of the University of Oklahoma, shall have authority to confer degrees and issue diplomas, and fix a standard of grades for all students attending the School of Dentistry. The School of Dentistry shall have regular courses leading to degrees, and such other special courses as approved by the Oklahoma State Regents for Higher Education.

(c) The Oklahoma State Regents for Higher Education shall fix the amount of tuition to be charged students in said School of Dentistry.

(d) The Board of Regents of the University of Oklahoma is hereby authorized to accept, in connection with said School of Dentistry, private or governmental grants or gifts of property, equipment or money for the use of said College.

(e) It is the purpose and intent of the Legislature that the University of Oklahoma School of Dentistry, herein created, shall be an integral part of the University of Oklahoma and of the Oklahoma State System of Higher Education. It is further the purpose and intent of the Legislature that the University of Oklahoma Dental College shall be located upon the Oklahoma City campus of the University of Oklahoma Medical Center.

Laws 1965, c. 396, § 308.

§70-3309.1. Oklahoma Museum of Natural History.

A. The J. Willis Stovall Museum of the University of Oklahoma located in Norman, Oklahoma, shall be redesignated the "Oklahoma Museum of Natural History" and shall be under the direction and supervision of the Board of Regents of the University of Oklahoma.

B. The Oklahoma Museum of Natural History shall be administered by a Director who shall be appointed by the Board of Regents of the University of Oklahoma. The Director may also hold an appointment in an appropriate academic department of the University. The Director has the power and duty to:

1. employ, appoint and fix the qualifications and duties of such professional, technical and support personnel as shall be necessary to implement the provisions of this act;
2. participate in national and international research projects, professional activities, and programs to broaden the horizons of Oklahomans by documenting their cultural and natural heritage within its worldwide context;

3. encourage the preservation and development of natural resources and human cultural heritage;

4. act in cooperation with local, state and federal agencies or duly authorized agents thereof in implementing the purposes of this act; and

5. exercise all incidental powers which are necessary and proper to carry out the purposes of this act.

C. The purposes of the Oklahoma Museum of Natural History shall be to conduct scientific investigations to preserve and develop a greater understanding and appreciation of natural resources and human cultural heritage. This includes, but is not limited to, biological, ecological, paleontological and selected geological surveys, including indepth archaeological research, and ethnological analyses. The museum shall collect and maintain a depository of biological, archaeological, paleontological and selected geological specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on:

1. the variety, evolution, and conservation of wild species;

2. the composition, distribution, importance, and functioning of natural ecosystems; and

3. the distribution of prehistoric and historic archaeological sites.

D. Each institution, department, survey and agency in this state may preserve and maintain biological, archaeological, paleontological or selected geological specimens collected as part of the normal research and monitoring duties of such institution, department, survey and agency. Each institution may elect to transfer specimens and collections in its possession that it no longer wishes to maintain or preserve, thus providing an instate repository for state collections that are no longer wanted by a state institution.

E. The Oklahoma Museum of Natural History is empowered to accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions, departments, surveys, agencies, and qualified independent researchers.

F. All such biological, archaeological, paleontological and selected geological collections shall belong to the state with title vested in the Board of Regents of the University of Oklahoma.

G. The collections of the Oklahoma Museum of Natural History shall not only reflect the biological, cultural, paleontological and selected geological history of the state but may also include artifacts and specimens from throughout the world.

H. In collecting or otherwise acquiring these collections, the museum shall comply with state laws and rules and except as otherwise provided by law, all federal laws and rules concerning wildlife, archaeology and agriculture. Any permits issued by other state institutions, departments, surveys, and agencies for collecting, and quarantine, of such wildlife and agriculture and collecting such

archaeology shall be granted for said museum for research, study or collecting efforts on state lands or within state jurisdiction if such collecting or quarantine does not pose a significant threat to the survival of endangered wild species, habitats, or ecosystems.

I. The museum shall develop exhibitions and conduct educational programs which illustrate, interpret, and explain the natural history of the state and region and bring a greater understanding of our world to the people of Oklahoma. The museum shall disseminate information of such programs through technical and popular publications whose production shall be under the control and jurisdiction of the Director. The museum shall also maintain a library of publications pertaining to the work of the museum.

J. The Oklahoma Museum of Natural History shall be housed in buildings offering appropriate shelter to the artifacts and specimens comprising such collections, while also offering appropriate and adequate space for exhibition, collection, storage, research, preparation, education and teaching activities.

K. The Oklahoma Museum of Natural History shall maintain a full-time professional and support staff to ensure the continued maintenance and study of the collections preserved in trust for the people of Oklahoma.

Added by Laws 1987, c. 131, § 1, eff. July 1, 1987.

§70-3310. Oklahoma Geological Survey.

(a) The Geological Survey of the State of Oklahoma located at Norman, Oklahoma, shall be under the direction and supervision of the Board of Regents of the University of Oklahoma and shall be known as the Oklahoma Geological Survey.

(b) The said Oklahoma Geological Survey shall have for its object and duties the following:

(1) A study of the geological formations of the state with special reference to its mineral deposits, including coal, oil, gas, asphalt, gypsum, salt, cement, stone, clay, lead, zinc, iron, sand, road building material, water resources and all other mineral resources.

(2) The preparation and publication of bulletins and reports, accompanied with necessary illustrations and maps, including both general and detailed descriptions of the geological structure and mineral resources of the state.

(3) The consideration of such other scientific and economic questions as, in the judgment of the survey shall be deemed of value to the people.

(4) Act as the Oklahoma Board on Geographic Names and make recommendations to the United States Board on Geographic Names.

(c) The Director shall present to the Board a biennial report, ready for printing, showing the progress and condition of said survey together with such other information as the Board may deem necessary.

(d) In order to carry out the provisions of this section it shall be lawful for all persons employed by the survey to enter and cross all lands within the State: Provided, that in so doing no damage shall be done to private property.

Laws 1965, c. 396, § 310.

§70-3311. Council on Law Enforcement Education and Training.

A. There is hereby created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental law enforcement agency of the State of Oklahoma, body politic and corporate, with powers of government and with the authority to exercise the rights, privileges and functions necessary to ensure the professional training and continuing education of law enforcement officers in the State of Oklahoma. These rights, privileges and functions include, but are not limited to, those specified in Sections 3311 through 3311.15 of this title and in the Oklahoma Security Guard and Private Investigator Act and the Oklahoma Bail Enforcement and Licensing Act. The Council shall be authorized to require agency employees and the employees of agency contractors in positions to have access to Oklahoma Peace Officer records, Oklahoma Security Guard and Private Investigator records, Oklahoma Bail Enforcement and Licensing Act records, to be subject to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of Investigation to the Federal Bureau of Investigation for a national criminal history check. The Council shall be the recipient of the results of the record check. In accordance with Section 150.9 of Title 74 of the Oklahoma Statutes, this includes a national criminal record with a finger print analysis. The Council shall be composed of thirteen (13) members as follows:

1. The Commissioner of the Department of Public Safety, or designee;

2. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or designee;

3. The Director of the Oklahoma State Bureau of Investigation, or designee;

4. One member appointed by the Governor who shall be a law enforcement administrator representing a tribal law enforcement agency;

5. One member appointed by the Governor who shall be a chief of police of a municipality with a population over one hundred thousand (100,000), as determined by the latest Federal Decennial Census;

6. One member appointed by the Board of Directors of the Oklahoma Sheriffs' Association who shall be a sheriff of a county with a population under twenty-five thousand (25,000), as determined by the latest Federal Decennial Census;

7. One member appointed by the Oklahoma Association of Police Chiefs who shall be a chief of police representing a municipality with a population over ten thousand (10,000), as determined by the latest Federal Decennial Census;

8. One member shall be appointed by the Board of Directors of the Oklahoma Sheriffs' Association who shall be a sheriff of a county with a population of twenty-five thousand (25,000) or more, as determined by the latest Federal Decennial Census;

9. One member appointed by the Board of Directors of the Fraternal Order of Police who shall have experience as a training officer;

10. One member appointed by the Chancellor of Higher Education who shall be a representative of East Central University;

11. One member appointed by the Board of Directors of the Oklahoma Sheriffs and Peace Officers Association who shall be a full-time law enforcement officer in good standing with CLEET within a county with a population under fifty thousand (50,000);

12. The President Pro Tempore of the Senate shall appoint one member from a list of three or more nominees submitted by a statewide organization representing cities and towns that is exempt from taxation under federal law and designated pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a); and

13. The Speaker of the House of Representatives shall appoint one member from a list of three or more nominees submitted by an organization that assists in the establishment of accreditation standards and training programs for law enforcement agencies throughout the State of Oklahoma.

The Executive Director selected by the Council shall be an ex officio member of the Council and shall act as Secretary. The Council on Law Enforcement Education and Training shall select a chair and vice-chair from among its members. Members of the Council on Law Enforcement Education and Training shall not receive a salary for duties performed as members of the Council, but shall be reimbursed for their actual and necessary expenses incurred in the performance of Council duties pursuant to the provisions of the State Travel Reimbursement Act.

B. The Council on Law Enforcement Education and Training is hereby authorized and directed to:

1. Appoint a larger Advisory Council to discuss problems and hear recommendations concerning necessary research, minimum standards, educational needs, and other matters imperative to upgrading Oklahoma law enforcement to professional status;

2. Promulgate rules with respect to such matters as certification, revocation, suspension, withdrawal and reinstatement of certification, minimum courses of study, testing and test scores, attendance requirements, equipment and facilities, minimum qualifications for instructors, minimum standards for basic and

advanced in-service courses, and seminars for Oklahoma police and peace officers;

3. Authorize research, basic and advanced courses, and seminars to assist in program planning directly and through subcommittees;

4. Authorize additional staff and services necessary for program expansion;

5. Recommend legislation necessary to upgrade Oklahoma law enforcement to professional status;

6. Establish policies and regulations concerning the number, geographic and police unit distribution, and admission requirements of those receiving tuition or scholarship aid available through the Council. Such waiver of costs shall be limited to duly appointed members of legally constituted local, county, and state law enforcement agencies on the basis of educational and financial need;

7. Appoint an Executive Director and an Assistant Director to direct the staff, inform the Council of compliance with the provisions of this section and perform such other duties imposed on the Council by law. An Executive Director appointed by the Council must qualify for the position with a bachelor or higher degree in law enforcement from an accredited college or university, or a bachelor or higher degree in a law-enforcement-related subject area, and a minimum of five (5) years of active law enforcement experience including, but not limited to, responsibility for enforcement, investigation, administration, training, or curriculum implementation.

The Executive Director of the Council on Law Enforcement Education and Training may commission CLEET staff as peace officers for purposes consistent with the duties of CLEET as set out in state law. The powers and duties conferred on the Executive Director or any staff member appointed by the Executive Director as a peace officer shall not limit the powers and duties of other peace officers of this state or any political subdivision thereof. The Executive Director or any staff member appointed by the Executive Director as a peace officer may, upon request, assist any federal, state, county or municipal law enforcement agency;

8. Enter into contracts and agreements for the payment of classroom space, food, and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction approved or conducted by the Council. Such expenses may be paid directly to the contracting agency or business establishment. The food and lodging expenses for each law enforcement officer shall not exceed the authorized rates as provided for in the State Travel Reimbursement Act; provided, however, the Council may provide food and lodging to law enforcement officials attending any official course of instruction approved or conducted by the Council rather than paying for the provision of such food and lodging by an outside contracting agency or business establishment;

9. a. Certify canine teams, consisting of a dog and a handler working together as a team, trained to detect:
 - (1) controlled dangerous substances, or
 - (2) explosives, explosive materials, explosive devices, or materials which could be used to construct an explosive device;provided, the dog of a certified canine team shall not be certified at any time as both a drug dog and a bomb dog, and any dog of a certified canine team who has been previously certified as either a drug dog or a bomb dog shall not be eligible at any time to be certified in the other category.
- b. Upon retiring the dog from the service it was certified to perform, the law enforcement department that handled the dog shall retain possession of the dog. The handler shall have first option of adopting the dog. If that option is not exercised, the law enforcement department shall provide for its adoption. Once adopted the dog shall not be placed back into active service;

10. Enter into a lease, loan or other agreement with the Oklahoma Development Finance Authority or a local public trust for the purpose of facilitating the financing of a new facility for its operations and use and pledge, to the extent authorized by law, all or a portion of its receipts of the assessment penalty herein referenced for the payment of its obligations under such lease, loan or other agreement. It is the intent of the Legislature to increase the assessment penalty to such a level or appropriate sufficient monies to the Council on Law Enforcement Education and Training to make payments on the lease, loan or other agreement for the purpose of retiring the bonds to be issued by the Oklahoma Development Finance Authority or local public trust. Such lease, loan or other agreement and the bonds issued to finance such facilities shall not constitute an indebtedness of the State of Oklahoma or be backed by the full faith and credit of the State of Oklahoma, and the lease, loan or other agreement and the bonds shall contain a statement to such effect;

11. Accept gifts, bequests, devises, contributions and grants, public or private, of real or personal property;

12. Appoint an advisory committee composed of representatives from security guard and private investigative agencies to advise the Council concerning necessary research, minimum standards for licensure, education, and other matters related to licensure of security guards, security guard agencies, private investigators, and private investigative agencies;

13. Enter into agreements with individuals, educational institutions, agencies, and business and tribal entities for

professional services, the use of facilities and supplies, and staff overtime costs incurred as a result of the user's requests to schedule functions after-hours, on weekends, or anytime such requests extend staff beyond its normal capacity, whereby contracting individuals, educational institutions, agencies, and business and tribal entities shall pay a fee to be determined by the Council by rule. All fees collected pursuant to facilities usage shall be deposited to the credit of the C.L.E.E.T. Training Center Revolving Fund created pursuant to Section 3311.6 of this title. All other fees collected pursuant to these agreements shall be deposited to the credit of the Peace Officer Revolving Fund created pursuant to Section 3311.7 of this title. The Council is authorized to promulgate emergency rules to effectuate the provisions of this paragraph;

14. Promulgate rules to establish a state firearms requalification standard for active peace officers and meet any requirements imposed on the Council by the federal Law Enforcement Officers Safety Act of 2004;

15. Set minimal criteria relating to qualifications for chief of police administrative training pursuant to Section 34-102 of Title 11 of the Oklahoma Statutes, assist in developing a course of training for a Police Chief Administrative School, and approve all police chief administrative training offered in this state;

16. Appoint a Curriculum Review Board to be composed of six (6) members as follows:

- a. one member shall be selected by the Chancellor for Higher Education, who possesses a background of creation and review of curriculum and experience teaching criminal justice or law enforcement courses, who shall serve an initial term of one (1) year,
- b. one member shall represent a municipal jurisdiction with a population of fifty thousand (50,000) or more and who shall be a management-level CLEET-certified training officer, who shall serve an initial term of two (2) years,
- c. one member shall represent a county jurisdiction with a population of fifty thousand (50,000) or more and who shall be a management-level CLEET-certified training officer, who shall serve an initial term of three (3) years,
- d. one member shall represent a municipal jurisdiction with a population of less than fifty thousand (50,000) and who shall be a CLEET-certified training officer, who shall serve an initial term of two (2) years,
- e. one member shall represent a county jurisdiction with a population of less than fifty thousand (50,000) and who

shall be a CLEET-certified training officer, who shall serve an initial term of one (1) year, and

- f. one member selected by the Oklahoma Department of Career and Technology Education from the Curriculum Material and Instructional Material Center, who shall serve an initial term of three (3) years.

After the initial terms of office, all members shall be appointed to serve three-year terms. Any member may be reappointed to serve consecutive terms. Members shall serve without compensation, but may be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act. The Board shall review and establish curriculum for all CLEET academies and training courses pursuant to procedures established by the Council on Law Enforcement Education and Training;

17. Conduct review and verification of any records relating to the statutory duties of CLEET;

18. Receive requested reports including investigative reports, court documents, statements, or other applicable information from local, county and state agencies and other agencies for use in actions where a certification or license issued by CLEET may be subject to disciplinary or other actions provided by law;

19. Summarily suspend a certification of a peace officer, without prior notice but otherwise subject to administrative proceedings, if CLEET finds that the actions of the certified peace officer may present a danger to the peace officer, the public, a family or household member, or involve a crime against a minor. A certified copy of the information or indictment charging such a crime shall be considered clear and convincing evidence of the charge; and

20. Approve law enforcement agencies and police departments in accordance with the following:

- a. this section applies only to an entity authorized by statute or by the Constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates or reactivates an inactive law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after November 1, 2011,
- b. the entity shall submit to CLEET, a minimum of sixty (60) days prior to creation of the law enforcement agency or police department, information regarding:
 - (1) the need for the law enforcement agency or police department in the community,
 - (2) the funding sources for the law enforcement agency or police department, and proof that no more than fifty percent (50%) of the funding of the entity will be derived from ticket revenue or fines,
 - (3) the physical resources available to officers,

- (4) the physical facilities that the law enforcement agency or police department will operate, including descriptions of the evidence room, dispatch area, restroom facilities, and public area,
 - (5) law enforcement policies of the law enforcement agency or police department, including published policies on:
 - (a) use of force,
 - (b) vehicle pursuit,
 - (c) mental health,
 - (d) professional conduct of officers,
 - (e) domestic abuse,
 - (f) response to missing persons,
 - (g) supervision of part-time officers, and
 - (h) impartial policing,
 - (6) the administrative structure of the law enforcement agency or police department,
 - (7) liability insurance, and
 - (8) any other information CLEET requires by rule,
- c. within sixty (60) days of receiving an entity's request, CLEET will forward to the entity by certified mail, return receipt requested, a letter of authorization or denial to create a law enforcement agency or police department and commission, appoint, or employ officers, signed by the Executive Director of CLEET, and
- d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have received the report. The Council may, by majority vote:
- (1) order additional information be provided,
 - (2) order confirmation of the opinion of the Executive Director, or
 - (3) order authorization of the entity.

C. 1. Payment of any fee provided for in this section may be made by a nationally recognized credit or debit card issued to the applicant. The Council may publicly post and collect a fee for the acceptance of the nationally recognized credit or debit card not to exceed five percent (5%) of the amount of the payment. For purposes of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate,

charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand merchants in this state. "Debit card" means an identification card or device issued to a person by a business organization which permits such person to obtain access to or activate a consumer banking electronic facility. The Council shall determine which nationally recognized credit or debit cards will be accepted as payment for fees.

2. Payment for any fee provided for in this title may be made by a business check. The Council may:

- a. add an amount equal to the amount of the service charge incurred, not to exceed three percent (3%) of the amount of the check as a service charge for the acceptance and verification of the check, or
- b. add an amount of no more than Five Dollars (\$5.00) as a service charge for the acceptance and verification of a check. For purposes of this subsection, "business check" shall not mean a money order, cashier's check, or bank certified check.

D. Failure of the Legislature to appropriate necessary funds to provide for expenses and operations of the Council on Law Enforcement Education and Training shall not invalidate other provisions of this section relating to the creation and duties of the Council.

E. 1. No person shall be eligible for employment as a peace officer or reserve peace officer until the employing law enforcement agency has conducted a background investigation of such person consisting of the following:

- a. a fingerprint search submitted to the Oklahoma State Bureau of Investigation with a return report to the submitting agency that such person has no felony record,
- b. a fingerprint search submitted to the Federal Bureau of Investigation with a return report to the submitting agency that such person has no felony record,
- c. such person has undergone psychological evaluation by a psychologist licensed by the State of Oklahoma and has been evaluated to be suitable to serve as a peace officer in the State of Oklahoma,
- d. the employing agency has verified that such person has a high school diploma or a GED equivalency certificate as recognized by state law,
- e. such person is not participating in a deferred sentence agreement for a felony, a crime involving moral turpitude or a crime of domestic violence, and does not have any criminal charges pending in any court in this

state, another state, in tribal court or pursuant to the United States Code,

- f. such person is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification,
- g. such person is not currently undergoing treatment for a mental illness, condition or disorder. For purposes of this subsection, "currently undergoing treatment for mental illness, condition or disorder" means the person has been diagnosed by a licensed physician, psychologist, or licensed mental health professional as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist,
- h. such person is twenty-one (21) years of age. Provided, this requirement shall not affect those persons who are already employed as a police or peace officer prior to November 1, 1985, and
- i. such person has provided proof of United States citizenship or resident alien status, pursuant to an employment eligibility verification form from the United States Citizenship and Immigration Services.

2. To aid the evaluating psychologist in interpreting the test results, including automated scoring and interpretations, the employing agency shall provide the psychologist a statement confirming the identity of the individual taking the test as the person who is employed or seeking employment as a peace officer of the agency and attesting that it administered the psychological instrument in accordance with standards within the test document. The psychologist shall report to the employing agency the evaluation of the assessment instrument and may include any additional recommendations to assist the employing agency in determining whether to certify to the Council on Law Enforcement Education and Training that the person being evaluated is suitable to serve as a peace officer in the State of Oklahoma. No additional procedures or requirements shall be imposed for performance of the psychological evaluation. The psychological instrument utilized shall be evaluated by a psychologist licensed by the State of Oklahoma, and the employing agency shall certify to the Council that the evaluation was conducted in accordance with this provision and that the employee or applicant is suitable to serve as a peace officer in the State of Oklahoma.

- a. Any person found not to be suitable for employment or certification by the Council shall not be employed, retained in employment as a peace officer, or certified

by the Council for at least one (1) year, at which time the employee or applicant may be reevaluated by a psychologist licensed by the State of Oklahoma. This section shall also be applicable to all reserve peace officers in the State of Oklahoma.

- b. Any person who is certified by CLEET and has undergone the psychological evaluation required by this subparagraph and has been found to be suitable as a peace officer shall not be required to be reevaluated for any subsequent employment as a peace officer following retirement or any break in service as a peace officer, unless such break in service exceeds five (5) years or the Council determines that a peace officer may present a danger to himself or herself, the public, or a family or household member.
- c. All persons seeking certification shall have their name, gender, date of birth, and address of such person submitted to the Department of Mental Health and Substance Abuse Services by the Council. The Department of Mental Health and Substance Abuse Services shall respond to the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. In the event that the Department of Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency.

All basic police courses shall include a minimum of four (4) hours of education and training in recognizing and managing a person appearing to require mental health treatment or services. The training shall include training in crime and drug prevention, crisis intervention, youth and family intervention techniques, recognizing, investigating and preventing abuse and exploitation of elderly persons, mental health issues, and criminal jurisdiction on Sovereign Indian Land.

Subject to the availability of funding, for full-time salaried police or peace officers a basic police course academy shall consist of a minimum of six hundred (600) hours.

For reserve deputies a basic reserve academy shall consist of a minimum of two hundred forty (240) hours.

3. Beginning January 1, 2018, any reserve peace officer who has completed the two-hundred-forty-hour reserve peace officer certification program and who has been in active service in that capacity for the past six (6) months shall be eligible to attend a three-hundred-sixty-hour basic full-time training academy to become certified as a full-time peace or police officer.

4. Every person who has not been certified as a police or peace officer and is duly appointed or elected as a police or peace officer shall hold such position on a temporary basis only, and shall, within six (6) months from the date of appointment or taking office, qualify as required in this subsection or forfeit such position. In computing the time for qualification, all service shall be cumulative from date of first appointment or taking office as a police or peace officer with any department in this state.

- a. The Council may extend the time requirement specified in this paragraph for good cause as determined by the Council.
- b. A duty is hereby imposed upon the employing agency to withhold payment of the compensation or wage of such unqualified officer.
- c. If the police or peace officer fails to forfeit the position or the employing agency fails to require the officer to forfeit the position, the district attorney shall file the proper action to cause the forfeiting of such position. The district court of the county where the officer is employed shall have jurisdiction to hear the case.

5. The Council may certify officers who have completed a course of study in another state deemed by the Council to meet standards for Oklahoma peace officers providing the officer's certification in the other state has not been revoked or voluntarily surrendered and is not currently under suspension.

6. For purposes of this section, a police or peace officer is defined as a full-time duly appointed or elected officer who is paid for working more than twenty-five (25) hours per week and whose duties are to preserve the public peace, protect life and property, prevent crime, serve warrants, transport prisoners, and enforce laws and ordinances of this state, or any political subdivision thereof; provided, elected sheriffs and their deputies and elected, appointed, or acting chiefs of police shall meet the requirements of this subsection within the first six (6) months after assuming the duties of the office to which they are elected or appointed or for which they are an acting chief; provided further, that this section shall not apply to persons designated by the Director of the Department of Corrections as peace officers pursuant to Section 510 of Title 57 of the Oklahoma Statutes.

F. No person shall be certified as a police or peace officer by the Council or be employed by the state, a county, a city, or any political subdivision thereof, who is currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification or who has been convicted of a felony, a crime involving moral turpitude, or a crime of domestic violence, unless a full pardon has been granted by the proper agency;

however, any person who has been trained and certified by the Council on Law Enforcement Education and Training and is actively employed as a full-time peace officer as of November 1, 1985, shall not be subject to the provisions of this subsection for convictions occurring prior to November 1, 1985.

G. 1. The Council is hereby authorized to provide to any employing agency the following information regarding a person who is or has applied for employment as a police or peace officer of such employing agency:

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

2. An employing agency shall not be liable in any action arising out of the release of contents of personnel information relevant to the qualifications or ability of a person to perform the duties of a police or peace officer when such information is released pursuant to written authorization for release of information signed by such person and is provided to another employing agency which has employed or has received an application for employment from such person.

3. As used in this subsection, "employing agency" means a political subdivision or law enforcement agency which either has employed or received an employment application from a person who, if employed, would be subject to this section.

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from participating in training programs sponsored by the Council. Every law enforcement agency employing police or peace officers in this state shall submit to CLEET on or before October 1 of each calendar year a complete list of all commissioned employees with a current mailing address and phone number for each such employee. In addition to the above, CLEET may impose an administrative fine for violations of this section.

2. A tribal law enforcement agency that has peace officers commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall report the commissioning, resignation, or termination of commission

for any reason of a cross-deputized tribal police or peace officer to CLEET within ten (10) days of the commissioning, resignation, or termination. Failure to comply with the provisions of this subsection may disqualify a tribal law enforcement agency from participating in training programs sponsored by the Council.

I. It is unlawful for any person to willfully make any statement in an application to CLEET knowing the statement is false or intentionally commit fraud in any application to the Council for attendance in any CLEET-conducted or CLEET-approved peace officer academy or Collegiate Officer Program or for the purpose of obtaining peace officer certification or reinstatement. It is unlawful for any person to willfully submit false or fraudulent documents relating to continuing education rosters, transcripts or certificates, or any canine license application. Any person convicted of a violation of this subsection shall be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not less than two (2) years nor more than five (5) years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition to the above, CLEET may impose an administrative fine.

J. 1. A police or peace officer shall be subject to disciplinary action to include a denial, suspension, revocation or acceptance of voluntary surrender of peace officer certification upon a showing of clear and convincing evidence for the following:

- a. conviction of a felony or a crime of domestic violence,
- b. conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may, in its discretion, certify such person providing that all other statutory requirements have been met,
- c. a verdict of guilt or entry of a plea of guilty or nolo contendere or an "Alford" plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude, or a crime of domestic violence,
- d. falsification or a willful misrepresentation of information in an employment application or application to the Council on Law Enforcement Education and Training, records of evidence, or in testimony under oath,
- e. revocation or voluntary surrender of police or peace officer certification in another state for a violation of any law or rule or in settlement of any disciplinary action in such state,
- f. involuntary commitment of a reserve or peace officer in a mental institution or licensed private mental health

facility for any mental illness, condition or disorder that is diagnosed by a licensed physician, psychologist or a licensed mental health professional as a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. Provided, the peace officer certification may be reinstated upon the Council receiving notification of a psychological evaluation conducted by a licensed physician, psychologist or licensed mental health professional which attests and states by affidavit that the officer and the evaluation test data of the officer have been examined and that, in the professional opinion of the physician, psychologist or licensed mental health professional, the officer is psychologically suitable to return to duty as a peace officer. Notwithstanding any other provision of state law pertaining to confidentiality of hospital or other medical records, and as allowable under federal law, CLEET may subpoena or request a court to subpoena records necessary to assure compliance with these provisions. Any confidential information received by CLEET for such purpose shall retain its confidential character while in the possession of CLEET,

- g. abuse of office,
- h. entry of a final order of protection against applicant or officer, or
- i. any violation of the Oklahoma Private Security Licensing Act.

2. Disciplinary proceedings shall be commenced by filing a complaint with the Council on a form approved by the Council. Any employing agency or other person having information may submit such information to the Council for consideration as provided in this subsection.

3. Upon the filing of the complaint, a preliminary investigation shall be conducted to determine whether:

- a. there is reason to believe the person has violated any provision of this subsection or any other provision of law or rule, or
- b. there is reason to believe the person has been convicted of a felony, a crime involving moral turpitude or a domestic violence offense or is currently participating in a deferred sentence for such offenses.

4. When the investigation of a complaint does not find the person has violated any of the provisions of this subsection, or

finds that the person is sufficiently rehabilitated as provided in subparagraph b or f of paragraph 1 of this subsection, no disciplinary action shall be required and the person shall remain certified as a police or peace officer. When the investigation of a complaint finds that the person has violated any of the provisions of this subsection, the matter shall be referred for disciplinary proceedings. The disciplinary proceedings shall be in accordance with Articles I and II of the Administrative Procedures Act.

5. The Council shall revoke the certification of any person upon determining that such person has been convicted of a felony or a crime involving moral turpitude or a domestic violence offense or has entered a plea of guilty, or nolo contendere or an "Alford" plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude or a crime of domestic violence or is the respondent in a final Victims Protective Order; provided, that if the conviction has been reversed, vacated or otherwise invalidated by an appellate court, such conviction shall not be the basis for revocation of certification; provided further, that any person who has been trained and certified by the Council on Law Enforcement Education and Training and is actively employed as a full-time peace officer as of November 1, 1985, shall not be subject to the provisions of this subsection for convictions occurring prior to November 1, 1985. The sole issue to be determined at the hearing shall be whether the person has been convicted of a felony, a crime involving moral turpitude or a domestic violence offense or is the named respondent/defendant in a final Victims Protective Order.

6. The Council shall revoke the certification of any person upon determining that such person has received a deferred sentence for a felony, a crime involving moral turpitude or a domestic violence offense.

7. The Council may suspend the certification of any person upon a determination that such person has been involuntarily committed to a mental institution or mental health facility for a mental illness, condition or disorder as provided in subparagraph f of paragraph 1 of this subsection.

8. Every law enforcement agency in this state shall, within thirty (30) days of a final order of termination or resignation while under investigation of a CLEET-certified peace officer, report such order or resignation in writing to the Executive Director of the Council. Any report, upon receipt by the Council, shall be considered as personnel records and shall be afforded confidential protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma Statutes. Any medical or other confidential records obtained by subpoena pursuant to this subsection shall not be made a part of such report. The Executive Director shall ensure that the report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first

meeting of the Council to occur after all members of the Council have received the report. The Council may, by a majority vote, order the suspension, for a given period of time, or revocation of the CLEET certification of the peace officer in question if there are grounds for such actions pursuant to this section and the peace officer in question has been provided with notice and an opportunity for a hearing pursuant to the Administrative Procedures Act. Suspension or revocation of CLEET certification pursuant to this paragraph shall be reported to the district attorney for the jurisdiction in which the peace officer was employed, to the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency.

9. For all other violations of this subsection, the hearing examiner shall take into consideration the severity of the violation, any mitigating circumstances offered by the person subject to disciplinary action, and any other evidence relevant to the person's character to determine the appropriate disciplinary action.

10. a. A police or peace officer may voluntarily surrender and relinquish the peace officer certification to CLEET. Pursuant to such surrender or relinquishment, the person surrendering the certification shall be prohibited from applying to CLEET for reinstatement within five (5) years of the date of the surrender or relinquishment, unless otherwise provided by law for reinstatement.
- b. No person who has had a police or peace officer certification from another state revoked or voluntarily surrendered and has not been reinstated by that state shall be considered for certification by CLEET.
- c. Any person seeking reinstatement of police or peace officer certification which has been suspended, revoked, or voluntarily surrendered may apply for reinstatement pursuant to promulgated CLEET rules governing reinstatement. Except as provided in this subsection, any person whose certification has been revoked, suspended or voluntarily surrendered for any reason, including failure to comply with mandatory education and training requirements, shall pay a reinstatement fee of One Hundred Fifty Dollars (\$150.00) to be deposited to the credit of the Peace Officer Revolving Fund created pursuant to Section 3311.7 of this title.

11. A duty is hereby imposed upon the district attorney who, on behalf of the State of Oklahoma, prosecutes a person holding police or peace officer or reserve peace officer certification for a felony, a crime involving moral turpitude, or a crime of domestic violence in

which a plea of guilty, nolo contendere, or an "Alford" plea or any other plea other than a not guilty plea or other finding of guilt is entered by, against or on behalf of a certified police or peace officer to report such plea, agreement, or other finding of guilt to the Council on Law Enforcement Education and Training within ten (10) days of such plea agreement or the finding of guilt.

12. Any person or agency required or authorized to submit information pursuant to this section to the Council shall be immune from liability arising from the submission of the information as long as the information was submitted in good faith and without malice.

13. Any peace officer employed by a law enforcement agency in this state which has internal discipline policies and procedures on file with CLEET shall be exempt from the disciplinary proceedings and actions provided for in this subsection; provided, however, such exemption shall not apply if the peace officer has been convicted of a felony crime, a crime of moral turpitude, or a crime of domestic violence.

14. All criminal proceedings initiated against a CLEET-certified peace officer or reserve peace officer shall be reported by the officer to CLEET immediately after arrest or discovery of the filing of such criminal proceeding. All CLEET-certified peace officers and reserve peace officers shall be required to report when a Victim Protective Order has been issued against the officer, including orders issued on an emergency basis and all final orders of protection. Failure to give notice pursuant to the provisions of this paragraph may be cause to initiate an action against the officer by CLEET.

15. As used in this subsection:

- a. "law enforcement agency" means any department or agency of the state, a county, a municipality, or political subdivision thereof, with the duties to maintain public order, make arrests, and enforce the criminal laws of this state or municipal ordinances, which employs CLEET-certified personnel,
- b. "final order of termination" means a final notice of dismissal from employment provided after all grievance, arbitration, and court actions have been completed, and
- c. "resignation while under investigation" means the resignation from employment of a peace officer who is under investigation for any felony violation of law, a crime of moral turpitude, a crime of domestic violence, or the resignation from employment of a peace officer as part of an arbitration or plea agreement.

K. 1. Every canine team in the state trained to detect controlled dangerous substances shall be certified, by test, in the detection of such controlled dangerous substances and shall be recertified annually so long as the canine is used for such detection

purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency and that are certified and annually recertified in the detection of controlled dangerous substances by the United States Customs Service. No employee of CLEET may be involved in the training or testing of a canine team.

2. The Council shall appoint a Drug Dog Advisory Council to make recommendations concerning minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect controlled dangerous substances. The Council shall promulgate rules based upon the recommendations of the Advisory Council. Members of the Advisory Council shall include, but need not be limited to, a commissioned officer with practical knowledge of such canines and canine teams from each of the following:

- a. the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
- b. the Department of Public Safety,
- c. a police department,
- d. a sheriff's office, and
- e. a university or college campus police department.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the CLEET Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense. No employee of CLEET may be involved in the training or testing of a canine team.

2. The Council shall appoint a Bomb Dog Advisory Council to make recommendations concerning minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect explosives, explosive materials, explosive devices and materials which could be used to construct an explosive device. The Council shall promulgate rules based upon the recommendations of the Advisory Council. Members of the Advisory

Council shall include, but need not be limited to, a commissioned officer with practical knowledge of such canines and canine teams from each of the following:

- a. the Department of Public Safety,
- b. a police department,
- c. a sheriff's office, and
- d. a university or college campus police department.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the CLEET Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

M. All tribal police officers of any Indian tribe or nation who have been commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall be eligible for peace officer certification under the same terms and conditions required of members of the law enforcement agencies of the State of Oklahoma and its political subdivisions. CLEET shall issue peace officer certification to tribal police officers who, as of July 1, 2003, are commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes and have met the training and qualification requirements of this section.

N. If an employing law enforcement agency in this state has paid for CLEET training and the salary of a person while that person is completing in this state a basic police course approved by the Council and if within one (1) year after initial employment with the original employing agency that person resigns and is hired by another law enforcement agency in this state, the second agency or the person receiving the training shall reimburse the original employing agency for the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency. If the person leaves the original employing agency later than one (1) year, but less than two (2) years, after the initial employment, the second agency or the person receiving the training shall reimburse the original employing agency fifty percent (50%) of the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency. CLEET shall not be a party to any court action based on this provision.

O. The Council on Law Enforcement Education and Training, in its discretion, may waive all or part of any moneys due to the Council, if deemed uncollectable by the Council.

P. Peace officers, reserve peace officers, tribal peace officers, agencies, bail enforcers, security guards and private investigators shall maintain with the Council current mailing addresses and shall notify the Council, in writing, of any change of address or name. Notification of change of name shall require certified copies of any marriage license or other court document which reflects the change of name. Notice of change of address or telephone number must be made within ten (10) days of the effected change. Notices shall not be accepted over the phone. In any proceeding in which the Council is required to serve notice or an order on an individual or an agency, the Council may send a letter to the mailing address on file with the Council. If the letter is returned and a notation of the U.S. Postal Service indicates "unclaimed", or "moved", or "refused" or any other nondelivery markings and the records of the Council indicate that no change of address as required by this subsection has been received by the Council, the notice and any subsequent notices or orders shall be deemed by the Court as having been legally served for all purposes.

Q. All CLEET records of Bail Enforcers may be released only in compliance with this section and the Oklahoma Bail Enforcement and Licensing Act. All records in CLEET possession concerning other persons or entities shall be released only in compliance with this section and the Oklahoma Open Records Act.

Added by Laws 1965, c. 396, § 311, eff. July 1, 1965. Amended by Laws 1967, c. 6, § 1, emerg. eff. Feb. 15, 1967; Laws 1969, c. 327, § 1, emerg. eff. May 7, 1969; Laws 1971, c. 130, § 1, emerg. eff. May 8, 1971; Laws 1974, c. 304, § 1, emerg. eff. May 29, 1974; Laws 1976, c. 73, § 1, eff. July 1, 1976; Laws 1977, c. 211, § 1, emerg. eff. June 14, 1977; Laws 1980, c. 94, § 1, emerg. eff. April 10, 1980; Laws 1980, c. 225, § 1; Laws 1981, c. 164, § 1, emerg. eff. May 13, 1981; Laws 1983, c. 333, § 26, emerg. eff. June 29, 1983; Laws 1984, c. 273, § 1, eff. Nov. 1, 1984; Laws 1985, c. 156, § 1, eff. Nov. 1, 1985; Laws 1986, c. 314, § 18, operative July 1, 1986; Laws 1987, c. 64, § 1, eff. Nov. 1, 1987; Laws 1987, c. 138, § 13, operative Jan. 1, 1988; Laws 1989, c. 185, § 2, emerg. eff. May 8, 1989; Laws 1992, c. 79, § 1, eff. Sept. 1, 1992; Laws 1992, c. 385, § 1, eff. Sept. 1, 1992; Laws 1993, c. 151, § 1, eff. July 1, 1993; Laws 1998, c. 230, § 1, eff. Nov. 1, 1998; Laws 1998, c. 329, § 1, eff. Nov. 1, 1998; Laws 1999, c. 1, § 29, emerg. eff. Feb. 24, 1999; Laws 2000, c. 369, § 1, emerg. eff. June 6, 2000; Laws 2001, c. 5, § 49, emerg. eff. March 21, 2001; Laws 2001, c. 312, § 3, eff. Nov. 1, 2001; Laws 2002, c. 22, § 27, emerg. eff. March 8, 2002; Laws 2003, c. 3, § 84, emerg. eff. March 19, 2003; Laws 2003, c. 168, § 7, eff. July 1, 2003; Laws 2004, c. 257, § 1, eff. Nov. 1, 2004; Laws 2004, c. 428, § 1, emerg.

eff. June 4, 2004; Laws 2006, c. 225, § 1, eff. Nov. 1, 2006; Laws 2007, c. 1, § 74, emerg. eff. Feb. 22, 2007; Laws 2007, c. 14, § 1, eff. Nov. 1, 2007; Laws 2007, c. 360, § 6, eff. Nov. 1, 2007; Laws 2008, c. 143, § 1, eff. Nov. 1, 2008; Laws 2009, c. 131, § 1, eff. Nov. 1, 2009; Laws 2011, c. 12, § 1, eff. Nov. 1, 2011; Laws 2011, c. 111, § 1, eff. Nov. 1, 2011; Laws 2011, c. 233, § 1, eff. Nov. 1, 2011; Laws 2012, c. 11, § 28, emerg. eff. April 4, 2012; Laws 2012, c. 84, § 1, eff. Nov. 1, 2012; Laws 2013, c. 112, § 1, eff. Nov. 1, 2013; Laws 2014, c. 295, § 1, eff. Nov. 1, 2014; Laws 2015, c. 83, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 43, emerg. eff. April 26, 2016; Laws 2016, c. 376, § 1, emerg. eff. June 6, 2016; Laws 2017, c. 27, § 1, eff. Nov. 1, 2017; Laws 2017, c. 217, § 1, eff. Nov. 1, 2017; Laws 2019, c. 42, § 1, eff. Nov. 1, 2019; Laws 2019, c. 245, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1998, c. 76, § 1 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2000, c. 263, § 1 and Laws 2000, c. 316, § 2 repealed by Laws 2001, c. 5, § 50, emerg. eff. March 21, 2001. Laws 2001, c. 324, § 5 and Laws 2001, c. 350, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2002, c. 62, § 1 repealed by Laws 2003, c. 3, § 85, emerg. eff. March 19, 2003. Laws 2004, c. 33, § 1 repealed by Laws 2004, c. 428, § 2, emerg. eff. June 4, 2004. Laws 2004, c. 36, § 1 repealed by Laws 2004, c. 428, § 3, emerg. eff. June 4, 2004. Laws 2006, c. 26, § 1 repealed by Laws 2007, c. 1, § 75, emerg. eff. Feb. 22, 2007. Laws 2006, c. 33, § 2 repealed by Laws 2007, c. 1, § 76, emerg. eff. Feb. 22, 2007. Laws 2011, c. 10, § 1 repealed by Laws 2012, c. 11, § 29, emerg. eff. April 4, 2012. Laws 2015, c. 281, § 1 repealed by Laws 2016, c. 210, § 44, emerg. eff. April 26, 2016.

§70-3311.1. Renumbered as § 215.28 of Title 19 by Laws 1977, c. 40, § 5, eff. July 1, 1977.

§70-3311.2. Power, duties and responsibilities under Polygraph Examiners Act.

A. In addition to the other powers and duties imposed by law, the Council on Law Enforcement Education and Training shall have the powers, duties and responsibilities as are specified by the Polygraph Examiners Act. In addition, the Council shall designate a representative of the Council to attend any meeting held by the Polygraph Examiners Board. It shall be the duty of the Council to provide telephone and mailing services for the Polygraph Examiners Board, and such secretarial duties and administrative functions as are designated by the Polygraph Examiners Board which are necessary to effectuate the Polygraph Examiners Act.

B. The Council on Law Enforcement Education and Training is authorized to appoint and fix the duties and compensation pursuant to

law of the employees necessary to carry out the duties imposed upon the Council by this section and the Polygraph Examiners Act. Added by Laws 1985, c. 189, § 1, operative July 1, 1985. Amended by Laws 1985, c. 264, § 4, emerg. eff. July 15, 1985.

§70-3311.3. Council on Law Enforcement Training - Petty cash fund.

There is hereby created a petty cash fund not to exceed One Thousand Dollars (\$1,000.00) for the Council on Law Enforcement Education and Training to be used as a cash drawer change fund and for the purchase of or reimbursement for expenditures of less than One Hundred Dollars (\$100.00) pursuant to the rules and procedures established by the Director of the Office of Management and Enterprise Services.

Added by Laws 1990, c. 258, § 24, operative July 1, 1990. Amended by Laws 2012, c. 304, § 628.

§70-3311.4. Continuing law enforcement training - Inactive status exemption - Failure to meet training requirements - Suspension of certification.

A. Beginning January 1, 2008, and annually thereafter, every active full-time peace officer, certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to Section 3311 of this title, shall attend and complete a minimum of twenty-five (25) hours of continuing law enforcement training accredited or provided by CLEET which shall include a mandatory two (2) hours on mental health issues. Effective November 1, 2019, CLEET shall establish appropriate training resources which shall include the policies and protocols for responding to sexual assault calls, guidelines for the collection and maintenance of sexual assault kits and continuing education on trauma-informed sexual assault response and intervention, and shall require all CLEET-certified law enforcement officers to complete such training on a regular basis to be determined by CLEET. CLEET shall promulgate rules to enforce the provisions of this section and shall enter into contracts and agreements for the payment of classroom space, training, food, and lodging expenses as may be necessary for law enforcement officers attending such training in accordance with subsection B of Section 3311 of this title. Such training and seminars shall be conducted in all areas of this state at technology center schools, institutions of higher education, or other approved sites.

B. Beginning January 1, 2017, and annually thereafter, every active reserve peace officer, certified by CLEET pursuant to Section 3311 of this title, shall attend and complete a minimum of eight (8) hours of continuing law enforcement training accredited or provided by CLEET which shall include a mandatory one (1) hour on mental health issues.

C. Every inactive full-time or reserve peace officer, certified by CLEET, shall be exempt from these requirements during the inactive status. Upon reentry to full-time active status, the peace officer shall be required to comply with subsection A of this section. If a full-time certified peace officer has been inactive for five (5) or more years, the officer must complete refresher training as prescribed by CLEET and which shall include a minimum of four (4) hours of mental health education and training, within one (1) year of employment. Upon reentry to active reserve status, the peace officer shall be required to comply with subsection B of this section. If a certified reserve officer has been inactive for five (5) or more years, the certified reserve officer shall complete a legal update as prescribed by CLEET. The Director of CLEET may waive these requirements based on review of all records of employment and training.

D. Every tribal officer who is commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall comply with the provisions of this section.

E. Any active full-time or reserve certified peace officer, or CLEET-certified cross-deputized tribal officer who fails to meet the annual training requirements specified in this section, shall be subject to having the certification of the peace officer suspended, after the peace officer and the employer have been given written notice of noncompliance and a reasonable time, as defined by the Council, to comply with the provisions of this section. A peace officer shall not be employed in the capacity of a peace officer during any period of suspension. The suspension period shall be for a period of time until the officer files a statement attesting to full compliance with the provisions of this section. Suspension of peace officer certification shall be reported to the district attorney for the jurisdiction in which the officer is employed, the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency. Any officer whose certification is suspended pursuant to this section may request a hearing with CLEET. Such hearings shall be governed by the Administrative Procedures Act except that the affected officer has the burden to show CLEET why CLEET should not have the certification of the officer suspended.

F. All certified, active full-time or reserve peace officers employed, commissioned or appointed for a period of ninety (90) days in a calendar year, who become inactive prior to the end of a calendar year, are responsible for meeting mandatory continuing

education requirements as set forth in this section upon return to active full-time or reserve peace officer status within sixty (60) days of the date of return to employment, commission or appointment. Failure to complete the mandatory continuing education within sixty (60) days may result in disciplinary action as set forth in CLEET Rules at OAC 390:2. Full-time or reserve certified peace officers who return to active status within the calendar year they become inactive must complete the annual mandatory continuing education requirements outlined in this section within the remaining portion of the calendar year.

G. Peace officers with full-time certification who worked during a calendar year only as a reserve officer are required to complete only the training requirements for reserve certification. For purposes of the requirements outlined in subsection F of this section, full-time peace officers who worked both in the capacity of a full-time peace officer and reserve officer in a calendar year must complete full-time continuing education requirements.

Added by Laws 1990, c. 292, § 1, eff. Sept. 1, 1990. Amended by Laws 1998, c. 230, § 2, eff. Nov. 1, 1998; Laws 2001, c. 33, § 149, eff. July 1, 2001; Laws 2004, c. 36, § 2, emerg. eff. March 30, 2004; Laws 2007, c. 360, § 7, eff. Nov. 1, 2007; Laws 2008, c. 143, § 2, eff. Nov. 1, 2008; Laws 2012, c. 85, § 1, eff. Nov. 1, 2012; Laws 2013, c. 315, § 1, eff. Nov. 1, 2013; Laws 2016, c. 376, § 2, emerg. eff. June 6, 2016; Laws 2017, c. 37, § 1, eff. Nov. 1, 2017; Laws 2019, c. 245, § 2, eff. Nov. 1, 2019; Laws 2019, c. 339, § 1, eff. Nov. 1, 2019.

§OS 70-3311.5. See the following versions:

OS 70-3311.5v1 (SB 658, Laws 2019, c. 334, § 1).

OS 70-3311.5v2 (SB 971, Laws 2019, c. 339, § 2).

§70-3311.5v1. Law enforcement certification - Required curriculum - Materials update - Out-of-state training - Municipality and county academics.

A. On and after November 1, 2007, the Council on Law Enforcement Education and Training (CLEET), pursuant to its authority granted by Section 3311 of this title, shall include in its required basic training courses for law enforcement certification a minimum of four (4) hours of education and training relating to recognizing and managing a person appearing to require mental health treatment or services. The Council shall further offer a minimum of four (4) hours of education and training on specific mental health issues pursuant to Section 3311.4 of this title to meet the annual requirement for continuing education in the areas of mental health issues.

B. By January 1, 2008, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification a minimum

of six (6) hours of evidence-based sexual assault and sexual violence training. A portion of the sexual assault and sexual violence training shall include instruction presented by a certified sexual assault service provider.

C. By January 1, 2012, every active full-time peace officer, previously certified by CLEET pursuant to Section 3311 of this title, shall be required to attend and complete the evidence-based sexual assault and sexual violence training provided in subsection B of this section.

D. CLEET shall promulgate rules to enforce the provisions of subsections B and C of this section and shall, with the assistance of certified sexual assault service providers, establish a comprehensive integrated curriculum for the teaching of evidence-based sexual assault and sexual violence issues.

E. The Council is required to update that block of training or course materials relating to legal issues, concepts, and state laws annually, but not later than ninety (90) days following the adjournment of any legislative session.

F. By January 1, 2009, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification oil field equipment theft training.

G. By January 1, 2012, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall establish and include in its required courses of study for law enforcement certification a minimum of eight (8) hours of evidence-based domestic violence and stalking investigation training. The training should include, at a minimum, the importance of reporting domestic violence incidents, determining the predominant aggressor, evidence-based investigation of domestic violence and stalking, lethality assessment, and personal safety planning necessary at the pretrial stages of a potential criminal case. A portion of the training shall include instruction presented by an expert victim advocate selected from recommendations provided by the Office of the Attorney General or the Domestic Violence Fatality Review Board. The training shall be developed in collaboration with the Domestic Violence Fatality Review Board, and where applicable, shall replace existing domestic violence and stalking courses currently required.

H. By January 1, 2012, the evidence-based domestic violence and stalking investigation curriculum developed in collaboration with the Domestic Violence Fatality Review Board shall be submitted to the Council for approval.

I. CLEET shall establish the training provided in subsection G of this section as a part of CLEET's peace officer continuing education program and develop a plan to train full-time peace officers previously certified by CLEET pursuant to Section 3311 of this title where applicable. The Office of the Attorney General

shall provide a list of expert victim advocates that are available to assist in the training.

J. The Council is authorized to pay for and send training staff and employees to one or more training and education courses in jurisdictions outside this state for the purpose of expanding curriculum, training skill development, and general knowledge within the field of law enforcement education and training.

K. On and after November 1, 2013, CLEET, pursuant to its authority granted by Section 3311 of this title, shall include in its required basic training courses for law enforcement certification a minimum of two (2) hours of education and training relating to recognizing and managing a person experiencing dementia or Alzheimer's disease.

L. The Council shall promulgate rules to evaluate and approve municipalities and counties that are deemed capable of conducting separate basic law enforcement training academies in their jurisdiction and to certify officers successfully completing such academy training courses. Upon application to the Council, any municipality with a population of sixty-five thousand (65,000) or more or any county with a population of five hundred thousand (500,000) or more shall be authorized to operate a basic law enforcement academy. In addition, upon application and approval from the Council, a municipality with a population under sixty-five thousand (65,000) or a county with a population under five hundred thousand (500,000) may be authorized to operate a basic law enforcement academy; provided, however, the Council may approve no more than two such applications per year. The Council shall approve an application when the municipality or county making the application meets the criteria for a separate training academy and demonstrates to the satisfaction of the Council that the academy has sufficient resources to conduct the training, the instructional staff is appropriately trained and qualified to teach the course materials, the curriculum is composed of comparable or higher quality course segments to the CLEET academy curriculum, and the facilities where the academy will be conducted are safe and sufficient for law enforcement training purposes. Any municipality or county authorized to operate a basic law enforcement academy after November 1, 2007, shall not be eligible to receive funds pursuant to subsection E of Section 1313.2 of Title 20 of the Oklahoma Statutes. The Council shall not provide any funding for the operation of any separate training academy authorized by this subsection.

M. Any municipality or county that, prior to November 1, 2007, was authorized to conduct a basic law enforcement academy shall continue to receive funding pursuant to subsection E of Section 1313.2 of Title 20 of the Oklahoma Statutes.

Added by Laws 1992, c. 389, § 4, emerg. eff. June 10, 1992. Amended by Laws 2007, c. 360, § 8, eff. Nov. 1, 2007; Laws 2008, c. 3, § 45,

emerg. eff. Feb. 28, 2008; Laws 2008, c. 364, § 1, eff. Jan. 1, 2009; Laws 2011, c. 235, § 1; Laws 2013, c. 130, § 1; Laws 2017, c. 162, § 1, eff. Nov. 1, 2017; Laws 2019, c. 176, § 1, eff. Nov. 1, 2019; Laws 2019, c. 334, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2007, c. 179, § 1 repealed by Laws 2008, c. 3, § 46, emerg. eff. Feb. 28, 2008.

§70-3311.5v2. Law enforcement certification - Required curriculum - Materials update - Out-of-state training - Municipality and county academics.

A. On and after November 1, 2007, the Council on Law Enforcement Education and Training (CLEET), pursuant to its authority granted by Section 3311 of this title, shall include in its required basic training courses for law enforcement certification a minimum of four (4) hours of education and training relating to recognizing and managing a person appearing to require mental health treatment or services. The Council shall further offer a minimum of four (4) hours of education and training on specific mental health issues pursuant to Section 3311.4 of this title to meet the annual requirement for continuing education in the areas of mental health issues.

B. By January 1, 2008, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification a minimum of six (6) hours of evidence-based sexual assault and sexual violence training. A portion of the sexual assault and sexual violence training shall include instruction presented by a certified sexual assault service provider.

C. By January 1, 2012, every active full-time peace officer, previously certified by CLEET pursuant to Section 3311 of this title, shall be required to attend and complete the evidence-based sexual assault and sexual violence training provided in subsection B of this section.

D. CLEET shall promulgate rules to enforce the provisions of subsections B and C of this section and shall, with the assistance of certified sexual assault service providers, establish a comprehensive integrated curriculum for the teaching of evidence-based sexual assault and sexual violence issues.

E. The Council is required to update that block of training or course materials relating to legal issues, concepts, and state laws annually, but not later than ninety (90) days following the adjournment of any legislative session.

F. By January 1, 2009, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification oil field equipment theft training.

G. By January 1, 2012, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall establish and include in its required courses of study for law enforcement certification a minimum of eight (8) hours of evidence-based domestic violence and stalking investigation training. The training should include, at a minimum, the importance of reporting domestic violence incidents, determining the predominant aggressor, evidence-based investigation of domestic violence and stalking, lethality assessment, and personal safety planning necessary at the pretrial stages of a potential criminal case. A portion of the training shall include instruction presented by an expert victim advocate selected from recommendations provided by the Office of the Attorney General or the Domestic Violence Fatality Review Board. The training shall be developed in collaboration with the Domestic Violence Fatality Review Board, and where applicable, shall replace existing domestic violence and stalking courses currently required.

H. By January 1, 2012, the evidence-based domestic violence and stalking investigation curriculum developed in collaboration with the Domestic Violence Fatality Review Board shall be submitted to the Council for approval.

I. CLEET shall establish the training provided in subsection G of this section as a part of CLEET's peace officer continuing education program and develop a plan to train full-time peace officers previously certified by CLEET pursuant to Section 3311 of this title where applicable. The Office of the Attorney General shall provide a list of expert victim advocates that are available to assist in the training.

J. The Council is authorized to pay for and send training staff and employees to one or more training and education courses in jurisdictions outside this state for the purpose of expanding curriculum, training skill development, and general knowledge within the field of law enforcement education and training.

K. On and after November 1, 2013, CLEET, pursuant to its authority granted by Section 3311 of this title, shall include in its required basic training courses for law enforcement certification a minimum of two (2) hours of education and training relating to recognizing and managing a person experiencing dementia or Alzheimer's disease.

L. By November 1, 2019, CLEET shall establish appropriate training resources focused on protocol for handling and processing sexual assault calls. The training shall include, but not be limited to:

1. How to handle the sexual assault call upon first contact;
2. Determining when the assault occurred;
3. Where to take the victim;
4. Questioning witnesses and collecting evidence; and

5. Informing and assisting the victim in accessing resources, help and information.

M. The Council shall promulgate rules to evaluate and approve municipalities and counties that are deemed capable of conducting separate basic law enforcement training academies in their jurisdiction and to certify officers successfully completing such academy training courses. Upon application to the Council, any municipality with a population of sixty-five thousand (65,000) or more or any county with a population of five hundred thousand (500,000) or more shall be authorized to operate a basic law enforcement academy. The Council shall approve an application when the municipality or county making the application meets the criteria for a separate training academy and demonstrates to the satisfaction of the Council that the academy has sufficient resources to conduct the training, the instructional staff is appropriately trained and qualified to teach the course materials, the curriculum is composed of comparable or higher quality course segments to the CLEET academy curriculum, and the facilities where the academy will be conducted are safe and sufficient for law enforcement training purposes. Any municipality or county authorized to operate a basic law enforcement academy after November 1, 2007, shall not be eligible to receive funds pursuant to subsection E of Section 1313.2 of Title 20 of the Oklahoma Statutes. The Council shall not provide any funding for the operation of any separate training academy authorized by this subsection.

N. Any municipality or county that, prior to November 1, 2007, was authorized to conduct a basic law enforcement academy shall continue to receive funding pursuant to subsection E of Section 1313.2 of Title 20 of the Oklahoma Statutes.

Added by Laws 1992, c. 389, § 4, emerg. eff. June 10, 1992. Amended by Laws 2007, c. 360, § 8, eff. Nov. 1, 2007; Laws 2008, c. 3, § 45, emerg. eff. Feb. 28, 2008; Laws 2008, c. 364, § 1, eff. Jan. 1, 2009; Laws 2011, c. 235, § 1; Laws 2013, c. 130, § 1; Laws 2017, c. 162, § 1, eff. Nov. 1, 2017; Laws 2019, c. 176, § 1, eff. Nov. 1, 2019; Laws 2019, c. 339, § 2, eff. Nov. 1, 2019.

NOTE: Laws 2007, c. 179, § 1 repealed by Laws 2008, c. 3, § 46, emerg. eff. Feb. 28, 2008.

§70-3311.6. C.L.E.E.T. Training Center Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Council on Law Enforcement Education and Training to be designated the "C.L.E.E.T. Training Center Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund pursuant to subsection D of Section 1313.2 of Title 20 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Council

on Law Enforcement Education and Training for the purpose of acquiring and constructing a statewide law enforcement training center and for operation and maintenance of such center. 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. Added by Laws 2000, c. 316, § 3, eff. Nov. 1, 2000. Amended by Laws 2012, c. 304, § 629.

§70-3311.7. Peace Officer Revolving Fund.

A. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "Peace Officer Revolving Fund".

B. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies received from public, private, state or federal sources, grants or award monies, to include any state matching funds required by the federal government which are not designated for deposit in the C.L.E.E.T. Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

C. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training for the purpose of fulfilling any grant or award provisions, providing special training programs and attendant equipment and supplies, and providing facility construction and furnishings and/or rental of facilities for special training programs.

D. Expenditures from said 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.

Added by Laws 1998, c. 230, § 4, eff. Nov. 1, 1998. Amended by Laws 2012, c. 304, § 630.

§70-3311.8. CLEET Cafeteria Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Council on Law Enforcement Education and Training to be designated the "CLEET Cafeteria Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Council on Law Enforcement Education and Training from cafeteria food sales. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training for the purpose of operating a cafeteria. Expenditures from said 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.

Added by Laws 2004, c. 150, § 1, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 631.

§70-3311.9. Petty cash fund.

There is hereby created a petty cash fund not to exceed Two Hundred Dollars (\$200.00) for the Council on Law Enforcement Education and Training to be used as a cash drawer change fund in the operation of a cafeteria.

Added by Laws 2004, c. 150, § 2, eff. July 1, 2004.

§70-3311.10. Purchase of passenger automobiles or buses for training purposes.

Notwithstanding any other provision of state law, the Council on Law Enforcement Education and Training is hereby authorized to purchase passenger automobiles or buses for use as training vehicles in the same manner as other state agencies authorized by law to purchase passenger automobiles or buses.

Added by Laws 2005, c. 398, § 1, emerg. eff. June 6, 2005.

§70-3311.11. Council on Law Enforcement Education and Training - Rate for basic training - Repayment

A. Any person or peace officer who desires to attend a basic law enforcement academy conducted by the Council on Law Enforcement Education and Training (CLEET) shall within ninety (90) days of hire and prior to CLEET admission, be required to score a minimum of seventy percent (70%) on a reading and writing comprehension examination approved by CLEET to assure the applicant can read and write on a level necessary to perform the requirements of the CLEET academy. Any person or any peace officer who desires to attend a CLEET-approved reserve basic law enforcement academy shall, within ninety (90) days of hire and prior to reserve basic law enforcement academy admission, be required to score a minimum of seventy percent (70%) on a reading and writing comprehension examination approved by CLEET to assure the applicant can read and write at a level necessary to perform the requirements of the reserve academy.

B. Beginning November 1, 2009, any person or peace officer who desires to attend the basic law enforcement academy conducted by CLEET shall, prior to admission, be required to provide proof of a score of a minimum of seventy percent (70%) on a physical agility test approved by CLEET to assure the applicant is in sufficient physical condition to avoid unnecessary injury during the basic law enforcement academy training.

C. Beginning November 1, 2009, any person or peace officer, upon employment by a law enforcement agency and prior to attending a basic law enforcement academy conducted by CLEET, shall execute a

promissory note for academy training expenses payable to CLEET whereby the person or peace officer promises to repay the note by remaining within the law enforcement profession in the State of Oklahoma in a position approved by rules and regulations of CLEET for four (4) years following graduation from the basic law enforcement academy.

D. The amounts due pursuant to subsection C of this section shall be reduced at a rate of Three Dollars (\$3.00) per calendar day beginning the first day after graduation from the basic law enforcement academy and continuing until the end of one thousand four hundred sixty (1,460) days. If for any reason a peace officer leaves the employment of a law enforcement agency and does not reemploy with an approved law enforcement agency within ninety (90) days of the date of becoming inactive the obligation shall be considered due. Upon default of the note, if no agreement for payment or payment schedule has been agreed upon, the certification of the peace officer shall be suspended. For purposes of repayment, periods of time where a peace officer is inactive shall not be included in the one-thousand-four-hundred-sixty-day employment period.

E. The amount of a promissory note for academy training expenses that is cancelled under the provisions of this section shall not be considered income for the purposes of Oklahoma State Income Tax.

F. The Director of CLEET may waive any or all promissory note obligations for academy training expenses in instances where in the sole opinion of the Director, a waiver is in the best interests of law enforcement.

G. Violation of the provisions of subsection D of this section or the terms of the promissory note for academy training expenses entered into pursuant to this section shall give rise to a cause of action and suit may be commenced by CLEET for and on behalf of the State of Oklahoma for restitution of any and all sums plus interest at the statutory rate, costs and reasonable attorney fees. All promissory notes for academy training expenses, interest and fees collected pursuant to this section shall be deposited into the Peace Officer Revolving Fund provided for in Section 3311.7 of Title 70 of the Oklahoma Statutes. The provisions of this section shall not apply to persons who volunteer or are drafted into active military service subsequent to receiving CLEET training at state expense. Added by Laws 2009, c. 244, § 1, eff. Nov. 1, 2009. Amended by Laws 2015, c. 83, § 2, eff. Nov. 1, 2015; Laws 2016, c. 139, § 1, eff. Nov. 1, 2016.

§70-3311.12. Law enforcement youth camps.

The Council on Law Enforcement Education and Training (CLEET) is authorized to establish and host law enforcement youth camps at the CLEET statewide training facility.

Added by Laws 2010, c. 248, § 1, eff. Nov. 1, 2010.

§70-3311.13. CLEET Private Security Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Council on Law Enforcement Education and Training to be designated the "CLEET Private Security Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Council on Law Enforcement Education and Training from the issuance of licenses to security guards, security guard agencies, private investigators and private investigative agencies. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training for the purpose of fulfilling all statutory obligations pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act and providing training and education programs for security guards, security guard agencies, private investigators and private investigative agencies. Expenditures from said 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.

Added by Laws 2010, c. 380, § 2, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 632.

NOTE: Editorially renumbered from § 3311.12 of this title to avoid duplication in numbering.

§70-3311.14. Attorney General - Personal firearms.

Upon completion of a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training, the Attorney General and any assistant attorney general may carry a firearm on his or her person anywhere in this state for personal protection only. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the Attorney General or assistant attorney general and may provide application forms. If the person issued an identification card is no longer eligible, that person shall immediately return the identification card to the Council on Law Enforcement Education and Training.

Added by Laws 2013, c. 315, § 2, eff. Nov. 1, 2013. Amended by Laws 2014, c. 368, § 4, eff. Nov. 1, 2014.

§70-3311.15. Assessment for meals.

Notwithstanding any other provision of law, the Council on Law Enforcement Education and Training (CLEET) is hereby authorized to assess a registration fee not to exceed Thirty Dollars (\$30.00) per day to any Oklahoma Law Enforcement Agency to cover the costs of breakfast, lunch and dinner meals provided by CLEET, during the training of agency peace officers. Failure to timely pay these

charges will preclude future participation of any employee of the law enforcement agency in the CLEET Basic Academy. All moneys from charges assessed for these purposes shall be deposited in the Peace Officer Revolving Fund created in Section 3311.7 of this title. Added by Laws 2016, c. 376, § 3, emerg. eff. June 6, 2016. Amended by Laws 2017, c. 320, § 1, eff. Nov. 1, 2017.

§70-3311.16. CLEET authority to conduct Basic Peace Officer Certification Academies and other law enforcement related training.

A. The Council on Law Enforcement Education and Training (CLEET) is authorized to conduct full-time Basic Peace Officer Certification Academies and other law enforcement related training for individuals not commissioned or appointed by a law enforcement agency under rules established by the Council.

B. The tuition and/or fees for attending the Basic Peace Officer Certification Academies and/or other law enforcement related training will be at a rate established by CLEET and approved by the Council. Tuition and/or fees charged under this section will be deposited in the Peace Officer Revolving Fund established in Section 3311.7 of Title 70 of the Oklahoma Statutes.

C. Individuals not commissioned or appointed by a law enforcement agency who are trained in the Basic Peace Officer Certification Academies will be required to meet minimum requirements established for peace officers as set forth in Section 3311 of Title 70 of the Oklahoma Statutes. Any fees relating to meeting these requirements shall be the responsibility of the individual. Individuals applying for the Academies will be required to submit a fingerprint check to CLEET prior to acceptance.

D. The Council is authorized to promulgate emergency rules to effectuate the provisions of this subsection.

E. Upon successful completion of the Basic Peace Officer Certification Academy, the individual's CLEET certification will become effective upon employment by an Oklahoma law enforcement agency. Employment and certification must be obtained within two (2) years of completion of the Basic Peace Officer Certification Academy. Added by Laws 2018, c. 168, § 1, eff. Nov. 1, 2018.

§70-3311.17. Technology center schools - Law enforcement courses and training - CLEET approval.

A. Any state-supported technology center school in the State of Oklahoma operating under the State Board of Career and Technology Education or any higher education institution in this state shall be authorized to, upon application and approval of the Council on Law Enforcement Education and Training (CLEET), offer courses of study for law enforcement certification, basic peace officer certification academies and other law-enforcement-related training. Commissioned and noncommissioned individuals and those individuals appointed or

not appointed by a law enforcement agency may attend the courses or training offered by the technology center school or higher education institution. CLEET shall vote to approve or deny an application to offer courses or training offered pursuant to this section. Notice of denial of application shall include a clear and concise statement for which the denial is based. CLEET may authorize up to two new entities each year to offer courses or training. Courses and training offered by authorized entities shall consist of actual classroom training at each entity location. All non-classroom training shall be provided at the CLEET training facility, unless approved otherwise by CLEET.

B. Any courses or training offered pursuant to this section shall meet minimum standards established for peace officers as set forth in Section 3311 of Title 70 of the Oklahoma Statutes and meet all applicable eligibility requirements for students to receive benefits pursuant to any of the federal G.I. bills. All participants in any courses or training offered pursuant to this section shall be required to submit all background investigation requirements as set forth in Section 3311 of Title 70 of the Oklahoma Statutes.

C. Any state-supported technology center school in the State of Oklahoma operating under the State Board of Career and Technology Education or any higher education institution in this state shall be authorized to set and administer their own rates for tuition and fees for courses or training offered pursuant to this section.

D. Notwithstanding any other provision of law, any materials and records provided by CLEET to any institution of higher education or state-supported technology center school conducting a basic law enforcement training shall remain the property of CLEET and retain confidential status and shall not be released except under the conditions contained in Section 24A.8 of Title 51 of the Oklahoma Statutes. In addition, any materials and records provided by any institution of higher education or state-supported technology center school conducting basic law enforcement training to CLEET shall be subject to these same limitations on release. Such materials and records include, but are not limited to, all records maintained pursuant to Section 3311 of this title and 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 circumstances set forth in Section 24A.8 of Title 51 of the Oklahoma Statutes.

Added by Laws 2018, c. 254, § 1, eff. Nov. 1, 2018. Amended by Laws 2019, c. 20, § 1, eff. Nov. 1, 2019.

NOTE: Editorially renumbered from § 3311.16 of this title to avoid duplication in numbering.

§70-3311.18. CLEET basic peace officer academies and other law enforcement training - Tuition and fees.

A. The Council on Law Enforcement Education and Training (CLEET) shall be authorized to conduct basic peace officer certification academies and other law-enforcement-related training for individuals who are neither commissioned nor appointed by a law enforcement agency under rules established by CLEET.

B. The tuition or fees for attending the basic peace officer certification academy and other law-enforcement-related training shall be at a rate established and approved by CLEET. The tuition or fees shall be deposited into the Peace Officer Revolving Fund established in Section 3311.7 of Title 70 of the Oklahoma Statutes.

C. Individuals not commissioned or appointed by a law enforcement agency who are trained in the basic peace officer certification academy shall be required to meet minimum standards established for peace officers as set forth in Section 3311 of Title 70 of the Oklahoma Statutes. Any fees related to meeting the minimum standards shall be borne by the individual.

D. CLEET is authorized to promulgate rules to effectuate the provisions of this section.

E. Upon successful completion of the Basic Peace Officer Certification Academy, the individual's CLEET certification will become effective upon employment by an Oklahoma law enforcement agency. Employment and certification must be obtained within two (2) years of completion of the Basic Peace Officer Certification Academy. Added by Laws 2018, c. 254, § 2, eff. Nov. 1, 2018.

NOTE: Editorially renumbered from § 3311.17 of this title to avoid duplication in numbering.

§70-3312. University of Oklahoma College of Medicine Tulsa - Establishment.

A branch program of the School of Medicine of the University of Oklahoma is hereby established in Tulsa County to be known as the University of Oklahoma College of Medicine - Tulsa. The functions and programs of study of the operation shall be determined by the Oklahoma State Regents for Higher Education in pursuance of Article XIII-A of the Constitution of Oklahoma.

Laws 1972, c. 45, § 1, emerg. eff. March 10, 1972.

§70-3313. Legislative intent - Allocation of funds - Resident dean.

It is the intent of the Legislature that the State Regents for Higher Education shall consider the needs of the branch program operation in allocating funds to the University of Oklahoma. It is further the intention of the Legislature that the Board of Regents of the University of Oklahoma and the College of Medicine make appropriate arrangements for administration of the program authorized herein and prescribed by the State Regents for Higher Education,

including the establishment of a position of resident dean for the University of Oklahoma College of Medicine - Tulsa who shall be responsible for providing the leadership and coordination for administration of the Tulsa program.

Laws 1972, c. 45, § 2, emerg. eff. March 10, 1972.

§70-3314. Oklahoma Biological Survey.

A. There is hereby created the Biological Survey Office of the State of Oklahoma, which shall be under the direction and supervision of the Board of Regents of the University of Oklahoma.

B. The director of the Oklahoma Biological Survey shall be appointed by the Board. The salary of the director shall be determined by the Board.

C. The Oklahoma Biological Survey shall:

1. acquire, archive, process and disseminate information on biological resources and natural areas that is or could be of value to policy and decision makers in the state;

2. act as a representative of the state in biological matters, exclusive of wildlife matters under the authority of the Wildlife Conservation Commission and exclusive of matters pertaining to agriculture, both within and outside the state when necessary or appropriate, or when requested to do so by proper authority, which shall include among others the legislative or executive branches of state government;

3. conduct research, investigations, and interpretive programs pertaining to natural areas and biological resources, including but not limited to distributions of animal and plant forms within the state and their relationships to one another and their environment except as those matters pertain to agriculture;

4. maintain an inventory of natural and scientific areas, an inventory of natural ecosystems and their components, and an inventory of habitats of rare and endangered species of plants and animals;

5. maintain as part of an herbarium, a plant collection that is representative of but not restricted to the flora and plant communities of Oklahoma, which among other benefits will support research and investigative programs;

6. participate in the Oklahoma Natural Heritage Program, including development of and responsibility for the Oklahoma Natural Heritage Inventory of the state's habitats and species, which among other benefits will provide a centralized and continually updated inventory of the biological diversity of Oklahoma that will contain accurate and timely information for environmental planning, resource management, protection of significant natural areas, endangered species review, and biological research and education; and

7. as authorized by the Board of Regents of the University of Oklahoma, contract with private entities or state agencies to assist

in the training of students and the citizenry with respect to biological resources and their importance to Oklahoma.

D. The establishment of the Biological Survey Office shall in no way preclude or limit research and educational activities concerning biological resources and natural areas by universities, colleges, or other governmental entities.

E. The director is authorized to certify copies as being authentic reproductions of biological resource records held in the state.

F. The director of the Oklahoma Biological Survey shall present a report each year to the Board of Regents of the University of Oklahoma showing the progress and condition of the Oklahoma Biological Survey and any other information that the Board may deem necessary.

Added by Laws 1987, c. 170, § 1, operative July 1, 1987.

§70-3315. Short title.

This act shall be known and may be cited as the "Oklahoma State Register of Natural Heritage Areas Act".

Added by Laws 1984, c. 48, § 1, eff. Nov. 1, 1984. Amended by Laws 2002, c. 199, § 1, emerg. eff. May 6, 2002. Renumbered from Title 74, § 1840 by Laws 2002, c. 199, § 5, emerg. eff. May 6, 2002.

§70-3315.1. State Register of Natural Heritage Areas - Creation - Listing of sites - Private property.

A. There is hereby created a "State Register of Natural Heritage Areas".

B. The Oklahoma Biological Survey shall establish a listing of sites, districts, areas, or objects above or below the surface of the earth whether on land or in the waters of this state, which have unique and diverse ecological, geological, or other special natural characteristics of significant scientific, educational, or passive recreational value to the citizens of this state. The listing shall constitute the State Register of Natural Heritage Areas.

C. Listing a privately owned property in the State Register shall in no way violate or abridge the right of the landowner to use, modify, or dispose of the property.

Added by Laws 1984, c. 48, § 2, eff. Nov. 1, 1984. Amended by Laws 2002, c. 199, § 2, emerg. eff. May 6, 2002. Renumbered from Title 74, § 1841 by Laws 2002, c. 199, § 5, emerg. eff. May 6, 2002.

§70-3315.2. Potential areas for inclusion in State Register - Characteristics.

Any potential natural area recommended for inclusion in the State Register shall possess one or more of the following characteristics:

1. Rare, threatened, or endangered plant or animal species habitat;

2. Outstanding plant community type which is representative of the natural diversity of this state;
 3. Outstanding geological element which is representative of the geological history or processes of this state;
 4. Outstanding aquatic elements which are representative of the aquatic diversity of this state; or
 5. Unusual natural features, such as vegetation types, virgin stands, or other unique biological or ecological phenomena.
- Added by Laws 1984, c. 48, § 4, eff. Nov. 1, 1984. Renumbered from Title 74, § 1843 by Laws 2002, c. 199, § 5, emerg. eff. May 6, 2002.

§70-3315.3. Duties of Oklahoma Biological Survey.

In performing its duties pursuant to the provisions of the Oklahoma State Register of Natural Heritage Areas Act, the Oklahoma Biological Survey shall:

1. Identify potential natural areas for inclusion in the State Register. Any person or organization may recommend the inclusion of any area within this state to the Survey;
2. Notify the landowners of a potential natural area of the recommendation of the area, explain the scope and intent of the State Register, and request permission to evaluate the site of the area;
3. Evaluate the site of the potential natural area, upon receiving permission from the landowners, to determine whether the area satisfies the criteria listed in Section 4 of this act;
4. Invite the landowners of a natural area site which satisfies the criteria to register the site in the State Register. To register a site, a nonbinding agreement stating the intent of the landowners to protect the characteristics of the natural area site is signed by the landowners and the Director of the Oklahoma Biological Survey. Upon the signing of the agreement, the Director shall present a plaque and a certificate of registration to the landowners acknowledging their generosity and civic-mindedness;
5. Protect the rights of the landowners by publicly listing a registered natural area only with the consent of the landowners and by removing a natural area from the State Register at the request of the landowners;
6. Assist the landowners of registered natural areas by providing information concerning such areas and by providing or arranging for technical assistance and resource planning which may be requested;
7. Review periodically each registered natural area and remove from the State Register any area which has had its natural character or quality degraded through significant natural or man-made changes; and
8. Publish an annual report on the state and condition of the registered natural areas which shall be available to the public.

Added by Laws 1984, c. 48, § 5, eff. Nov. 1, 1984. Amended by Laws 1993, c. 155, § 1, eff. July 1, 1993; Laws 2002, c. 199, § 3, emerg. eff. May 6, 2002. Renumbered from Title 74, § 1844 by Laws 2002, c. 199, § 5, emerg. eff. May 6, 2002.

§70-3315.4. Evaluation of recommended areas - Criteria.

All potential natural areas recommended for inclusion in the State Register shall be evaluated by the Oklahoma Biological Survey, as required by Section 3 of this act, according to the following criteria:

1. The diversity of flora and fauna;
2. The quality and viability of the occurrence of the element of natural diversity;
3. The absence of damaging land uses and the extent of historic disturbances;
4. The potential for sustained protection and management of the element of natural diversity;
5. The presence of additional elements of natural diversity not adequately represented in other registered natural areas; and
6. The significance of the educational and scientific values of the element of natural diversity.

Added by Laws 1984, c. 48, § 6, eff. Nov. 1, 1984. Amended by Laws 1993, c. 155, § 2, eff. July 1, 1993; Laws 2002, c. 199, § 4, emerg. eff. May 6, 2002. Renumbered from Title 74, § 1845 by Laws 2002, c. 199, § 5, emerg. eff. May 6, 2002.

§70-3316. Center for Women's Health - Establishment - Duties.

The Oklahoma State Legislature requests the Board of Regents of the University of Oklahoma to establish a Center for Women's Health within the College of Medicine at the University of Oklahoma Health Sciences Center in Oklahoma City which would be responsible for expanding the knowledge and understanding of women's health needs. The Center for Women's Health should:

1. Utilize the interdisciplinary approach which combines all areas of women's health care delivery in one location;
2. Develop extramural resources to support and carry out the highest quality clinical and basic research devoted to women's health issues;
3. Identify and develop effective health practices for women;
4. Provide demonstration projects directly related to the field of women's health; and
5. Disseminate information on women's health.

Added by Laws 1994, c. 288, § 8, eff. July 1, 1994.

§70-3317. Cancer treatment and research program at the University of Oklahoma - Establishment - Funding.

A. The Oklahoma State Legislature requests the Board of Regents at the University of Oklahoma to establish a cancer treatment and research program under the administrative direction of the Provost for the Health Sciences Centers in Oklahoma City and Tulsa. The program should provide statewide leadership in cancer research, prevention and information, and treatment and seek to gain national recognition for excellence in the fight against cancer by being named as a comprehensive cancer center by the National Cancer Institute.

B. 1. The Board of Regents for the University of Oklahoma may create a not-for-profit corporation to raise funds and name a board of directors for the corporation to assist in the development of the cancer treatment and research program requested by this act.

2. The board of directors of the corporation authorized in paragraph 1 of this subsection may select a name for the corporation. The board shall choose its own chairperson.

C. After proper incorporation, the not-for-profit corporation shall apply for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C., Section 501(c)(3)).

Added by Laws 2001, c. 233, § 1, eff. Nov. 1, 2001.

§70-3318. Request to establish comprehensive diabetes center.

The Oklahoma State Legislature requests the Board of Regents of the University of Oklahoma to establish a comprehensive diabetes center with operations in Oklahoma City and Tulsa. The Oklahoma Diabetes Center should provide statewide leadership in diabetes treatment, research, prevention, information, education and awareness and provide access to the latest developments in diabetes care and management through the clinical trials hosted by the center.

Added by Laws 2006, c. 221, § 2, eff. Nov. 1, 2006.

§70-3401. Oklahoma State University - Designation - Power and authority.

The state educational institution located at Stillwater, previously known as the Oklahoma Agricultural and Mechanical College and now known as Oklahoma State University of Agriculture and Applied Science, shall continue at the same location and its official name shall be Oklahoma State University. The Legislature further recognizes and confirms that said institution is an institution corporate under the Constitution and laws of Oklahoma with full power and authority, acting through its said constitutional Board of Regents, to do all things necessary or convenient to accomplish the corporate objects of said institution, and said institution, acting through its said constitutional Board of Regents, is hereby recognized to be such public corporation and to have such powers, acting through its regents.

Laws 1965, c. 396, § 401; Laws 1980, c. 157, § 1, eff. July 1, 1980.

§70-3401.1. Oklahoma State University Institute of Technology-Okmulgee.

A. The state educational agency of Oklahoma State University located in Okmulgee, Oklahoma, shall continue at the same location and is hereby officially named and shall be designated in all future references as "Oklahoma State University Institute of Technology-Okmulgee".

B. The name change prescribed in this section shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority of Oklahoma State University or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, or title to property, obligations or any other aspect of the legal status of the named agency for any purpose, except that the agency shall be referred to as "Oklahoma State University Institute of Technology-Okmulgee" in all future references to the agency.

Added by Laws 2008, c. 54, § 1, eff. July 1, 2008.

§70-3401.2. Oklahoma State University Fire Service Training.

A. The purpose of Oklahoma State University Fire Service Training (OSU FST) shall be to develop, deliver, support and evaluate training, education and professional certification programs for fire service in this state to ensure emergency responders may safely and successfully perform their duties.

B. OSU FST shall:

1. Deliver and support training and education programs for fire service and other emergency responders in this state to meet local and state needs by:

- a. collaborating with technology center schools and other training providers to ensure training, training support and support of certification testing are readily available to all areas of the state to accomplish the State Fire Marshal Commission annual state training plan and regional training plans which are voluntarily developed and adopted, and
- b. collaborating with technology center schools and other training providers to develop and maintain a database of available instructors to teach fire and emergency responder topics. The database shall be maintained on the OSU FST website and made available to other training providers;

2. Collaborate with the State Fire Marshal Commission on efforts which shall include, but not be limited to, participation in the activities of the State Fire Marshal Commission training task force and initiatives intended to accomplish the State Fire Marshal Commission firefighter training goals and the state-specific standards certification program;

3. Develop or adopt and disseminate curriculum and instructional materials to fire departments and training providers consistent with state and federal statutory requirements for classes, courses and programs for delivery to fire service in this state, with every effort being made to provide the curriculum and materials at minimal or no cost. Unless required by state or federal regulations, selection, adoption and/or use of the OSU-FST-disseminated curriculum and training materials or instructors shall be at the discretion of each training provider or local fire department;

4. Maintain and make available by electronic means, in a manner consistent with state and federal regulations, to the State Fire Marshal Commission, fire chiefs, training officers and other agencies as required by law, as requested, all training and certification records of Oklahoma firefighters who participate in training sponsored by OSU FST or records provided to OSU FST by local fire departments or other training agencies. The provisions of this paragraph shall not apply to state and federal wild-land fire agencies;

5. Develop, administer and evaluate an accredited certification program available to all firefighters and other emergency responders based on National Fire Protection Association standards and/or state and federal standards. The program shall:

- a. be accredited through the International Fire Service Accreditation Congress and/or the National Board on Fire Service Professional Qualifications at levels deemed beneficial to fire service in this state,
- b. provide for dissemination to recognized certification partners and posting to the OSU FST's website a list of qualified proctors and evaluators for use during OSU FST certification events,
- c. develop, as requested, special certifications based on state-specific standards adopted by the State Fire Marshal Commission or other state agencies that are designed for emergency responders in this state, which may not be accredited,
- d. maintain certification records and disseminate certifications of State-Fire-Marshall-Commission-adopted or -approved Oklahoma state-specific certifications. The certifications may be jointly labeled as the State Fire Marshal Commission, OSU FST, the Oklahoma Career and Technology Education System or other State-Fire-Marshall-Commission-approved training providers administering state-specific certifications,
- e. ensure that the Oklahoma state-specific certifications shall not duplicate certifications accredited by the International Fire Service Accreditation Congress or the National Board on Fire Service Professional

Qualifications, or titles of certification levels listed in the National Fire Protection Association professional qualifications standards, and

- f. when requested by an Oklahoma fire department or state agency, facilitate delivery of International Fire Service Accreditation Congress and National Board on Fire Service Professional Qualifications accredited certification processes which are not currently available through OSU FST; and

6. Fulfill any other statutory requirements set forth by the Legislature.

C. OSU FST shall be the Oklahoma state government representative to the United States Fire Administration's National Fire Academy and shall be responsible for delivering and disseminating training courses provided by, or made available through, the National Fire Academy.

D. Beginning September 15, 2014, and continuing on September 15 every following year, OSU FST shall submit an annual report regarding its programs, activity and accomplishments to the Chair of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the President of Oklahoma State University and the Dean of the Oklahoma State University College of Engineering, Architecture and Technology.

E. Nothing in this section shall be construed to divert funding from one entity to another. Nothing in this section shall be construed to limit, preclude or exempt an organization, agency or local department from delivery of training; development, adoption or dissemination of training curriculum or materials; participation in a State Fire Marshal Commission certification program based on an Oklahoma state-specific standard adopted or approved by the State Fire Marshal Commission; or issuance of a certificate of completion of training.

Added by Laws 2013, c. 220, § 1, eff. Nov. 1, 2013. Amended by Laws 2017, c. 232, § 5, eff. July 1, 2017.

§70-3402. Oklahoma Panhandle State College of Agriculture and Applied Science.

The state educational institution located at Goodwell shall continue at the same location and its official name shall be Oklahoma Panhandle State College of Agriculture and Applied Science.

Laws 1965, c. 396, § 402; Laws 1967, c. 172, § 1.

§70-3402.1. Oklahoma Panhandle State University.

Panhandle State College, located at Goodwell, Oklahoma, is hereby officially named and shall be designated in all future references as "Oklahoma Panhandle State University."

Laws 1974, p. 722, S.J.R.No.27, § 6.

§70-3403. Langston University.

The state educational institution located at Langston, known and designated as Langston University at Langston, shall continue at the same location and its official name shall be Langston University. Laws 1965, c. 396, § 403.

§70-3404. Cameron College.

The state educational institution located at Lawton, heretofore known and designated as Cameron State Agricultural College at Lawton, and subsequently as Cameron State Agricultural College, shall continue at the same location and its official name shall be Cameron College.

Laws 1965, c. 396, § 404; Laws 1971, c. 68, § 1, emerg. eff. April 12, 1971.

§70-3404.1. Cameron University.

Cameron College, located at Lawton, Oklahoma, is hereby officially named and shall be designated in all future references as "Cameron University."

Added by Laws 1974, S.J.R. No. 27, p. 722, § 9.

§70-3404.2. Cameron University - Transfer of governance, supervision, management and control.

Acting pursuant to the power conferred by Section 2 of Article 13A of the Oklahoma Constitution to determine the functions and courses of study in each of the institutions in the State System, the Oklahoma State Regents for Higher Education have determined that the primary mission of Cameron University is no longer agricultural and mechanical; therefore the governance, supervision, management and control of Cameron University is hereby transferred from the Board of Regents for Oklahoma Agricultural and Mechanical Colleges to the Board of Regents for the University of Oklahoma and Cameron University, and all property, assets and obligations of Cameron University and any and all obligations of the Board of Regents for Oklahoma Agricultural and Mechanical Colleges for and on behalf of Cameron University are hereby transferred to the Board of Regents for the University of Oklahoma and Cameron University. Obligations for any and all plans for tenure or retirement of employees of Cameron University, either through Cameron University or the Board of Regents for Oklahoma Agricultural and Mechanical Colleges, shall be assumed by the Board of Regents for the University of Oklahoma and Cameron University.

Added by Laws 1992, c. 308, § 10, eff. June 1, 1992.

§70-3404.3. Cameron University - Branch campus at Duncan - Resident college credit courses and programs.

A. The Oklahoma State Regents for Higher Education shall make resident college credit courses and programs available to the people of Duncan.

B. The Oklahoma State Regents for Higher Education shall make lower and upper division classes and programs and graduate classes at the Masters level through a branch of Cameron University, which shall be established and located in Duncan. The branch campus of Cameron University shall be governed by the Board of Regents for the University of Oklahoma and administered through Cameron University. The Duncan Economic Development Trust Authority shall provide suitable existing facilities to accommodate the branch at Duncan. The Oklahoma State Regents for Higher Education may provide resources to Cameron University to maintain and operate the branch campus in Duncan in accordance with its function and mission as provided by law.

Added by Laws 2004, c. 268, § 1, eff. July 1, 2004.

§70-3405. Connors State College.

The state educational institution located at Warner shall continue at the same location and its official name shall be Connors State College.

Added by Laws 1965, c. 396, § 405, eff. July 1, 1965. Amended by Laws 1967, c. 172, § 2; Laws 2002, c. 194, § 3, eff. July 1, 2002.

§70-3405.1. Muskogee branches - Connors State College of Agriculture and Applied Science - Northeastern State University.

A. The Oklahoma State Regents for Higher Education shall make resident college credit courses and programs available to the people of Muskogee.

B. The Oklahoma State Regents for Higher Education shall provide lower division classes and programs through a branch of Connors State College, which shall be established and located in Muskogee. The branch campus of Connors State College shall be governed by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges and administered through Connors State College.

C. The Oklahoma State Regents for Higher Education shall provide upper division classes and programs and graduate classes at the Masters level through a branch of Northeastern State University, which shall be established and located at Muskogee. The branch campus of Northeastern State University shall be governed by the Board of Regents of Oklahoma Colleges and administered through Northeastern State University.

Added by Laws 1988, c. 121, § 1. Amended by Laws 2002, c. 194, § 4, eff. July 1, 2002.

§70-3406. Repealed by Laws 1972, c. 150, § 5, eff. April 7, 1972.

§70-3407. Murray State College.

The state educational institution located at Tishomingo shall continue at the same location and its official name shall be Murray State College.

Wherever the laws of this state refer to such institution as Murray State Agricultural College or Murray State College of Agriculture and Applied Science or Murray State College of Technology, or any other name, the reference shall be deemed to be to Murray State College. Greater emphasis, rather than predominant emphasis, to technical education shall be the object of the study made by the Oklahoma State Regents for Higher Education under the following section (3407.1) to determine the feasibility of changes in the functions of Murray State College.

Laws 1965, c. 396, § 407; Laws 1967, c. 172, § 4; Laws 1972, c. 157, § 1, emerg. eff. April 7, 1972.

§70-3407.1. Murray State College of Technology - Proclamation.

The Oklahoma State Regents for Higher Education shall make a study to determine the feasibility of changing the functions of Murray State College of Agriculture and Applied Science to give predominant emphasis to technical education while retaining the normal two-year junior college academic program. If the State Regents determine that the change should be made, they shall issue a proclamation declaring the change in the functions of the college and specifying the effective date. Thereafter, the official name of the college shall be Murray State College of Technology; there shall be created a Board of Regents of Murray State College of Technology as provided in Section 2 of this act; and all governing control of and property, assets and obligations of the Murray State College of Agriculture and Applied Science shall be transferred to the Board of Regents of the Murray State College of Technology. Copies of the proclamation shall be filed with the Governor, the Secretary of State, and the Secretary of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges.

Laws 1971, c. 128, § 1, emerg. eff. May 5, 1971.

§70-3407.2. Board of Regents.

A. The Board of Regents of Murray State College of Technology shall consist of seven (7) members appointed by the Governor, by and with the advice and consent of the Senate. The regular term of each member shall be seven (7) years, except that the initial appointments shall be for lesser terms so that the term of only one member shall expire each year.

B. The Board of Regents of Murray State College of Technology shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a chairman, a vice chairman, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until

his successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules and regulations as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting, in a suitable book to be obtained and kept for such purpose. The Board of Regents of Murray State College of Technology shall be the governing board of the College and shall have the supervision and management thereof and shall have the same powers and duties as governing boards of other institutions in The Oklahoma State System of Higher Education, and may do all things necessary or convenient to make the College effective for the purpose for which it is operated. Laws 1971, c. 128, § 2, emerg. eff. May 5, 1971; Laws 1980, c. 159, § 25, emerg. eff. April 2, 1980.

§70-3407.3. Designation and description of property of Murray State College.

A. The following described state property shall be the property of Murray State College:

Four acres of land out of the S1/2 of SW1/4 of NE1/4 of Section 9, Township 4 South, Range 6 East, described as follows, to-wit:

Beginning at a point on the West line of Murray Avenue of Murray College Addition to the Town of Tishomingo, Oklahoma, where said Avenue crosses or intersects the North line of that tract belonging to the State of Oklahoma as the site for the Murray State School of Agriculture, and extending South a distance of 210 feet; thence West 420 feet; thence North 210 feet; thence East 420 feet to the point of beginning, containing 2 acres, more or less.

Also a tract of land described as follows, to-wit: Beginning at a point on the East line of Murray Avenue of Murray College Addition to the Town of Tishomingo, Oklahoma, where said Avenue crosses or intersects the North line of that tract belonging to the State of Oklahoma, as the site for the Murray State School of Agriculture, and extending South a distance of 210 feet; thence East 420 feet; thence North 210 feet; these (thence) West 420 feet to the point of beginning, containing 2 acres, more or less,

and containing 4 acres, more or less, according to the United States survey, in both of said tracts;

together with the two dormitories, the furniture therein and all appurtenances thereunto belonging.

B. The Office of Management and Enterprise Services shall implement a transfer from the State of Oklahoma to Murray State College of any property described in subsection A of this section that, on the effective date of this act, is not the property of Murray State College.

Added by Laws 1999, c. 77, § 1. Amended by Laws 2012, c. 304, § 633.

§70-3408. Northeastern Oklahoma Agricultural and Mechanical College. The State Educational Institution located at Miami, known and designated as Northeastern Oklahoma Agricultural and Mechanical College at Miami, shall continue at the same location and its official name shall be Northeastern Oklahoma Agricultural and Mechanical College.

Laws 1965, c. 396, § 408.

§70-3409. Board of Regents for the Oklahoma Agricultural and Mechanical Colleges - Eligibility, appointment and terms of members - Removal - Vacancies.

(a) The Board of Regents created by Section 31a, Article 6, Oklahoma Constitution, shall be known as the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges. It shall consist of nine (9) members, one of whom shall be the President of the State Board of Agriculture, the remaining eight members to be appointed by the Governor, by and with the advice and consent of the Senate. Provided, that persons now serving on such Board shall be members of and shall continue to serve on the Board for the terms for which they were appointed.

(b) Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be, as follows:

(1) Position No. 1. Effective April 5, 1990, the term of office of one member shall expire on the 4th day of April, 1998, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of this state.

(2) Position No. 2. Effective April 5, 1991, the term of office of one member shall expire on the 4th day of April, 1999, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of the Second Congressional District.

(3) Position No. 3. Effective April 5, 1992, the term of office of one member shall expire on the 4th day of April, 2000, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of this state.

(4) Position No. 4. Effective April 5, 1993, the term of office of one member shall expire on the 4th day of April, 2001, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of the First Congressional District.

(5) Position No. 5. Effective April 5, 1994, the term of office of one member shall expire on the 4th day of April, 2002, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of the Fifth Congressional District.

(6) Position No. 6. Effective April 5, 1995, the term of office of one member shall expire on the 4th day of April, 2003, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of this state.

(7) Position No. 7. Effective April 5, 1996, the term of office of one member shall expire on the 4th day of April, 2004, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of the Third Congressional District.

(8) Position No. 8. Effective April 5, 1997, the term of office of one member shall expire on the 4th day of April, 2005, and each eight (8) years thereafter, and the member shall be, and shall have been for not less than five (5) years prior to appointment, a resident and elector of the Fourth Congressional District.

(9) Position No. 9. This position shall be occupied by the President of the State Board of Agriculture.

However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Any member whose named congressional district has been removed due to redistricting shall be appointed from the state at large.

(c) A majority of the members appointed by the Governor shall be farmers, who are actually engaged in farming and/or livestock growing as their principal business or occupation in earning a livelihood; and no state, national or county officer shall be appointed as a member of the Board until two (2) years after tenure as such officer has ceased.

(d) No member of the Board of Regents shall be employed upon any work to be performed in connection with any of the Agricultural Colleges or Oklahoma State University of Agriculture and Applied Science, nor shall any member of said Board enter into any contract or business dealings with any of said Agricultural Colleges, in the way of buying, selling or exchanging livestock, or any other business transactions involving a financial consideration.

(e) Members of the Board shall be removable only for cause, as provided by law for this removal of officers not subject to impeachment.

(f) Vacancies on the Board shall be filled by the Governor, for the unexpired term, by and with the advice and consent of the Senate. Added by Laws 1965, c. 396, § 409, eff. July 1, 1965. Amended by Laws 1989, c. 281, § 11, operative July 1, 1989; Laws 2002, c. 375, § 20, eff. Nov. 5, 2002; Laws 2003, c. 229, § 6, emerg. eff. May 20, 2003.

§70-3410. Board of Regents for Oklahoma Agricultural and Mechanical Colleges - Oaths - Travel expenses.

(a) Each member of the Board of Regents for Oklahoma Agricultural and Mechanical Colleges shall take and subscribe to the oaths required of state officials generally.

(b) Each member of the Board shall be allowed necessary travel expenses, as may be approved by the Board pursuant to the State Travel Reimbursement Act.

Amended by Laws 1985, c. 178, § 61, operative July 1, 1985.

§70-3411. Board of Regents for Oklahoma Agricultural and Mechanical Colleges - Body corporate - Official seal - Officers - Terms and duties of officers - Proceedings.

(a) The Board of Regents for Oklahoma Agricultural and Mechanical Colleges shall be a body corporate and shall adopt an official seal, which shall be attached to all official documents issued by the Board and all contracts entered into by the Board.

(b) The Board of Regents shall annually elect from its membership a Chairman, a Vice Chairman, and a Secretary, each of whom shall serve for a term of one (1) fiscal year, and who shall have such powers and duties as may be prescribed by the Board. The Board shall adopt such rules and regulations as it deems necessary to govern its proceedings and the conduct of its business. The Secretary of the Board shall keep minutes of all meetings and all transactions considered at such meetings, and it shall not be necessary that the Secretary be a member of the Board.

Laws 1965, c. 396, § 411; Laws 1980, c. 159, § 26, emerg. eff. April 2, 1980.

§70-3412. Board of Regents for the Oklahoma Agricultural and Mechanical Colleges - Powers and duties.

The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall have the supervision, management and control of Oklahoma State University, Panhandle State University, Langston University, Connors State College, and Northeastern Oklahoma Agricultural and Mechanical College; and shall have the following additional powers and duties:

1. Adopt such rules and regulations as it deems necessary to govern each of the institutions under its jurisdiction;

2. Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers, and other professional and technical persons deemed necessary by the Board, for its operation and for the operation of the institutions under its jurisdiction. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by

the Board, payable to the State of Oklahoma and conditioned upon a faithful accounting of all such funds and property;

3. Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective;

4. Authorize officials at the several institutions under its jurisdiction to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it;

5. Receive and make disposition of monies, grants and property from federal agencies, and administer the same in accordance with federal requirements;

6. Accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof;

7. Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by institutions under its jurisdiction;

8. Acquire and take title to real and personal property in its name, on behalf of any of the institutions under its jurisdiction, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of such institutions, including the granting of leases, permits, easements and licenses over or upon any such real property. The Board shall have the power to institute any legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have the custody and control of abstracts of title and instruments affecting the ownership of or title to real property belonging to the Board, and being held by the Board on behalf of a particular state educational institution;

9. Have supervision and charge of the construction of all buildings at the institutions under its jurisdiction;

10. Determine the need for and cause to be constructed, dormitories and other buildings, on a self-liquidating basis, at any institution under its jurisdiction;

11. Establish and maintain plans for tenure and retirement of employees of the Board and of the institutions under its jurisdiction, and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost for employees thereof with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may, with the consent of the employee, be deducted from the employee's salary;

12. The Board shall cause a complete inventory to be made of all properties belonging to each of the agricultural colleges or universities within the State of Oklahoma before the last Monday in

December, next preceding each biennial session of the State Legislature, and accompanying the inventories shall be a financial statement showing in detail the condition of all funds appropriated for the use of the agricultural colleges and experimental stations, also the money expended and the purposes for which the same were expended and the condition of the institution; and, the results of experiments carried on, together with their recommendations concerning remedial legislation or rules for the betterment of the institution;

13. The Board shall audit all accounts against the funds appropriated for the use and maintenance of the Oklahoma State University and the other state agricultural colleges, including experimental stations, and the State Treasurer shall issue a warrant for the amount of all accounts, including salaries and expenses;

14. Provide penalties and forfeitures by way of damages and otherwise for the violation of rules of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions;

15. The Legislature further recognizes and confirms, that the Oklahoma State University is an institution corporate under the constitution and statutes of Oklahoma with full power and authority, acting through its constitutional Board of Regents, to do all things necessary or convenient to accomplish the corporate objects of the institution, and the institution, acting through its constitutional Board of Regents, is hereby recognized to be such public corporation and to have such powers; and

16. Issue, on behalf of Oklahoma State University, special and limited obligations for purposes of such capital projects as the Regents may deem to be proper.

Without limiting the generality of the foregoing, the powers of the board of regents to control and use monies accruing to the institutions under their jurisdiction and control, from nontax sources, including institutional earnings, and proceeds of sales of surplus properties heretofore authorized to be sold, and revenues derived by way of bonuses and rentals from oil and gas leases, for any lawful institutional purpose, is hereby specifically confirmed.

The enumeration herein of certain powers and immunities of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall not be construed as in derogation or as a limitation of other powers and immunities properly belonging to the Board by virtue of any provisions of the Constitution of Oklahoma or of any provision of law. The Board, is hereby, expressly granted every power necessary or convenient to make institutions under its jurisdiction effective for the purposes for which they were created and are maintained and operated.

Nothing in this section shall be construed as in derogation of the constitutional powers and responsibilities of the Board of

Regents for the Oklahoma Agricultural and Mechanical Colleges, acting as the Board of Regents for Connors State College, Northeastern Oklahoma Agricultural and Mechanical College, Panhandle State University, and Langston University.

Added by Laws 1965, c. 396, § 412, eff. July 1, 1965. Amended by Laws 1979, c. 47, § 83, emerg. eff. April 9, 1979; Laws 1992, c. 308, § 13, eff. June 1, 1992; Laws 1998, c. 364, § 25, emerg. eff. June 8, 1998; Laws 2002, c. 194, § 5, eff. July 1, 2002; Laws 2005, c. 2, § 15, emerg. eff. March 31, 2005; Laws 2005, c. 218, § 15, emerg. eff. May 24, 2005.

§70-3413. Experimental stations and projects - Assent to federal acts.

The Board of Regents for Oklahoma Agricultural and Mechanical Colleges may operate agricultural experiment stations, and shall receive federal funds and comply with federal requirements for such purposes; and may continue to operate all such experiment stations in existence when this Code becomes effective. As specifically provided herein the State of Oklahoma assents to and accepts the provisions of acts of Congress providing funds, services, and property to states for the purpose of establishing or operating such experimental stations, and the Board of Regents may enter into agreements with federal agencies for such purposes.

(a) The agricultural experiment station established in connection with the Oklahoma State University of Agriculture and Applied Science under the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall be operated for the purpose of conducting experiments in agriculture according to the terms of the acts of Congress establishing agricultural colleges and universities and experimental stations, and any rules and regulations promulgated under authority granted in the aforesaid federal acts.

(b) The provisions of an Act of Congress, entitled "An Act to establish agricultural experimental stations in connection with the colleges established in the several states" under the provisions of an Act approved July second, eighteen hundred and sixty-two, chapter 314, and the acts supplementary thereto, approved March second, eighteen hundred and eighty-seven, and as amended by the Act, August 11, 1955, chapter 790, Public Law 84-352, and any other federal authorizations providing federal funds to state experiment stations, are accepted by the State of Oklahoma; and the state hereby agrees and obligates itself to comply with all the provisions of said acts, and any rules and regulations promulgated under authority granted in the aforesaid federal acts.

(c) The assent of the Legislature of Oklahoma is hereby given, in pursuance of the requirements of Section Nine of the Act of Congress, approved March 2, 1887, and amended August 11, 1955, to the grants of money therein made, and to the establishing of an experimental

station, in accordance with Section One of both Acts, and assent is hereby given to carry out all and singular provisions of all these Acts of Congress. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges acting for and on behalf of the Oklahoma State University of Agriculture and Applied Science is hereby authorized and empowered to receive the grants of monies appropriated under said Acts for the use and benefit of the State Experiment Station of the Oklahoma State University of Agriculture and Applied Science, and to use them in accordance with the terms and conditions expressed in the Acts of Congress, aforesaid, and any rules and regulations promulgated under authority granted in the aforesaid federal acts.

Laws 1965, c. 396, § 413.

§70-3414. Soil experiment stations.

(a) The Board of Regents of Oklahoma Agricultural and Mechanical College, Stillwater, Oklahoma, and the Experiment Station of the Oklahoma State University of Agriculture and Applied Science, are authorized to establish soil experiment stations; one to be located in the sandy land area of southwestern Oklahoma and easily accessible to a public highway and one to be located in the hilly area of east central Oklahoma, the specific locations of both to be designated by the Director of the Oklahoma Agricultural Experiment Station. Monies hereinafter authorized and appropriated to carry out the purposes of this Act shall be available for the purchase of land, construction and repair of improvements thereon, purchase of machinery, equipment, and to cover any other necessary costs of operations of the stations herein authorized to be established.

(b) Upon the establishment of the stations the Board of Regents for the Agricultural and Mechanical Colleges shall be authorized hereby to request and receive cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in carrying out the work to reach the objectives of the stations, and to accept donations, grants, gifts, and contributions, in money, land, services, or otherwise, from the United States or any of its agencies, or from the state or any of its agencies, and to accept contributions from nongovernmental organizations or persons in order to carry out the purposes of this act.

(c) Such experiment stations now established or established after the effective date of this act shall be operated under the direction and supervision of Oklahoma State University of Agriculture and Applied Science, and the experiments carried on thereat shall be designed to determine the most practical means of restoring the desirable physical properties of the soil to the end of reclaiming and putting into profitable production the depleted soils of Oklahoma, giving special attention to the various types of soil. Research shall be made as to the long time effect of deep-plowing,

determination of types and rates of fertilizers adaptable to the soil of Oklahoma, coordinated with practical legume rotations for soil improvement, and determination of fertilizers and crops adaptable to the areas and any other studies that will aid in the development of Oklahoma agriculture.

Laws 1965, c. 396, § 414.

§70-3415. Greenhouse Research Fund - Agricultural Products Fund - Pecan research.

(a) The fund now existing in the State Treasury and known as the Oklahoma State University of Agriculture and Applied Science, Agricultural Research Greenhouse Fund shall continue in operation with the same name. Said fund shall continue to consist of all revenues, gifts, donations and endowments accruing to the credit of Oklahoma State University of Agriculture and Applied Science from the wheat and small grains industry or other private endowments. Revenue deposited in said fund is hereby appropriated and the fund shall be of a continuing nature and not subject to fiscal year limitations.

(b) It is the intent of the Legislature that the fund specified in this section shall be used by Oklahoma State University of Agriculture and Applied Science for the payment of all necessary expenses including personal services, purchase of equipment and other capital outlay necessary in sponsoring, erecting, constructing and maintaining an agricultural research greenhouse on the farm of the Oklahoma State University of Agriculture and Applied Science.

(c) Upon certification by the director of said agricultural experiment station that Fifty Thousand Dollars (\$50,000.00) has been made available by the wheat and small grains industry of Oklahoma or by private endowment, the State Budget Director is hereby authorized to cause to be made a transfer of funds from the General Revenue Fund to the Oklahoma State University Agricultural Research Greenhouse Fund created by Section 415(a) of this act.

(d) The fund previously created for the use of the Oklahoma Agricultural Research Station and known as the Oklahoma Agricultural Products Research Fund shall continue in operation and shall consist of any monies appropriated by the Legislature and any funds received by gift or from the federal government to be used for the purpose specified herein.

The proceeds of the fund authorized to be appropriated by the provisions of this act, and any funds received by gift or from the federal government to be used for the purpose provided in this section shall be expended by the Oklahoma State University Agricultural Experiment Station for research and development of new, additional, and improved uses for agricultural products. The experiment station shall have power and authority, within the limits of the funds available to it, to coordinate and expedite activities toward research.

The Director of the Oklahoma Agricultural Experiment Station is hereby authorized and empowered to acquire title on behalf of the State of Oklahoma to any patent or patents resulting from research projects conducted with funds of the Oklahoma Agricultural Products Research Fund, as herein provided.

The Director of the Oklahoma Agricultural Experiment Station, with the approval of the Governor, is hereby authorized and empowered to grant licenses or otherwise dispose of any patents resulting from research conducted with funds of the Oklahoma Agricultural Products Research Fund on a basis deemed by him to be most favorable to the State of Oklahoma.

Any royalties or other income derived from the licensing, sale, or use of any patent or patents resulting from research projects conducted with funds of the Oklahoma Agricultural Products Research Fund shall be paid into the Oklahoma Agricultural Products Research Fund to be used for the purposes of the Oklahoma Agricultural Products Research Fund.

(e) The pecan experiment station previously established in Lincoln County, Oklahoma, shall continue in operation and be known by the same name. It shall be devoted to the improvement of the grade and amount of production of pecans in Oklahoma.

Said experiment station shall continue to be operated under the direction and supervision of the Oklahoma State University of Agriculture and Applied Science. Authorization is granted to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges for the acquisition or improvement of lands, or the acquisition of any other property necessary for the station. Added by Laws 1965, c. 396, § 415, eff. July 1, 1965. Amended by Laws 1973, c. 124, § 1, emerg. eff. May 7, 1973.

§70-3416. Langston University experiment station.

Langston University, located at Langston, Oklahoma, is hereby authorized to devote and use all or any part of suitable farm lands belonging to or leased or rented by said institution in the establishment of and conducting and carrying on an agricultural experiment station for the purpose of conducting experiments in agriculture. It is further provided that said station shall be maintained in cooperation with the Oklahoma State University of Agriculture and Applied Science of the State of Oklahoma in accordance with the terms of the Acts of Congress establishing agricultural colleges or universities and experiment stations.

The authority herein granted shall be construed to be supplemental to and in conformity with Section 403 of this Code and other applicable statutes under which said Langston University of the State of Oklahoma was created and established and to carry into full and complete effect the purpose and intent of said statutes. In recognition of the designation of Langston University as an

agricultural research institution by federal and state law, and as an institution offering graduate programs by the Oklahoma State Regents for Higher Education, it is the intent of the Legislature that the State Regents for Higher Education provide the appropriate funding to enable Langston University to fulfill its role in agricultural research as provided for in this section.

The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall name a director of said experiment station who shall have charge and supervision thereof, and said Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall provide rules and regulations for the maintenance and operation of said station. Provided, all of such rules and regulations and the management of said station shall be in coordination with and pursuant to the plan and requirements of the Board of Regents in its operation and conduct of agricultural experiments as now conducted at Oklahoma State University of Agriculture and Applied Science.
Amended by Laws 1988, c. 89, § 1.

§70-3417. Agricultural research - Northeastern Oklahoma Pasture Improvement Program - Anaplasmosis - General research.

(a) The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, Stillwater, Oklahoma, and the Extension Division of the Oklahoma State University of Agriculture and Applied Science are hereby authorized to establish and promote a pasture program to be known as "Northeastern Oklahoma Pasture Improvement Program": to be located within the various counties of Northeastern Oklahoma and to be designated by the Director of the Oklahoma Agricultural Extension Division. Monies hereinafter authorized and appropriated to carry out the purpose of this section shall be available for the purchase of machinery, equipment, supplies and to cover rentals or any other necessary costs of operation of the program herein authorized.

In order to control the development of said pasture program the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges are authorized to enter into lease agreements with land owners for such period of time as may be necessary to establish a completed program, provided, however, any lease payment to any individual land owner shall not exceed One Dollar (\$1.00) per acre per year for tract so leased.

The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges are authorized hereby to request and receive cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in carrying out the work to reach the objectives of the program and to accept donations, grants, gifts, and contributions, in money, land, services or otherwise, from the United States and any of its agencies, or from the state or any of its agencies, and to accept contributions from nongovernmental

organizations or persons in order to carry out the purposes of this section.

Said pasture program shall be operated under the direction and supervision of the Oklahoma State University of Agriculture and Applied Science and the programs carried on shall be designed to determine the most practical means of restoring the desirable physical properties of pasture land, to the end of reclaiming and putting into profitable production said pasture land of Northeastern Oklahoma, giving special attention to the various types of grasses and legumes.

(b) The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges and the Experiment Station is authorized and directed to make extensive and intensive research to discover treatment or agent to immunize and/or to prevent anaplasmosis.

In order to carry out the purpose and provisions of this section, contributions from persons, firms and corporations may be accepted to carry on research and purchase equipment and materials for this needed purpose. The Board is authorized to employ personnel and to purchase equipment and materials necessary to make whatever research the Board deems advisable to accomplish the purposes of this act. Laws 1965, c. 396, § 417.

§70-3418. Agricultural extension work - Farm and home demonstration agents - Cooperative agreement.

The Board of Regents for Oklahoma Agricultural and Mechanical Colleges shall organize and conduct agricultural extension work under the direction of Oklahoma State University, and may accept federal funds for such purpose and comply with federal laws providing for cooperative agricultural extension work as follows:

1. The provisions of an Act of Congress entitled, "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the Act of Congress approved July 2, 1862, and of Acts supplemental thereto, and the United States Department of Agriculture", approved by the President May 8, 1914, as amended by Public Law 83-83, June 26, 1953, and Public Law 84-360, August 11, 1955, and any other federal authorizations providing federal money to State Extension Divisions, are hereby accepted by the State of Oklahoma; and the state hereby agrees and obligates itself to comply with all the provisions of said Acts and assents to the receipt of grants of money authorized by the Acts, paid annually to each state which by the action of its Legislature has assented to the provisions of the aforesaid Acts;

2. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges acting for and on behalf of Oklahoma State University is hereby authorized to receive the grants of money appropriated under said Acts, and to organize and conduct

agricultural extension work, which shall be carried on in connection, and under the direction of Oklahoma State University in accordance with the terms and conditions expressed in the Acts of Congress aforesaid, any other Acts supplemental thereto, or any rules and regulations promulgated under authority granted in the aforesaid federal acts;

3. Subject to approval of the board of county commissioners' annual estimate of needs by the excise board, the board of county commissioners of the respective counties of the state shall contract and agree with the Department of Agriculture of the United States of America and Oklahoma State University, or with the authorized agent or agents of said Department of Agriculture and said University, to cooperate with the Department of Agriculture and the University in conducting farm demonstration work and home demonstration work including 4-H club work in their respective counties under such rules and regulations as may be prescribed jointly by the Department of Agriculture and Oklahoma State University. Such agreement shall be in writing, signed by the members of the board of county commissioners and the authorized agent of the United States Department of Agriculture and Oklahoma State University, and may be entered into at any regular or adjourned session of said board, after the 30th day of June of each year. The board of county commissioners shall provide an adequate amount in their annual estimate of needs for the ensuing year to carry out the provisions of such contract, same to be included in the salary fund and expense fund to be paid on order of the board of county commissioners to such workers as may be agreed upon between said board of county commissioners and the authorized agent of the Department of Agriculture and the University to carry on said farm demonstration work and home demonstration work in said county; and

4. The Extension Division of Oklahoma State University at Stillwater, Oklahoma, is hereby designated the official agency of the State of Oklahoma to sponsor, establish, develop and execute a program of artificial insemination for the benefit of the livestock industry of the state, and said Extension Division is hereby authorized and directed to sponsor and conduct such program.

In order to carry out the purpose and provisions of this section, contributions from persons, firms and corporations may be accepted to carry on such work, purchase purebred sires, equipment and materials, and to defray legitimate expenses of every kind and character connected with such work, including the purchase of land and the acquisition or construction of capital improvements. Said Extension Division is hereby expressly granted every power and authority reasonably necessary or convenient for the carrying out and administering the program herein authorized and directed, including the authority to employ trained personnel and to purchase needed purebred dairy and other sires, equipment, materials and all things

necessary, including the purchase of land and the acquisition or construction of capital improvements, and including the making of necessary contracts, within the limits of available funds, to accomplish the purposes of this section.

Amended by Laws 1984, c. 112, § 1, emerg. eff. April 9, 1984.

§70-3419. Contributions for agricultural research and extension.

The purpose of this section is hereby declared to be that of permitting and encouraging the agricultural industry of the State of Oklahoma to contribute, on a voluntary basis, to the support and expansion of agricultural research on behalf of such industry and on behalf of all of the citizens of the state, through the Oklahoma Agricultural Experiment Station, and to the support and expansion of the programs of the Oklahoma Agricultural Extension Division.

To effectuate the purpose recited in this section, any agricultural organization, association and corporation in the state, including agricultural cooperatives, and the producers of any specific commodity through a referendum of members, is hereby expressly authorized and empowered, through appropriate formal action, to contribute to the support and expansion of agricultural research through the Oklahoma Agricultural Experiment Station, and to the support and expansion of the programs of the Oklahoma Agricultural Extension Division, in either of the following ways:

(1) Through direct donation or dedication of money, lands or other things of value from the assets of the organization, association or corporation.

(2) Through the assessment and collection of an agricultural research fee upon sales of the agricultural products of the members of any such organization, association, or corporation, or the producers of any specific commodity through a referendum of members, to be fixed in an amount, and collected at the time and in the manner specified in a formal order or resolution duly passed and adopted by any such organization, association or corporation, or the producers of any specific commodity through a referendum of members. Any monies made available under the provisions of this section shall be deposited in the State Treasury to the credit of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, kept in a separate fund, and used solely for the purposes stated in this section. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall allocate said funds between the Oklahoma Agricultural Experiment Station and the Oklahoma Agricultural Extension Division in a manner, according to the judgment of said Board, which will best effectuate the purposes of this section. Provided, however, that any organization, association or corporation, or the producers of any specific commodity through a referendum of members, as defined in this section, may designate the use to be made

of the money, real property or other things of value which it may dedicate for the purposes of the section, not in conflict with law.

The State Treasurer is hereby directed and authorized to issue warrants upon the State Treasury against the funds made available under the terms of this section, for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges for such purpose.

Said Board of Regents may authorize the expenditure of the funds made available by the terms of this section for any purpose which it deems necessary or convenient to effectuate the purpose of the section, including the acquisition of lands or capital improvements, except where such funds are limited by the terms of the grant, as hereinabove provided.

All monies collected under the terms of this section and deposited in the State Treasury, as aforesaid, shall constitute a continuing fund, shall not be subject to fiscal limitations, and the unexpended balances shall at all times be available for expenditure for the purposes, and in the manner and form, provided in this section. All sums which may become available under the terms of this section shall be in addition to, and not in substitution for, sums otherwise appropriated or made available to the Oklahoma Agricultural Experiment Station or to the Oklahoma Agricultural Extension Division from any other source.

The title to any property, real and personal, made available under the terms of this section, shall be taken in the name of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, and used only for the purposes authorized by the terms of this section.

Laws 1965, c. 396, § 419; Laws 1979, c. 47, § 84, emerg. eff. April 9, 1979.

§70-3420. Receipt of federal appropriations for the support and maintenance of Oklahoma Agricultural Colleges.

The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall be fully authorized to receive from the United States any and all appropriations made for the support or maintenance of agricultural colleges within the state and shall be authorized to receipt for the same and shall be chargeable therewith when received from the United States.

Laws 1965, c. 396, § 420.

§70-3421. Foundation for research and other projects.

The Board may authorize any university or college under its supervision, management, or control to create and incorporate a Research Foundation for the purpose of centralizing all research

work, and other projects, and receiving gifts and endowments for research work, and other projects, and receiving earnings and profits from any research work, and other projects.

Added by Laws 1965, c. 396, § 421, eff. July 1, 1965.

§70-3422. Education of dependent youths and orphans.

A. In addition to the purposes prescribed by existing law, the Eastern Oklahoma State College located at Wilburton, Oklahoma, shall be also maintained as an institution for the care, training and education of dependent youth and orphans of this state who have attained the equivalent of a public school educational standing and who by reason of being dependent, neglected or orphaned may be unable to be cared for, trained or educated otherwise, and said institution shall provide necessary or proper care, control, training and education of all who are granted admission or enrollment therein as students or wards.

B. In each county of the state, the associate district judge as chairman, the county superintendent of health, or the medical director of the county shall constitute a board to determine under such rules and regulations as may be adopted and prescribed by the Board of Regents of the said Eastern Oklahoma State College who shall be eligible to be admitted as students or wards and said board shall cause proper certificate of eligibility and admission to be prepared, executed and forwarded to the President of said institution, and under such rules, regulations and conditions as the said Board of Regents shall adopt, the said President, as soon thereafter as provisions can be made and facilities are available for the acceptance and enrollment of said ward, shall notify the chairman of said board, whereupon it shall be the duty of the said associate district judge to cause the said ward to be transported to said institution and upon arrival said ward shall be received and entered therein as an educational ward of the state, and the President of said College, under direction of the Board of Regents, shall be and remain in control of said ward and shall stand and be in similar relation and control as a parent. The said ward may, for breach of rules, be expelled, suspended or transferred to one of the State Training Schools upon order of the President with the approval of two members of the Board of Regents.

Any child a ward of the state in any of its institutions may be transferred to said institution for care, training or education, when the Governor of the state shall so order, provided said child is physically, mentally or morally eligible.

No child, student or ward shall ever be admitted as a student or ward in said Eastern Oklahoma State College unless and until it is definitely determined that said student or ward is free from contagious or other disease that may be communicable in nature, and a certificate so showing shall be required before entry. Proper

precautions shall at all times be observed to protect and safeguard the health of all students or wards and for said purpose the President of said institution shall, with the approval of the Board of Regents, arrange for medical examination, care and treatment of wards. No ward shall be admitted to said institution who is incorrigible or who stands convicted of violating any law of this state unless and until it has been determined by the Board of Regents of said institution that said ward has earned or merited classification as a morally upright and deserving ward whose presence in said institution as a ward will not tend to corrupt or improperly influence the moral tendencies of other students or wards therein.

For these purposes the Board of Regents of said college shall, with the approval of the Governor of the state, adopt such rules and regulations as it may deem proper and necessary for the regulation and control of the admission of students or wards and for their care and control after admission.

C. In addition to such courses of instruction as have heretofore or may now be given, the said college may furnish academic courses in education together with vocational training of such character as the Board of Regents may determine to be advisable and necessary for the proper practical education and training of the students and wards in said college.

Laws 1965, c. 396, § 422; Laws 1978, c. 244, § 29, eff. July 1, 1978; Laws 1993, c. 239, § 52, eff. July 1, 1993.

§70-3423. Oklahoma State University College of Osteopathic Medicine - Merger - Mission.

A. The institution located in Tulsa County and known as the Oklahoma College of Osteopathic Medicine and Surgery is hereby merged with and made an agency and an integral part of Oklahoma State University. The location of the college shall remain in Tulsa County. On and after the effective date of this act, the official name of the college shall be the Oklahoma State University College of Osteopathic Medicine. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall have the supervision, management, and governmental control of the college, which shall be administered by Oklahoma State University. At least one of the two highest-ranking administrative officers of the college shall be a doctor of osteopathic medicine.

B. There is hereby created the Oklahoma State University Center for Health Sciences which shall include the programs of the Oklahoma State University College of Osteopathic Medicine and may include other medical and biomedical sciences programs of Oklahoma State University.

C. Nothing in this act shall be deemed to change the mission, courses, or programs of Oklahoma State University or to alter the

powers of the Oklahoma State Regents for Higher Education related to the approval of courses, programs, and institutional missions. Added by Laws 1988, c. 137, § 3, eff. July 1, 1988. Amended by Laws 1990, c. 257, § 12, emerg. eff. May 23, 1990; Laws 2001, c. 230, § 1, eff. July 1, 2001.

§70-3424. Advisory Council for College of Osteopathic Medicine of Oklahoma State University - Legislative intent.

A. It is the intent of the Legislature that the President of Oklahoma State University appoint members to an Advisory Council for the Oklahoma State University College of Osteopathic Medicine, such council members to serve at the pleasure of the President. The Advisory Council shall have seven (7) members, none of whom shall be employees of the state or engaged in business with Oklahoma State University or any agency thereof by means of any contract or business transaction involving a financial consideration. The appointment of members shall be made from a list of not less than three names per member submitted by the Oklahoma Osteopathic Association.

B. It is the intent of the Legislature that the Advisory Council advise the administrative officers of the college, the administrative officers of the university, and the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges regarding the professional preparation of doctors of osteopathic medicine in the field of general practice and regarding the general development and improvement of the Oklahoma State University College of Osteopathic Medicine as an agency and an integral part of Oklahoma State University.

C. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education, in determining the functions, programs of study, and standards of education of the college, continue to give emphasis to the preparation of doctors of osteopathic medicine in the field of general practice.

Added by Laws 1988, c. 137, § 4, eff. July 1, 1988. Amended by Laws 1990, c. 257, § 13, emerg. eff. May 23, 1990; Laws 2001, c. 230, § 2, eff. July 1, 2001.

§70-3424.1. Oklahoma Rural Health Policy and Research Center - Mission.

A. There is hereby created the Oklahoma Rural Health Policy and Research Center at the Oklahoma State University College of Osteopathic Medicine.

B. 1. The mission of the Oklahoma Rural Health Policy and Research Center shall be to:

- a. improve rural health care delivery in Oklahoma through the coordination of rural medical education, telemedicine, research, and health care policy, and

- b. establish a process for the following types of hospitals to request designation as a rural health care delivery system through the Oklahoma Rural Health Policy and Research Center:
 - (1) a rural hospital located in a metropolitan statistical area, and
 - (2) a hospital located in an administrative area that is administratively designated as urban or nonrural.

2. A hospital located in a metropolitan statistical area or an area administratively designated as urban or nonrural that requests designation as a rural health care delivery system shall meet at least two of the following criteria:

- a. be located in a county with a population density of less than two hundred twenty-five (225) persons per square mile of land area,
- b. be located in a county with a municipality of twenty-five thousand (25,000) persons or fewer, excluding the major city designated as urban or nonrural, or
- c. be the only hospital located in a county.

Added by Laws 2001, c. 230, § 3, eff. July 1, 2001. Amended by Laws 2005, c. 143, § 1, emerg. eff. May 5, 2005.

§70-3425. George Nigh Rehabilitation Institute - Transfer from Department of Veterans Affairs.

A. The facility known as the George Nigh Rehabilitation Institute in Okmulgee, Oklahoma, described as follows: a tract of land in Section 29, Township 14 North, Range 13 East of the Indian Meridian, Okmulgee County, Oklahoma, more particularly described as "Commencing at a point of the North Line of said Section a distance of 926.00 feet east of the Northwest corner of said Section 29, T14N, R13E, thence S 00 degrees, 09' 00" W a distance of 868.06 feet, thence N 89 degrees 50' 40.5" W a distance of 376.00 feet, thence N 00 degrees, 00" E a distance of 300.00 feet, thence N 89 degrees 50' 40.5" W a distance of 350.00 feet to the easterly right of way of U.S. 75, thence N 00 degrees, 09' 00" E a distance of 150.45 feet, thence on a curve to the right with a radius of 226.48 feet a distance of 217.73 feet, thence on a curve to the left with a radius of 264.63 feet a distance of 254.40 feet, thence N 45 degrees, 00' 00" E a distance of 21.06 feet, thence S 89 degrees, 50' 40.5" E a distance of 501.11 feet to the point of beginning", said tract containing 11.0 acres is hereby transferred from the Oklahoma Department of Veterans Affairs to the Oklahoma State Regents for Higher Education to be administered consistent with such rules and policies of the Oklahoma State Regents for Higher Education and which shall be subject to the provisions of Section 3 of this act. The transfer shall include all real property, buildings, furniture,

equipment, supplies, records, personnel, assets, current and future liabilities, fund balances, encumbrances, obligations, indebtedness, powers, duties and responsibilities associated with the George Nigh Rehabilitation Institute.

B. All monies remaining in any funds or accounts in the name of the George Nigh Rehabilitation Institute or maintained by the Department of Veterans Affairs for the benefit of the Institute are transferred to the Oklahoma State Regents for Higher Education and shall be subject to the provisions of Section 3 of this act.

C. It is the intent of the Legislature that all employees of the George Nigh Rehabilitation Institute on the effective date of this act shall be transferred to the Oklahoma State Regents for Higher Education with retention of pay and benefits, as much as possible, including longevity, dependent insurance benefits, seniority, rights, and other privileges or benefits, which may be provided through contractual arrangement with the Oklahoma Department of Veterans Affairs as provided for in Section 3 of this act.

Added by Laws 1991, c. 288, § 7, eff. July 1, 1991. Amended by Laws 1992, c. 312, § 2, eff. Sept. 1, 1992; Laws 1999, c. 347, § 1, eff. July 1, 1999. Renumbered from § 63.18 of Title 72 by Laws 1999, c. 347, § 6, eff. July 1, 1999.

§70-3426. George Nigh Rehabilitation Institute Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Regents for Higher Education to be designated the "George Nigh Rehabilitation Institute Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of all monies received by the Oklahoma State Regents for Higher Education from any gifts, contributions, bequests, individual reimbursements and other sources of revenue, for the care or support of persons who have been admitted and cared for at the Institute and any other monies directed by law to be placed in the fund. Monies accruing to the fund may be expended by the Oklahoma State Regents for Higher Education for operation, maintenance and capital improvement of the facility. Expenditures from the fund shall be made on warrants issued by the State Treasurer against claims filed with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1991, c. 288, § 8, eff. July 1, 1991. Amended by Laws 1999, c. 347, § 2, eff. July 1, 1999. Renumbered from § 222.1 of Title 72 by Laws 1999, c. 347, § 6, eff. July 1, 1999. Amended by Laws 2012, c. 304, § 634.

§70-3427. Transfer of George Nigh Rehabilitation Institute to institution of higher education.

A. The Oklahoma State Regents for Higher Education shall enter into an interagency agreement with the Oklahoma Department of

Veterans Affairs for the operation of the George Nigh Rehabilitation Institute upon transfer of the Institute as provided for in Section 1 of this act. The agreement shall be effective until the Regents have made a determination of and have transferred administration, property, monies, and employees of the George Nigh Rehabilitation Institute to the appropriate institution of higher education within The Oklahoma State System of Higher Education. During the term of the agreement the membership of the employees of the George Nigh Rehabilitation Institute in the Oklahoma Public Employees Retirement System shall not change and the Oklahoma Department of Veterans Affairs shall continue to make contributions pursuant to Section 920 of Title 74 of the Oklahoma Statutes which shall be reimbursed pursuant to the agreement.

B. The Oklahoma State Regents for Higher Education shall study and make a determination of which institution of higher education within The Oklahoma State System of Higher Education has an educational program that best enhances the mission of the George Nigh Rehabilitation Institute. On or before October 1, 1999, the Regents, at a regular or special meeting, shall make a final determination of the appropriate institution of higher education to transfer the administration, property, monies, and employees of George Nigh Rehabilitation Institute to. The Regents shall notify the employees of the Institute of the final determination not less than thirty (30) days prior to the actual transfer.

C. On or before November 1, 1999, the Oklahoma State Regents for Higher Education shall transfer all rights, administration property, monies, and employees of the George Nigh Rehabilitation Institute acquired by the Regents pursuant to Sections 63.18 and 222.1 of Title 72 of the Oklahoma Statutes to the appropriate institution of higher education selected pursuant to subsection B of this section.

D. It is the intent of the Legislature, that all employees of the George Nigh Rehabilitation Institute transferred to an institution of higher education pursuant to this section retain pay and benefits, as much as possible, including longevity, dependent insurance benefits, seniority, rights and other privileges and benefits.

E. Upon transfer of the George Nigh Rehabilitation Institute to an institution of higher education as provided for in this section, the rights and responsibilities of the George Nigh Rehabilitation Institute Revolving Fund created in Section 222.1 of Title 72 of the Oklahoma Statutes shall also be transferred to the institution of higher education.

Added by Laws 1999, c. 347, § 3, eff. July 1, 1999.

§70-3428. George Nigh Rehabilitation Institute - Transfer of title.

The title to all buildings, improvements, and real property, as described in Section 3425 of Title 70 of the Oklahoma Statutes,

comprising the facility known as the George Nigh Rehabilitation Institute in Okmulgee, Oklahoma, is hereby transferred from the Oklahoma Capitol Improvement Authority to the Board of Regents of the University of Oklahoma.

Added by Laws 2008, c. 101, § 3, eff. July 1, 2008.

§70-3430. Repealed by Laws 2010, c. 342, § 2.

§70-3431. Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa.

A. On January 1, 2009, there shall be created the Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa which shall consist of seven members appointed by the Governor and two members of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, or their designees, selected by the chair of the Board of Regents, who shall serve as voting, ex officio members. For purposes of serving on the Board of Trustees, the members of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges who are appointed to the Board of Trustees shall not be subject to the dual-office-holding restrictions in Section 6 of Title 51 of the Oklahoma Statutes. The Governor shall appoint the other members of the Board of Trustees with the advice and consent of the Senate. The members shall be appointed to numbered positions with staggered terms to expire as provided in this section. Successors to the initial board members shall serve seven-year terms that shall expire on June 30 of the seventh year following appointment. Vacancies on the Board shall be filled for the unexpired term by the Governor with the advice and consent of the Senate. One member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall hold position number eight on the Board of Trustees. The other member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall hold position number nine on the Board of Trustees. The numbered positions and terms shall be as follows:

1. Position No. 1: The term of office of one member shall expire on June 30, 2010, and each seven (7) years thereafter;
2. Position No. 2: The term of office of one member shall expire on June 30, 2011, and each seven (7) years thereafter;
3. Position No. 3: The term of office of one member shall expire on June 30, 2012, and each seven (7) years thereafter;
4. Position No. 4: The term of office of one member shall expire on June 30, 2013, and each seven (7) years thereafter;
5. Position No. 5: The term of office of one member shall expire on June 30, 2014, and each seven (7) years thereafter;
6. Position No. 6: The term of office of one member shall expire on June 30, 2015, and each seven (7) years thereafter;

7. Position No. 7: The term of office of one member shall expire on June 30, 2016, and each seven (7) years thereafter;

8. Position No. 8: The term of office shall coincide with the member's term on the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges; and

9. Position No. 9: The term of office shall coincide with the member's term on the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges.

B. The Board of Trustees shall be a body corporate and shall adopt and use an official seal. The Board of Trustees shall elect a chair, vice-chair, and secretary annually, each of whom shall serve for a term of one (1) fiscal year and until a successor is elected and qualified, and who shall perform all duties as directed by the Board of Trustees. The Board of Trustees shall adopt rules which it deems necessary for the operation of the Board and the discharge of its duties and shall cause the minutes of all meetings to be kept. The Board of Trustees shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

C. The Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa shall advise the president of Langston University and the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges on the supervision and management of the campus of Langston University-Oklahoma City and Langston University-Tulsa and perform other functions as necessary. The Board of Trustees shall promulgate rules and enact policies to govern the processes and procedures of the Board. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges and the Board of Trustees shall appoint a joint committee of at least two members from each board and at least two members of the staff of each institution to develop and propose mutually agreed-upon rules and policies to formalize the review and oversight procedures and the relationships between the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, Langston University, Langston University-Oklahoma City and Langston University-Tulsa. It is the intent of the Legislature that in the interests of immediate responsiveness to the needs of students, employees, and the business community that the decision or approval process be expedited.

D. On or after January 1, 2009, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges may assign and delineate roles and responsibilities for the Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa. The responsibilities may include, but are not limited to, student services, facility operations, student financial services, budget preparations, endowed chairs at Langston University-Oklahoma City and Langston University-Tulsa, and administrative operations as specified by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges.

E. The Board of Trustees shall establish the usual and customary accounts established by higher education institutions within the Office of Management and Enterprise Services necessary to carry out its duties.

Added by Laws 2008, c. 130, § 1, eff. Nov. 1, 2008. Amended by Laws 2012, c. 304, § 635.

§70-3501. Repealed by Laws 1990, c. 218, § 10, eff. July 1, 1991.

§70-3501.1. University of Central Oklahoma name change.

The state educational institution located at Edmond formerly known and designated "Central State College at Edmond", also known as "Central State College", and presently designated as "Central State University" shall continue at the same location and its official name shall be the "University of Central Oklahoma".

Added by Laws 1971, p. 1019, H.J.R. No. 1009, § 1, emerg. eff. April 13, 1971. Amended by Laws 1990, c. 218, § 4, eff. July 1, 1991.

§70-3501.2. University of Central Oklahoma - Effect of name change - Depletion of labeled supplies.

A. The name prescribed by Section 3501.1 of this title shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority by the Board of Regents of Oklahoma Colleges, title to property, obligations, or any other phase or aspect of the legal status of the said institution for any purpose, except that said institution shall be referred to as the "University of Central Oklahoma" in all future references to said institution.

B. It is the intent of the Legislature that supplies, including but not limited to letterheads, which on the effective date of this section carry or are labeled with the name "Central State University" shall be utilized after the effective date of this section until such supplies are depleted. Any new supplies ordered for use after the effective date of this section shall bear the name "University of Central Oklahoma". For purposes of this section, "supplies" shall not mean signs designating the name of the university.

Amended by Laws 1990, c. 218, § 5, eff. July 1, 1991.

§70-3502. East Central State College - Location.

The state educational institution located at Ada, known and designated as East Central State College at Ada, shall continue at the same location and its official name shall be East Central State College.

Laws 1965, c. 396, § 502.

§70-3503. Northeastern State College - Location.

The state educational institution located at Tahlequah, known and designated as Northeastern State College at Tahlequah, shall continue

at the same location and its official name shall be Northeastern State College.

Laws 1965, c. 396, § 503.

§70-3504. Northwestern State College - Location.

The state educational institution located at Alva, known and designated as Northwestern State College at Alva, shall continue at the same location and its official name shall be Northwestern State College.

Laws 1965, c. 396, § 504.

§70-3505. Southeastern State College - Location.

The state educational institution located at Durant, known and designated as Southeastern State College at Durant, shall continue at the same location and its official name shall be Southeastern State College.

Laws 1965, c. 396, § 505.

§70-3506. Southwestern State College - Location.

The state educational institution located at Weatherford, known as the Southwestern State College, shall continue at the same location and its official name shall be Southwestern State College.

Laws 1965, c. 396, § 506.

§70-3507. Board of Regents of Oklahoma Colleges - Appointment and terms of members - Eligibility - Vacancies.

(a) The Board of Regents of Oklahoma Colleges created by Article XIII-B, Oklahoma Constitution, shall consist of nine (9) members appointed by the Governor by and with the consent of the Senate. Provided, that persons now serving on such Board shall be members of and shall continue to serve on the Board for the terms for which they were appointed. Not more than two members of the Board shall be from any one profession, vocation or occupation. Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be, as follows:

(1) Position No. 1. The term of office of one member shall expire on the 10th day of June, 1966, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson or Cotton.

(2) Position No. 2. The term of office of one member shall expire on the 10th day of June, 1967, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee or Osage.

(3) Position No. 3. The term of office of one member shall expire on the 10th day of June, 1968, and each nine (9) years

thereafter, and he shall be a resident of one of the following counties: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon or Tillman.

(4) Position No. 4. The term of office of one member shall expire on the 10th day of June, 1970, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh or Okmulgee.

(5) Position No. 5. The term of office of one member shall expire on the 10th day of June, 1971, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston or Coal.

(6) Position No. 6. The term of office of one member shall expire on the 10th day of June, 1972, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay or Noble.

(7) Position No. 7. The term of office of one member shall expire on the 10th day of June, 1973, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: LeFlore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter or Love.

(8) Position No. 8. The term of office of one member shall expire on the 10th day of June, 1974, and each nine (9) years thereafter, and he shall be a resident of one of the following counties: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray or Payne.

(9) Position No. 9. One member shall be the State Superintendent of Public Instruction, who shall serve as such member during his tenure as State Superintendent of Public Instruction.

(b) The successor of a member of the Board shall be appointed within ninety (90) days after the term of such member expires; and any vacancy in an appointive position on the Board shall be filled by the Governor by and with the consent of the Senate for the unexpired term within ninety (90) days after the vacancy occurs.

(c) No member of the Board shall be employed upon any work to be performed in connection with institutions under its jurisdiction, nor shall any member of said Board enter into any contract or business transaction involving a financial consideration with institutions under its jurisdiction.

Laws 1965, c. 396, § 507.

§70-3507.1. Alternate name - Regional University System of Oklahoma.

A. The Board of Regents of Oklahoma Colleges created by Article XIII-B of the Oklahoma Constitution shall also be known as, and may

perform official acts and transact official business in the name of, the Regional University System of Oklahoma.

B. Whenever the name of the Board of Regents of Oklahoma Colleges appears in any law, contract, or other document, it shall be deemed to refer to the Regional University System of Oklahoma.

C. The name change prescribed in subsection A of this section shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority by the Board of Regents of Oklahoma Colleges, title to property, obligations, or any other phase or aspect of the legal status of the Board for any purpose, except that the Board shall be referred to as the "Regional University System of Oklahoma" in all future references to the Board.

D. It is the intent of the Legislature that supplies, including but not limited to existing letterhead shall be utilized after the effective date of this section until such supplies are depleted. Any new supplies ordered for use after the effective date of this section shall bear the name "Regional University System of Oklahoma".

Added by Laws 2006, c. 162, § 1, eff. July 1, 2006.

§70-3508. Board of Regents of Oklahoma Colleges - Oaths - Travel expenses - Attendance at meetings of Board - Employment of former Board member prohibited.

(a) Each member of the Board of Regents of Oklahoma Colleges shall take and subscribe to oaths required of State officials generally.

(b) Each member of the Board shall be allowed necessary travel expenses, as may be approved by the Board, pursuant to the State Travel Reimbursement Act.

(c) If any member of the Board fails to attend a meeting of the Board more than two consecutive meetings, without the consent of a majority of the Board, the Governor shall declare such member's office vacant and shall appoint his successor for the unexpired term.

(d) No member of the Board shall be eligible to be an officer, supervisor, president, instructor or employee of any state educational institution under the supervision, management or control of the Board within two (2) years from the date of expiration of his term.

Amended by Laws 1985, c. 178, § 62, operative July 1, 1985.

§70-3509. Board of Regents of Oklahoma Colleges - Body corporate - Seal - Officers - Term - Proceedings - Minutes - Executive meetings.

The Board of Regents of Oklahoma Colleges created by Article XIII-B of the Constitution of Oklahoma shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a president who shall also be known as chairman, a vice president who shall also be known as vice-chairman, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until his successor

is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules and regulations as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting, in a suitable book to be obtained and kept for such purpose. The Board shall not hold an executive meeting unless the same is ordered by a unanimous vote of the Board. The office of the Board shall be located in quarters provided by the Oklahoma Capitol Improvement Authority for which the Board shall pay an appropriate rental charge. Until such time as space can be provided by the Oklahoma Capitol Improvement Authority the Office of Management and Enterprise Services shall provide quarters for said Board without rental charge.

Added by Laws 1965, c. 396, § 509, eff. July 1, 1965. Amended by Laws 1974,, c. 307, § 2, emerg. eff. May 29, 1974; Laws 1980, c. 159, § 27, emerg. eff. April 2, 1980; Laws 1983, c. 304, § 72, eff. July 1, 1983; Laws 2012, c. 304, § 636.

§70-3510. Board of Regents of Oklahoma Colleges - State educational institutions under jurisdiction of - Powers and duties - Institution personnel - Fidelity bonds - Federal funds - Gifts - Contracts - Property - Employee benefits.

The Board of Regents of Oklahoma Colleges shall have the supervision, management and control of the University of Central Oklahoma, East Central University, Northeastern State University, Northwestern State University, Southeastern Oklahoma State University and Southwestern Oklahoma State University; and it shall have the following additional powers and duties:

(a) Adopt such rules and regulations as it deems necessary to govern each of the institutions under its jurisdiction.

(b) Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers and other professional and technical persons for its operation and for the operation of the institutions under its jurisdiction. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by the Board, payable to the State of Oklahoma and conditioned upon a faithful accounting of all such funds and property.

(c) Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective.

(d) Authorize officials at the several institutions under its jurisdiction to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it.

(e) Receive and make disposition of monies, grants and property from federal agencies, and administer the same in accordance with federal requirements.

(f) Accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

(g) Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by the institutions under its jurisdiction.

(h) Acquire and take title to real and personal property in its name, on behalf of any of the institutions under its jurisdiction, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of such institutions, including the granting of leases, permits, easements and licenses over or upon any such real property. The Board shall have the power to institute any legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have custody of abstracts of title and instruments affecting the ownership of or title to real property acquired for or belonging to such institutions.

(i) Have supervision and charge of the construction of all buildings at institutions under its jurisdiction.

(j) Determine the need for and cause to be constructed dormitories and other buildings, on a self-liquidating basis, at any institution under its jurisdiction.

(k) Establish and maintain plans for tenure and retirement of employees of the Board and of the institutions under its jurisdiction, and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost thereof for employees, with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may, with the consent of the employee, be deducted from his salary.

(l) Maintain an inventory of all property belonging to each of the institutions under its jurisdiction.

(m) Audit all accounts against the funds allocated to the institutions under its jurisdiction.

(n) Provide penalties and forfeitures by way of damages and otherwise for the violation of rules and regulations of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions.

(o) Do all things necessary or convenient to carry out the powers expressly granted to it by Article XIII-B of the Constitution and the

Statutes of Oklahoma, or to make institutions under its jurisdiction effective for the purposes for which they are maintained or operated. Amended by Laws 1990, c. 218, § 6, eff. July 1, 1991.

§70-3511. Eastern Oklahoma State College.

The state educational institution located at Wilburton and formerly designated as Eastern Oklahoma State College of Agriculture and Applied Science shall be known as and its official name shall be Eastern Oklahoma State College; and the governing control of the institution and all of its property, assets and obligations shall be transferred to the Board of Regents of Eastern Oklahoma State College, which is hereby created.

Added by Laws 1972, c. 158, § 2, operative July 1, 1972.

§70-3511.1. Courses and programs for people of McAlester - Branch of Eastern Oklahoma State College.

A. The Oklahoma State Regents for Higher Education shall make resident college credit courses and programs available to the people of McAlester.

B. The State Regents for Higher Education shall provide classes and programs through a branch of Eastern Oklahoma State College, which shall be established and located in McAlester. The branch at McAlester of Eastern Oklahoma State College shall be governed by the Board of Regents of Eastern Oklahoma State College and administered through Eastern Oklahoma State College. The Board of Regents of Eastern Oklahoma State College may provide resources to the branch campus of Eastern Oklahoma State College to maintain its facilities in accordance with its function and mission as provided by law. The people locally shall provide suitable physical plant accommodations for the branch at McAlester.

Added by Laws 1996, c. 276, § 3, emerg. eff. May 30, 1996. Amended by Laws 1999, c. 271, § 7, eff. Sept. 1, 1999.

§70-3512. Board of Regents of Eastern Oklahoma State College - Membership - Powers and duties.

A. The Board of Regents of Eastern Oklahoma State College shall consist of seven (7) members appointed by the Governor, by and with the advice and consent of the Senate. The regular term of each member shall be seven (7) years, except that the initial appointments shall be for lesser terms so that the term of only one member shall expire each year.

B. The Board of Regents of Eastern Oklahoma State College shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a chairman, a vice chairman, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until his successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules and

regulations as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting in a suitable book to be obtained and kept for such purpose. The Board of Regents of Eastern Oklahoma State College shall be the governing board of the college and shall have the supervision and management thereof, shall have the same powers and duties as governing boards of other institutions in The Oklahoma State System of Higher Education, and may do all things necessary or convenient to make the college effective for the purpose for which it is operated.

Laws 1972, c. 158, § 3, operative July 1, 1972; Laws 1980, c. 159, § 28, emerg. eff. April 2, 1980.

§70-3513. Northeastern State University.

Northeastern State College, located at Tahlequah, Oklahoma, is hereby officially named and shall be designated in all future references as "Northeastern State University". Any reference in the statutes to Northeastern Oklahoma State University shall be deemed a reference to Northeastern State University.

Amended by Laws 1985, c. 317, § 2, emerg. eff. July 26, 1985.

§70-3514. Southeastern Oklahoma State University.

Southeastern State College, located at Durant, Oklahoma, is hereby officially named and shall be designated in all future references as "Southeastern Oklahoma State University."

Laws 1974, p. 722, S.J.R. No. 27, Section 2.

Laws 1974, p. 722, S.J.R.No.27, § 2.

§70-3514.1. McCurtain County Higher Education Program - Transfer to Board of Regents of Oklahoma Colleges - Branch campus of Southeastern Oklahoma State University.

A. The governance, supervision, management and control of the McCurtain County Higher Education Program is hereby transferred from the Board of Trustees for the McCurtain County Higher Education Program to the Board of Regents of Oklahoma Colleges, and all interests in real property, facilities, equipment and appurtenances, state-appropriated monies and all duties, obligations and liabilities of the McCurtain County Higher Education Program and any and all obligations of the Board of Trustees of the McCurtain County Higher Education Program for and on behalf of the McCurtain County Higher Education Program are transferred to the Board of Regents of Oklahoma Colleges. Obligations for any and all plans for tenure or retirement of employees of the McCurtain County Higher Education Program, either through the McCurtain County Higher Education Program, or the Board of Trustees for the McCurtain County Higher Education Program shall be assumed by the Board of Regents of Oklahoma Colleges.

B. The facilities of the McCurtain County Higher Education Program shall serve as the branch campus in McCurtain County of Southeastern Oklahoma State University. The Board of Regents of Oklahoma Colleges may provide resources to the branch campus in McCurtain County of Southeastern Oklahoma State University to maintain its facilities in accordance with its function and mission as provided by law.

Added by Laws 2005, c. 402, § 1, eff. July 1, 2005.

§70-3515. East Central University.

East Central State College, located at Ada, Oklahoma, is hereby officially named and shall be designated in all future references as "East Central University". Any reference in the statutes to East Central Oklahoma State University shall be deemed a reference to East Central University.

Amended by Laws 1985, c. 317, § 1, emerg. eff. July 26, 1985.

§70-3516. Southwestern Oklahoma State University.

Southwestern State College, located at Weatherford, Oklahoma, is hereby officially named and shall be designated in all future references as "Southwestern Oklahoma State University."

Laws 1974, p. 722, S.J.R. No. 29, Section 4.

Laws 1974, p. 722, S.J.R.No.29, § 4.

§70-3517. Northwestern Oklahoma State University.

Northwestern State College, located at Alva, Oklahoma, is hereby officially named and shall be designated in all future references as "Northwestern Oklahoma State University."

Laws 1974, p. 722, S.J.R. No. 27, Section 5.

Laws 1974, p. 722, S.J.R.No.27, § 5.

§70-3517.1. Courses and programs for people of Woodward - Campus of Northwestern Oklahoma State University.

A. The Oklahoma State Regents for Higher Education shall make resident college credit courses and programs available to the people of Woodward.

B. The State Regents for Higher Education shall provide classes and programs through a campus of Northwestern Oklahoma State University, which shall be established and located in Woodward. The campus at Woodward of Northwestern Oklahoma State University shall be governed by the Board of Regents of Oklahoma Colleges and administered through Northwestern Oklahoma State University. The Board of Regents of Oklahoma Colleges may provide resources to the branch campus of Northwestern Oklahoma State University to maintain its facilities in accordance with its function and mission as provided by law.

Added by Laws 1996, c. 276, § 4, emerg. eff. May 30, 1996. Amended by Laws 1999, c. 345, § 13, eff. July 1, 1999.

NOTE: Laws 1999, c. 271, § 8 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000.

§70-3517.2. Enid Higher Education Program - Transfer to Board of Regents of Oklahoma Colleges - Campus of Northwestern Oklahoma State University.

A. The governance, supervision, management and control of the Enid Higher Education Program is hereby transferred from the Board of Trustees for the Enid Higher Education Program to the Board of Regents of Oklahoma Colleges, and all interests in real property, facilities, equipment and appurtenances, state-appropriated monies and all duties, obligations and liabilities of the Enid Higher Education Program and any and all obligations of the Board of Trustees of the Enid Higher Education Program for and on behalf of the Enid Higher Education Program are hereby transferred to the Board of Regents of Oklahoma Colleges. Obligations for any and all plans for tenure or retirement of employees of the Enid Higher Education Program, either through the Enid Higher Education Program or the Board of Trustees for the Enid Higher Education Program, shall be assumed by the Board of Regents of Oklahoma Colleges.

B. The Enid Higher Education Program shall serve as the Enid campus of Northwestern Oklahoma State University. The Board of Regents of Oklahoma Colleges may provide resources to the Enid branch campus of Northwestern Oklahoma State University to maintain its facilities in accordance with its function and mission as provided by law.

Added by Laws 1996, c. 276, § 5, emerg. eff. May 30, 1996. Amended by Laws 1999, c. 345, § 14, eff. July 1, 1999; Laws 2000, c. 6, § 20, emerg. eff. March 20, 2000; Laws 2005, c. 402, § 3, eff. July 1, 2005.

NOTE: Laws 1999, c. 271, § 9 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000.

§70-3518. Repealed by Laws 1990, c. 218, § 10, eff. July 1, 1991.

§70-3519. Effect of name changes.

The name changes herein prescribed shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority by the Board of Regents for Oklahoma Colleges or their title to property, obligations or any other phase or aspect of the legal status of the named institutions for any purpose, except that said institutions shall be referred to as "Northeastern Oklahoma State University," "Southeastern Oklahoma State University," "East Central Oklahoma State University," "Southwestern Oklahoma State University," "Northwestern Oklahoma State University" and "Oklahoma

Panhandle State University" in all future references to those institutions.

Laws 1974, p. 722, S.J.R. No. 27, Section 10.

Laws 1974, p. 722, S.J.R.No.27, § 10.

§70-3520. Comprehensive autism training program.

The Oklahoma State Legislature requests the Regional University System of Oklahoma to establish a comprehensive autism training program with operations at the University of Central Oklahoma. The comprehensive autism training program should provide statewide leadership in the training of post-graduate and post-baccalaureate behavior therapists to deliver research-based intervention services to children with autistic spectrum disorders. Such program will meet national standards and qualify candidates upon completion of the training program to take the national certification exam.

Added by Laws 2008, c. 399, § 1, eff. Nov. 1, 2008.

§70-3601. Oklahoma College of Liberal Arts - Location.

The state educational institution located at Chickasha, heretofore known and designated as the Oklahoma College for Women, shall continue at the same location and its official name shall hereafter be the Oklahoma College of Liberal Arts.

Laws 1965, c. 396, § 601; Laws 1965, c. 510, § 2.

§70-3601.1. University of Science and Arts of Oklahoma.

Oklahoma College of Liberal Arts, located at Chickasha, Oklahoma, is hereby officially named and shall be designated in all future references as "University of Science and Arts of Oklahoma."

Laws 1974, p. 722, S.J.R. No. 27, Section 8.

Laws 1974, p. 722, S.J.R.No.27, § 8.

§70-3602. Board of Regents of the Oklahoma College of Liberal Arts - Appointment and terms of members - Eligibility - Vacancies.

(a) There is hereby created the Board of Regents of the Oklahoma College of Liberal Arts, which shall consist of seven (7) members, to be appointed by the Governor, by and with the consent of the Senate. Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be as follows:

(1) Position No. 1. The term of office of one member shall expire on the 30th day of June, 1966, and each seven (7) years thereafter.

(2) Position No. 2. The term of office of one member shall expire on the 30th day of June, 1967, and each seven (7) years thereafter.

(3) Position No. 3. The term of office of one member shall expire on the 30th day of June, 1968, and each seven (7) years thereafter.

(4) Position No. 4. The term of office of one member shall expire on the 30th day of June, 1969, and each seven (7) years thereafter.

(5) Position No. 5. The term of office of one member shall expire on the 30th day of June, 1970, and each seven (7) years thereafter.

(6) Position No. 6. The term of office of one member shall expire on the 30th day of June, 1971, and each seven (7) years thereafter.

(7) Position No. 7. The term of office of one member shall expire on the 30th day of June, 1972, and each seven (7) years thereafter.

(b) Vacancies in appointive positions on the Board shall be filled by the Governor for the unexpired term, by and with the advice and consent of the Senate.

(c) No member of the Board shall be employed upon any work to be performed in connection with the Oklahoma College of Liberal Arts, nor shall any member of said Board enter into any contract or business transaction involving a financial consideration with the Oklahoma College of Liberal Arts.

Laws 1965, c. 396, § 602; Laws 1965, c. 510, § 2.

§70-3603. Succession to existing Board of Regents.

The Board of Regents created by the preceding section shall be the successor of, and shall succeed to the ownership and possession of all property belonging to, and shall be liable for all of the obligations of, the Board of Regents created by 70 O.S.1961, Section 1691.

Added by Laws 1965, c. 396, § 603; Laws 1965, c. 510, § 2.

§70-3604. Board of Regents of the Oklahoma College of Liberal Arts - Oaths - Travel expenses.

(a) Each member of the Board of Regents of the Oklahoma College of Liberal Arts shall take and subscribe to the oaths required of state officials generally.

(b) Each member of the Board shall be allowed necessary travel expenses, as may be approved by the Board, pursuant to the State Travel Reimbursement Act.

Amended by Laws 1985, c. 178, § 63, operative July 1, 1985.

§70-3605. Board of Regents of the Oklahoma College of Liberal Arts - Body corporate - Seal - Officers - Term - Proceedings - Minutes.

The Board of Regents of the Oklahoma College of Liberal Arts shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a chairman, a vice-chairman, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until his successor is elected and qualified, and who shall perform such

duties as the Board directs. The Board shall adopt rules and regulations as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting, in a suitable book to be obtained and kept for such purpose. Laws 1965, c. 396, § 605; Laws 1965, c. 510, § 2; Laws 1980, c. 159, § 29, emerg. eff. April 2, 1980.

§70-3606. Board of Regents for the Oklahoma College of Liberal Arts - Jurisdiction over the Oklahoma College of Liberal Arts - Powers and duties - Institution personnel - Fidelity bonds - Federal funds - Gifts - Contracts - Property - Employee benefits.

The Board of Regents of the Oklahoma College of Liberal Arts shall have the supervision, management and control of the Oklahoma College of Liberal Arts; and it shall have the following additional powers and duties:

(a) Adopt such rules and regulations as it deems necessary to govern the Oklahoma College of Liberal Arts.

(b) Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers and other professional and technical persons for its operation and for the operation of the Oklahoma College of Liberal Arts. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by the Board, payable to the State of Oklahoma and conditioned upon a faithful accounting of all such funds and property.

(c) Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective.

(d) Authorize officials at the Oklahoma College of Liberal Arts to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it.

(e) Receive and make disposition of monies, grants, and property from federal agencies, and administer the same in accordance with federal requirements.

(f) Accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

(g) Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by the Oklahoma College of Liberal Arts.

(h) Acquire and take title to real and personal property in its name, on behalf of the Oklahoma College of Liberal Arts, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of such institution, including the granting of

leases, permits, easements and licenses over or upon any such real property. The Board shall have the power to institute any legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have custody of abstracts of title and instruments affecting the ownership of or title to real property belonging to the Oklahoma College of Liberal Arts.

(i) Have supervision and charge of the construction of all buildings at the Oklahoma College of Liberal Arts.

(j) Determine the need for and cause to be constructed dormitories and other buildings, on a self-liquidating basis, at the Oklahoma College of Liberal Arts.

(k) Establish and maintain plans for tenure and retirement of employees at the Oklahoma College of Liberal Arts, and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health, and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost thereof for employees, with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may with the consent of the employee be deducted from his salary.

(l) Maintain an inventory of all property belonging to the Oklahoma College of Liberal Arts.

(m) Audit all accounts against the funds allocated to the Oklahoma College of Liberal Arts.

(n) Provide penalties and forfeitures by way of damages and otherwise for the violation of rules and regulations of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions.

(o) Do all things necessary or convenient to carry out the powers expressly granted to it, or to make the Oklahoma College of Liberal Arts effective for the purposes for which it is maintained or operated.

Laws 1965, c. 396, § 606; Laws 1965, c. 510, § 2.

§70-3701. Northern Oklahoma College - Location.

The state educational institution located at Tonkawa, previously known and designated as University Preparatory School and known as the Northern Oklahoma Junior College, shall continue at the same location and its official name shall be the Northern Oklahoma College.

Laws 1965, c. 396, § 701.

§70-3702. Board of Regents of Northern Oklahoma College - Eligibility - Appointment and terms of members - Vacancies.

(a) There is hereby created the Board of Regents of the Northern Oklahoma College, which shall consist of five (5) members appointed by the Governor, by and with the advice and consent of the Senate. No

two members of the Board shall be chosen from the same profession or occupation, nor shall more than three members of the Board be from the same county. Provided that persons now serving on such Board shall be members of and continue to serve on the Board herein created in Position Number 1, Position Number 2, and Position Number 3 as designated by the Governor. Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be as follows:

(1) Position No. 1. The term of office of one member shall expire on the 30th day of June, 1966, and each five (5) years thereafter.

(2) Position No. 2. The term of office of one member shall expire on the 30th day of June, 1967, and each five (5) years thereafter.

(3) Position No. 3. The term of office of one member shall expire on the 30th day of June, 1968, and each five (5) years thereafter.

(4) Position No. 4. The term of office of one member shall expire on the 30th day of June, 1969, and each five (5) years thereafter.

(5) Position No. 5. The term of office of one member shall expire on the 30th day of June, 1970, and each five (5) years thereafter.

(b) Vacancies on the Board shall be filled by the Governor for the unexpired term, by and with the advice and consent of the Senate.

(c) No member of the Board shall be employed in connection with any work to be performed at Northern Oklahoma College, nor shall any member of the Board enter into any contract or business transaction, involving a financial consideration, with Northern Oklahoma College. Laws 1965, c. 396, § 702.

§70-3703. Succession to existing Board of Regents.

The Board of Regents created by the preceding section shall be the successor of, and shall succeed to the ownership and possession of all property belonging to, and shall be liable for all of the obligations of, the Board of Regents created by 70 O.S.1961, Section 1903a.

Added by Laws 1965, c. 396, § 703, eff. July 1, 1965.

§70-3704. Board of Regents of Northern Oklahoma College - Oaths - Travel expenses.

(a) Each member of the Board of Regents of the Northern Oklahoma College shall take and subscribe to the oaths required of state officials generally.

(b) Each member of the Board shall be allowed necessary travel expenses, as may be approved by the Board, pursuant to the State Travel Reimbursement Act.

Amended by Laws 1985, c. 178, § 64, operative July 1, 1985.

§70-3705. Board of Regents of Northern Oklahoma College - Body corporate - Seal - Officers - Term - Proceedings - Minutes.

The Board of Regents of Northern Oklahoma College shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a chairman, a vice chairman, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until his successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules and regulations as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting, in a suitable book to be obtained and kept for such purpose.

Laws 1965, c. 396, § 705; Laws 1980, c. 159, § 30, emerg. eff. April 2, 1980.

§70-3706. Board of Regents for Northern Oklahoma College - Jurisdiction over Northern Oklahoma College - Powers and duties - Institution personnel - Fidelity bonds - Federal funds - Gifts - Contracts - Property - Employee benefits.

The Board of Regents of the Northern Oklahoma College shall have the supervision, management and control of the Northern Oklahoma College; and it shall have the following additional powers and duties:

(a) Adopt such rules and regulations as it deems necessary to govern the Northern Oklahoma College.

(b) Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers and other professional and technical persons for its operation and for the operation of Northern Oklahoma College. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by the Board, payable to the State of Oklahoma and conditioned upon a faithful accounting of all such funds and property.

(c) Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective.

(d) Authorize officials at the Northern Oklahoma College to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it.

(e) Receive and make disposition of monies, grants and property from federal agencies, and administer the same in accordance with Federal requirements.

(f) Accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

(g) Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by Northern Oklahoma College.

(h) Acquire and take title to real and personal property in its name, on behalf of the Northern Oklahoma College, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of such institution, including the granting of leases, permits, easements and licenses over or upon any such real property. The Board shall have the power to institute any legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have custody of abstracts of title and instruments affecting the ownership of or title to real property belonging to the Northern Oklahoma College.

(i) Have supervision and charge of the construction of all buildings at Northern Oklahoma College.

(j) Determine the need for and cause to be constructed dormitories and other buildings, on a self-liquidating basis, at the Northern Oklahoma College.

(k) Establish and maintain plans for tenure and retirement of employees at the Northern Oklahoma College, and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost thereof for employees with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may, with the consent of the employee be deducted from his salary.

(l) Maintain an inventory of all property belonging to the Northern Oklahoma College.

(m) Audit all accounts against the funds allocated to Northern Oklahoma College.

(n) Provide penalties and forfeitures by way of damages and otherwise for the violation of rules and regulations of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions.

(o) Do all things necessary or convenient to carry out the powers expressly granted to it, or to make the Northern Oklahoma College effective for the purposes for which it is maintained or operated. Laws 1965, c. 396, § 706.

§70-3707. Branch campus of Northern Oklahoma College at Enid.

A. The Oklahoma State Regents for Higher Education shall make resident college credit courses and programs available to the people of Enid.

B. The Oklahoma State Regents for Higher Education shall provide courses and programs through a branch campus of Northern Oklahoma College, which shall be established and located in Enid. The branch campus of Northern Oklahoma College at Enid shall be governed by the Board of Regents of Northern Oklahoma College and administered through Northern Oklahoma College. The Board of Regents of Northern Oklahoma College may provide resources to the branch campus of Northern Oklahoma College at Enid to maintain its facilities in accordance with its function and mission as provided by law. Added by Laws 2005, c. 402, § 2, eff. July 1, 2005.

§70-3801. Claremore Junior College - Location.

The state educational institution located at Claremore, presently known and designated as Claremore Junior College, shall continue in the same location and its official name hereafter shall be Rogers State College. Any reference in the statutes to the Oklahoma Military Academy or Claremore Junior College shall be deemed a reference to Rogers State College.

Amended by Laws 1982, c. 62, § 2, operative July 1, 1982.

§70-3802. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-3803. Repealed by Laws 1982, c. 62, § 7, operative July 1, 1982.

§70-3804. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-3805. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-3806. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-3901. Revolving funds - Sources of income - Use - Rules and regulations.

(a) There are hereby established two revolving funds for each state educational institution and for each agency thereof. The Educational and General Operations Revolving Fund shall consist of any appropriations made by the Legislature for such purpose and shall include income received from student fees, sales and services of educational departments and all other income available to the institution or agency for educational and general purposes as defined in the uniform budget and accounting classifications recommended by the publications of the National Association of College and University Business Officers. The Capital Improvements Revolving Fund shall consist of any appropriations made by the Legislature for such purpose. Such revolving funds may be used for the specified purposes when allocated and allotted as provided by the Oklahoma Budget Law of 1947, Sections 41.1 et seq. of Title 62 of the Oklahoma Statutes.

(b) It is the intent of the Legislature that the State Regents promulgate appropriate rules and regulations for accomplishing prescribed procedures of this section. Said rules and regulations shall include requirements that regular maintenance and utility costs and other operating expenses of auxiliary enterprises not be paid from education and general purpose funds without documented adequate reimbursement and that the use of fees and other charges be restricted to the purpose for which collected. Amended by Laws 1987, c. 229, § 8, eff. July 1, 1987; Laws 1988, c. 272, § 9, operative July 1, 1988.

§70-3902. Official depository - State Treasurer as official depository for State Regents, State educational institutions and constituent agencies.

As provided in Sections 7.1 through 7.5 and Section 74, Title 62, Oklahoma Statutes 1961, the State Treasurer shall be the official depository for all monies, funds, rentals, penalties, costs, proceeds of sale of property, fees, fines, forfeitures and public charges of every kind that may be received by any official or employees of the State Regents or any state educational institution or any agency thereof, in his official capacity. Laws 1965, c. 396, § 902.

§70-3903. State System of Higher Education - Allocations - Allotments - Accounting classification - Petty cash funds - Expenses of Boards - Educational and general income.

(a) The Oklahoma State System of Higher Education shall operate an allotment system similar to the procedure set out in the Oklahoma State Finance Act, Section 34 et seq. of Title 62 of the Oklahoma Statutes, for other agencies of the state except that the State Regents shall be substituted for the Director of the Office of Management and Enterprise Services in connection with approving allotment requests of the constituent institutions and agencies comprising the State System. The account classification for the State System shall conform as nearly as possible with the classification of accounts recommended by the publications of the National Association of College and University Business Officers. The State Regents shall allocate to each institution and agency in the State System, from the consolidated or lump-sum appropriation made by the Legislature, an amount sufficient to meet the needs and functions of the institution or agency for the entire year. Upon such allocation, monies appropriated for educational and general purposes shall be transferred to the Educational and General Operations Revolving Fund of the institution or agency and monies appropriated for capital improvement purposes shall be transferred to the Capital Improvement Revolving Fund of the institution or agency. The amount allocated to an institution or agency for each fiscal year

shall be made in a lump sum without regard to uniform budget or accounting classifications, but shall not be available for expenditure until subsequently allotted by the State Regents.

(b) The State Regents, with the approval of the Director of the Office of Management and Enterprise Services, may allot money to any such institution or agency to establish and operate a petty cash fund at the institution or agency; said fund shall only be reimbursed upon the filing of claims showing the purposes for which the money was expended. No single expenditure from any petty cash fund so established and operated shall exceed Five Hundred Dollars (\$500.00). Splitting of invoices for the purpose of avoiding this limitation is prohibited. Except for payments to sports officials, research participants, refunds to students, competition judges, and temporary farm crews employed at Oklahoma Agricultural Experiment Stations, expenditures from such fund for personal services, travel reimbursement, or professional services are prohibited. Further, the exemption for payments to sports officials and refunds to students is limited to only those institutions which have previously been authorized to participate in both the "Alternate Claims Processing", by the Director of the Office of Management and Enterprise Services, and "Remote Warrant Printing", by the State Treasurer. The Oklahoma State Regents for Higher Education shall publish uniform guidelines applicable to all institutions of higher education for expenditures from petty cash funds, which shall be strictly adhered to.

(c) Governing boards of control are integral parts of institutions under their respective jurisdiction; therefore, the expenses of boards in carrying out their respective duties shall be paid from the operating budgets of the institutions and other budget agencies under their jurisdiction. In cases where a board is the governing board for two or more institutions and/or other budget agencies, the board shall prorate its operating expenses among the institutions and/or other budget agencies so governed. Prior to the beginning of the fiscal year, each board shall prepare a budget, setting out in detail its necessary expenses for the entire fiscal year and shall, not later than July 1, file a copy of its budget with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Director of the Office of Management and Enterprise Services and the Legislative Service Bureau. Said budget shall include all full-time-equivalent positions in each activity or division and an itemization of all sources of income used for operations and programs. Each board shall revise its budget, if necessary, and provide said revisions to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Director of the Office of Management and Enterprise Services, and the Legislative Service Bureau not later than January 1 of each year. In cases where a board has jurisdiction over two or more institutions or budget agencies, it shall, not later than July 1, notify the

President of each institution as to the amount of its pro rata share of the board's expense budget that will be assessed against the institution and/or other budget agency during the fiscal year.

(d) Prior to the beginning of the fiscal year, the coordinating board of the Oklahoma State Regents for Higher Education shall prepare a budget setting out in detail its necessary expenses for the entire fiscal year, and, not later than July 1, shall file a copy of its budget with the Director of the Office of Management and Enterprise Services and the Legislative Service Bureau. The State Regents shall allocate the money required to fund its budget prior to making distribution of appropriated monies to the various institutions of The Oklahoma State System of Higher Education.

(e) The Division of Central Accounting and Reporting shall make cash allocations of revenue in accordance with Section 23 of Article X of the Oklahoma Constitution, to each institution and agency, considering the total allocation made by the State Regents from the lump-sum legislative appropriation as the total appropriation for the institution or agency, in lieu of legislative appropriations. All income available to an institution or agency for educational and general purposes, as defined in the uniform budget and accounting classifications recommended by the publications of the National Association of College and University Business Officers, and including income defined by law as revolving fund income, shall operate as a continuing nonfiscal appropriation which may be expended for any educational and general purpose for which appropriated funds may be expended, if allocated and allotted in accordance with the Oklahoma State Finance Act, as provided in this section; provided that no obligation shall be incurred in excess of the unencumbered balance of cash on hand.

(f) At least thirty (30) days prior to the beginning of each fiscal year, each of the constituent institutions and agencies shall file with the State Regents its request for appropriation allotments for each of the purposes for which expenditures are to be made. Such requests shall be in conformity with the uniform budget or accounting classifications recommended by the publications of the National Association of College and University Business Officers. Each request for appropriation allotments shall show the amount required to finance each item of the request for the entire year and for each quarter or each six-month period within the fiscal year, as required by the Director of the Office of Management and Enterprise Services. The State Regents, or their designated official or employee who has been authorized to approve itemized allotment requests, shall consider the allotment requests for the purpose of making a determination that: (1) the current financial requirements of the institution or agency concerned justify the allotment to be made; (2) the accounting classification is sufficient to reflect the purpose for which expenditures are to be made and that such classification is

in accordance with the budget classifications adopted by the Director of the Office of Management and Enterprise Services and the State Regents, which shall conform as nearly as possible to the account classification recommended by the publications of the National Association of College and University Business Officers; and (3) the realization of estimated revenues determined by the Director of the Office of Management and Enterprise Services is sufficient to allow the commitments to be made. In allotting appropriations and other funds, and approving subsequent allotments, which may be required by each institution and agency the State Regents shall follow the same general procedure as other agencies of the state not under the control of the State Regents, except as otherwise provided in this section. All forms and account classifications shall be mutually agreed upon by the Director of the Office of Management and Enterprise Services and the State Regents. The State Regents shall file approved requests of constituent institutions and agencies with the Division of Central Accounting and Reporting. The State Regents and the Director of the Office of Management and Enterprise Services shall approve any request from the administrative head of a constituent institution or agency for amendment of the approved schedule of positions and salaries or transfers between items, so long as the currently approved allotment for such purposes is not exceeded and each such amendment shall be filed with the Director of the Office of Management and Enterprise Services, in such detail as he may require, prior to the date on which the first payroll or other disbursement affected by such amendments is submitted for payment. In the event that the realization of estimated revenues at any time during the fiscal year indicates that the total revenue from that fiscal year to any state fund will be insufficient at the end of the fiscal year to meet the total appropriations from that fund, the Director of the Office of Management and Enterprise Services shall notify the State Regents as to the amount of reduction necessary against the consolidated, or lump-sum appropriation, made to the State Regents.

(g) The State Regents in making itemized allotments during the fiscal year, may reserve an amount sufficient to meet a reasonable failure of revenue until receipt of notice from the Director of the Office of Management and Enterprise Services that the realization of estimated revenues indicates that the total appropriations may be allotted for expenditure. Upon receipt of notice from the Director of the Office of Management and Enterprise Services of a necessary reduction in the consolidated, or lump-sum appropriation, to meet a failure in revenue, the State Regents shall immediately take action to control the approval of subsequent allotment requests sufficient to make the aggregate reduction in allotments of all constituent institutions under their control equal the amount of reduction ordered against the lump-sum appropriation made by the Legislature.

Such reductions against the lump-sum appropriation shall not exceed the percentage reduction ordered against other agencies of the state, in accordance with Section 23 of Article X of the Oklahoma Constitution.

Added by Laws 1965, c. 396, § 903, eff. July 1, 1965. Amended by Laws 1986, c. 246, § 11, operative July 1, 1986; Laws 1987, c. 229, § 9, eff. July 1, 1987; Laws 1988, c. 84, § 1, emerg. eff. March 25, 1988; Laws 1988, c. 272, § 10, operative July 1, 1988; Laws 1999, c. 371, § 7, eff. July 1, 1999; Laws 2012, c. 304, § 637.

NOTE: Laws 1987, c. 204, § 69 repealed by Laws 1988, c. 84, § 2, emerg. eff. March 25, 1988.

§70-3904. School land funds - Proceeds of Section Thirteen and indemnity lands - Disposition and distribution - Purposes for which Section Thirteen Fund and New College Fund may be expended.

A. The income, interest, rentals and proceeds of the sale of Section Thirteen in this state, and any indemnity lands in lieu of Section Thirteen which were granted to the state for the use and benefit of the University of Oklahoma, Oklahoma State University, the Normal Schools, the University Preparatory School, and Langston University, shall be divided and distributed as follows:

To the University of Oklahoma and the Northern Oklahoma College, one-third (1/3); the University of Oklahoma to receive nine-tenths (9/10) of said one-third (1/3) and the Northern Oklahoma College to receive one-tenth (1/10) of said one-third (1/3); to the Oklahoma State University and Langston University, one-third (1/3); the Oklahoma State University to receive nine-tenths (9/10) of said one-third (1/3), and Langston University to receive one-tenth (1/10) of said one-third (1/3); to the University of Central Oklahoma, East Central University, Northeastern State University, Northwestern Oklahoma State University, Southeastern Oklahoma State University, Southwestern Oklahoma State University, Oklahoma Panhandle State University, University of Sciences and Arts of Oklahoma, and Cameron University, the Normal Schools, one-third (1/3), the same to be equally divided among said state colleges, provided, that in the event of the establishment of additional similar state colleges, such additional state colleges shall share equally with the other state colleges in the division and distribution of the one-third (1/3) last above mentioned. In the event of the sale of Section Thirteen, or any portion thereof, the proceeds of said sale shall be divided and distributed among said institutions in the same manner, proportion and amount as hereinbefore indicated for the division and distribution of the interest, income, rentals or proceeds thereof of said land; provided, that the said lands so reserved, or the proceeds of the sale thereof or of any indemnity land granted in lieu of Section Thirteen, shall be safely kept or invested and preserved by the state as a trust, which shall never be diminished, but may be

added to, and the income, interest and rentals thereof, shall be used exclusively for the benefit of said educational institutions. Such additional institutions shall remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any land granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college or university, and no portion of the funds arising from the sale of Section Thirteen or any indemnity land, shall ever be diverted either temporarily or permanently from the purpose for which said lands were granted to the state.

B. The state educational institutions eligible for participation in the Section Thirteen Fund and the new college fund may expend monies in such funds from time to time as needs arise for the construction and purchase of buildings, for the purchase of equipment, and for other capital additions. The provisions of this section shall be cumulative to existing laws.

Added by Laws 1965, c. 396, § 904. Amended by Laws 1987, c. 227, § 15, operative July 1, 1987; Laws 1990, c. 218, § 7, eff. July 1, 1991; Laws 1992, c. 324, § 24, eff. July 1, 1992; Laws 1998, c. 246, § 37, eff. Nov. 1, 1998.

§70-3905. Payroll deductions.

Institutions, agencies, and boards in The Oklahoma State System of Higher Education may withhold from the compensation payable for the employee's services, with the consent of the employee, amounts necessary for participation in the Oklahoma Teachers' Retirement System, hospital and medical benefits, accident, health and life insurance, annuities, United States Savings Bonds and other programs authorized by such institutions, agencies, and boards; and it shall be the duty of the Director of the Office of Management and Enterprise Services and the State Treasurer to process amounts so withheld in accordance with existing laws.

Added by Laws 1965, c. 396, § 905, eff. July 1, 1965. Amended by Laws 1979, c. 47, § 85, emerg. eff. April 9, 1979; Laws 2012, c. 304, § 638.

§70-3906. Standard guidelines and criteria for accounts, funds and expenditures - Accrual of interest income.

A. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education establish uniform standard guidelines and criteria for all institutions of The Oklahoma State System of Higher Education for all special accounts, special agency accounts, or any other funds and for expenditures from such funds and accounts.

B. Interest income from investments of monies in special accounts and special agency accounts made through the Office of the State Treasurer shall accrue to the fund from which the investment was made.

Added by Laws 1987, c. 229, § 2, eff. July 1, 1987. Amended by Laws 1990, c. 263, § 96, operative July 1, 1990.

§70-3907. College and university related foundations - Priorities and guidelines for use of unrestricted income.

It is the intent of the Legislature that trustees of college- and university-related foundations establish priorities and guidelines for the use of unrestricted income. It is the further intent of the Legislature that unrestricted income be used exclusively for the enrichment of the academic programs and purposes of the institution or institutions to which such foundation is related.

Added by Laws 1987, c. 229, § 3, eff. July 1, 1987.

§70-3908. Attorney General - Intervention in action concerning performance of charitable trust.

The Attorney General of Oklahoma is authorized, pursuant to the provisions of Section 175.18 of Title 60 of the Oklahoma Statutes, to intervene in any action concerning the performance of a charitable trust.

Added by Laws 1987, c. 229, § 5, eff. July 1, 1987.

§70-3909. Audits - Audit Committee - Audit procedures and reports.

A. In addition to such other audits as may be required of or desired by the various boards of regents responsible for the institutions of The Oklahoma State System of Higher Education, each board shall annually obtain the services of an independent accounting firm or individual holding a permit to practice public accounting in this state to perform a complete financial audit for the preceding fiscal year of each institution for which the board is responsible. The Oklahoma State Regents for Higher Education shall likewise annually obtain the services of an independent accounting firm or individual holding a permit to practice public accounting in this state to perform a complete financial audit of all the offices, operations, and accounts of the State Regents which are not subject to the control of other boards of regents. The audits shall be filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

B. Each board of regents shall appoint a standing Audit Committee of the board consisting of not fewer than three (3) board members. The Audit Committee shall be responsible for establishing the qualifications of any accounting firm or individual seeking to be hired to perform an audit for the board and shall recommend to the board the firms or individuals whom the board shall invite to submit competitive bids. The full board shall select the auditor from among the competitive bidders. Audit committees shall not recommend any firm or individual unwilling to meet the following specifications.

The specifications shall be among the terms and conditions of any contract awarded:

1. All revolving fund accounts, special accounts, special agency accounts, auxiliary enterprise accounts, and technical area school district accounts, if any, shall be included within the scope of the audit;

2. Where operations of constituent agencies or technical area school districts are relevant to the complete financial audit of the institution, records of those enterprises shall be included within the scope of the audit;

3. To the extent required by subsection (d) of Section 4306 of this title, records of college- or university-related foundations shall be included within the scope of the audit;

4. At the conclusion of the audit, the auditor shall meet with the president of the institution and the Audit Committee to review the audit report to be issued, the management letter or other comments or suggestions to be issued, and any other findings; and

5. Findings of material weaknesses, qualifications of the auditor's report other than those deriving from inadequate plant records, and of defalcations, or a report of lack of such findings, shall be communicated in writing to the board, the State Auditor and Inspector, the Legislative Service Bureau, and the Oklahoma State Regents for Higher Education with or in advance of the filing of the audit report required by Section 452.10 of Title 74 of the Oklahoma Statutes; and such written communications shall include any responses or other comments which the president or the Audit Committee wishes to have included.

C. The State Auditor and Inspector whenever he or she deems it appropriate, or upon receiving a written request to do so by the Governor, Attorney General, President Pro Tempore of the Senate, the Speaker of the House of Representatives, the governing board of an institution of higher education, the Oklahoma State Regents for Higher Education or the president of an institution of higher education, shall conduct a special audit of any institution of higher education within The Oklahoma State System of Higher Education. The special audit shall include, but not necessarily be limited to, a compliance audit as defined in subsection C of Section 213 of Title 74 of the Oklahoma Statutes. The State Auditor and Inspector shall have the power to take custody of any records necessary to the performance of the audit but shall minimize actual physical removal of or denial of access to such records. At the conclusion of the audit, the State Auditor and Inspector shall meet with the president of the institution and the Audit Committee of the board which governs the component audited to review the audit report to be issued. The report, when issued, shall include any responses to the audit which the president or the Audit Committee wishes to have included and shall be presented to the full board, the Legislative Service Bureau,

and the Oklahoma State Regents for Higher Education with or in advance of the filing required by Section 452.10 of Title 74 of the Oklahoma Statutes. The cost of such audit shall be borne by the audited entity and may be defrayed in whole or in part by any federal funds available for that purpose.

D. Each board of regents shall require the employment of a sufficient number of internal auditors to meet the board's fiduciary responsibilities. Internal audits shall be conducted in accordance with the provisions of Sections 228 and 229 of Title 74 of the Oklahoma Statutes. The internal auditors shall submit a report directly and simultaneously to the audit committee of the board and the president of the institution; all members of the board of regents governing the institution, however, shall receive all internal audit reports and the board of regents shall, at least annually, review and prescribe the plan of work to be performed by the internal auditors.

E. Any person who alters or destroys records needed for the performance of an audit or causes or directs a subordinate to do such acts shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than five (5) years or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. Such person shall also be subject to immediate removal from office or employment.

Added by Laws 1987, c. 229, § 6, eff. July 1, 1987. Amended by Laws 1991, c. 319, § 1, emerg. eff. June 12, 1991; Laws 1993, c. 287, § 1; Laws 1994, c. 317, § 1, eff. July 1, 1994; Laws 1996, c. 290, § 13, eff. July 1, 1996; Laws 1997, c. 133, § 577, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 417, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 577 from July 1, 1998, to July 1, 1999.

§70-3910. Limitation on contracts for accounting services.

A board of regents shall not contract for or otherwise obtain the services of an independent accounting firm or individual to perform financial audits for an institution for more than five (5) consecutive years. If an independent accounting firm or individual has conducted financial audits of an institution of higher education for five (5) consecutive years, the board shall not obtain the auditing services of said firm or individual for said institution for at least two (2) years.

Added by Laws 1987, c. 229, § 7, eff. July 1, 1987. Amended by Laws 1993, c. 287, § 2; Laws 1994, c. 317, § 2, eff. July 1, 1994.

§70-3911. Methods for keeping financial accounts.

Pursuant to the provisions of Section 213 of Title 74 of the Oklahoma Statutes, the State Auditor and Inspector may prescribe and enforce changes in methods for keeping of financial accounts by the

institutions of The Oklahoma State System of Higher Education or by the Oklahoma State Regents for Higher Education. Such methods as the State Auditor and Inspector may require of institutions shall not be in conflict with methods and procedures recommended by the National Association of College and University Business Officers.
Added by Laws 1987, c. 229, § 10, eff. July 1, 1987.

§70-3912. Commingling of certain funds prohibited - Separate accounting of funds - Uses of certain income of certain school districts limited.

(a) Neither the ad valorem funds received by a local school district which operates an institution of higher education nor the ad valorem funds received by a technical area school district shall be mingled with the funds of any institution of higher education.

(b) The board of education of a school district which, acting as a board of trustees, governs an institution of higher education shall state the assets, liabilities, income and expenditures of the institution as an entity distinct from the local school district. The income of the school district shall not be used for any purpose other than the education of the residents of the district.

(c) The board of trustees of a technical area school district operated in accordance with Section 4423 of Title 70 of the Oklahoma Statutes shall state the assets, liabilities, income, and expenditures of the district as an entity distinct from the institution of higher education which the members of the board of trustees, acting as the board of regents of the institution, also govern. The income of the technical area district shall be used for no other purpose than the provision of postsecondary technical education to the residents of the district; provided, nothing herein shall be construed as precluding the board members, with proper regard for their respective responsibilities as trustees and as regents, from making or approving agreements whereby the district and the institution, by appropriate written contract, utilize the same facilities, equipment, and services.

Added by Laws 1987, c. 229, § 11, eff. July 1, 1987.

§70-3913. Construction or maintenance of roads, streets and parking areas.

Unless otherwise prohibited by federal law, the Oklahoma Constitution or a municipal home rule charter, any municipality or county in this state may provide funding to state-supported institutions of higher education or higher education centers in The Oklahoma State System for Higher Education for the purpose of constructing or maintaining roads, streets and parking areas which are dedicated to the public at such institutions or centers.

Added by Laws 1988, c. 272, § 11, operative July 1, 1988.

§70-3914. Administrative expenditures - Legislative intent.

It is the intent of the Legislature that the Oklahoma State Regents for Higher Education establish levels of administrative expenditures under the functional category of Institutional Support at each of the public higher education institutions and constituent agencies. The Regents shall establish uniform definitions for administrative costs that comply with the National Association of College and University Business Officer Financial Accounting and Report Manual (FARM) and establish procedures to ensure that each institution and constituent agency classifies and reports its administrative expenditures accordingly.

Added by Laws 1994, c. 317, § 3, eff. July 1, 1994.

§70-3951. Trustees - Fund principal - Income or investment return - Administrative expenses.

A. There is hereby created a trust fund to be known as the "Oklahoma State Regents' Endowment Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of the Trust Fund.

B. The State Regents shall utilize the Trust Fund to implement the provisions of Section 3952 of this title.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund, the proceeds of any obligations issued pursuant to Section 4019 of this title and any monies or assets contributed to the Trust Fund from any other source, public or private. In making investments, the State Regents shall exercise the judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but with regard to the permanent disposition of their funds, considering the probable safety of their capital as well as the probable income to be derived.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Section 3951 et seq. of this title. No such income or investment return shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the endowment program established by Section 3951 et seq. of this title shall be paid from monies appropriated to the State Regents' coordinating board for their general operating budget.

Added by Laws 1989, c. 375, § 1, emerg. eff. June 6, 1989. Amended by Laws 2004, c. 115, § 1, emerg. eff. April 19, 2004; Laws 2013, c. 216, § 1, eff. July 1, 2013.

§70-3952. Disposition of principal - Endowment accounts - Allocation of investment return - Matching requirement.

A. The principal held in the Oklahoma State Regents' Endowment Trust Fund shall be made available for the establishment of and allocation to endowment accounts within the Trust Fund for the benefit of individual public institutions of higher education within this state.

B. Investment return on each of the accounts constituting the principal of the Trust Fund shall be allocated for the benefit of individual institutions for which the accounts are respectively designated and shall be remitted to such institutions for the support of endowed chairs, professorships, lectureships and positions for artists in residence approved by the Oklahoma State Regents for Higher Education. The State Regents shall develop, adopt, and publish the criteria to be used in the evaluation of proposals for support of endowed chairs, professorships, lectureships and positions for artists in residence on a competitive and priority basis according to merit. Such criteria shall be based on the goal of improving the overall quality of education and research. The endowed chairs, distinguished professorships, lectureships and positions for artists in residence should be established in academic areas which will contribute to the enhancement of the overall cultural, business, and/or economic development of Oklahoma. The individually endowed chairs and professorships should be established in areas for which the institution has on-going, approved academic programs. Any trust income and any investment return on any amount in the Trust Fund not designated for remittance to an institution as provided in Section 3951 et seq. of this title shall become part of the principal of the Trust Fund.

C. Trust Fund endowment accounts created pursuant to subsection A of this section shall be in a minimum amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) for the support of endowed chairs, a minimum amount of Fifty Thousand Dollars (\$50,000.00) for the support of professorships or a minimum amount of Twenty-five Thousand Dollars (\$25,000.00) for lectureships and artists in residence. The number and size of endowment accounts shall be determined by the amount of matching monies that the institution commits to endowment accounts. To be initially eligible for an endowment account within the Trust Fund, an institution shall have on deposit as provided in subsection F of this section an amount equal to at least one-half (1/2) of the requested account. Provided, the regional and special purpose universities and two-year institutions in The Oklahoma State System of Higher Education shall have priority in qualifying for the endowment accounts of Twenty-five Thousand Dollars (\$25,000.00) for lectureships and positions for artists in residence.

D. 1. The total matching requirement for monies received prior to July 1, 2008 shall be equal to the amount of the requested

endowment account in each instance and shall be deposited within a period to be established by the State Regents. Said period shall not be greater than three (3) years in length; provided, an institution may deposit in an endowment account matching monies in an amount which exceeds the required matching amount.

2. After July 1, 2008, state matching monies must be used to complete the state matching requirements for all endowment accounts in place as of that date, before state matching monies may be used for any accounts created after that date. After completion of such requirements no more than a total of Five Million Dollars (\$5,000,000.00) of state matching monies may be used each year, subject to the following provisions:

- a. not more than a total of Four Million Dollars (\$4,000,000.00) each year may be used for the combined benefit of comprehensive universities within The Oklahoma State System of Higher Education, and
- b. not more than a total of One Million Dollars (\$1,000,000.00) each year may be used for the combined benefit of other eligible institutions within The Oklahoma State System of Higher Education.

3. All Trust Fund endowment accounts created after July 1, 2008, shall be subject to the following provisions:

- a. Trust Fund endowment accounts with matching monies of Two Hundred Fifty Thousand Dollars (\$250,000.00) or less shall be matched with state matching monies according to a 1:1 ratio, with One Dollar (\$1.00) of state matching monies to be matched with every One Dollar (\$1.00) of matching monies received, and
- b. Trust Fund endowment accounts with matching monies of more than Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be matched with state matching monies according to a 1:4 ratio, with One Dollar (\$1.00) of state matching monies to be matched with every Four Dollars (\$4.00) of matching monies received.

4. Any endowment account for which an institution fails to provide the full required matching amount within the time established shall be available to be awarded to another public institution of higher education. No investment return shall be remitted to any institution from an endowment account before the institution has deposited the total required match for the endowment account as provided in subsection F of this section.

E. 1. Monies which an institution provides for matching purposes must originate from monies contributed to the institution after July 1, 1988, from private sources, which monies are specifically designated by the private source to be used for purposes specified in this act, or from private contributions made after July 1, 1988, to a foundation for which the sole beneficiary is that

institution, which monies are specifically designated by the private contributor to be used for purposes specified in this act, and may not be drawn from allocations of appropriated funds received from the State Regents, proceeds of fees or charges authorized by law, or from federal grants or reimbursements.

2. The State Regents may accept the transfer of endowed chairs and any associated funds from the MOST Eminent Scholars and Research Equipment Account created pursuant to the provisions of Section 5060.13 of Title 74 of the Oklahoma Statutes for the purpose of the establishment as endowed chairs in the Oklahoma State Regents' Endowment Trust Fund. Such endowed chairs shall be subject to and administered in accordance with the statutes and regulations applicable to the Trust Fund; provided, however, the monies provided by an institution for matching purposes may have originated from private monies contributed to the institution or a foundation before or after July 1, 1988.

F. Any institution which provides matching monies shall deposit the matching monies in one of the following:

1. The Trust Fund;
2. An endowment matching fund of the institution; or
3. A fund of a foundation whose sole beneficiary is that institution.

All investment return on matching monies which are deposited in a fund specified in paragraphs 2 or 3 of this subsection shall be retained in the fund. If such matching monies are not deposited in the Trust Fund, the institution shall submit a report annually to the State Regents in which the investments of the matching funds, earned interest and income, including capital gains and losses, and expenditures including the costs of managing the investments are detailed. Diminution of the original matching sum may at the discretion of the State Regents constitute a forfeiture of the state-origin monies which the private-origin institutional monies were to match.

G. An institution may recommend to the State Regents that monies benefiting the institution in an endowment account pursuant to the purposes of the Trust Fund be dedicated to an alternative academic discipline or area. If the State Regents approve such action, the investment return from the endowment account may be utilized for such program.

Added by Laws 1989, c. 375, § 2, emerg. eff. June 6, 1989. Amended by Laws 1991, c. 230, § 1, eff. July 1, 1991; Laws 1992, c. 324, § 25, eff. July 1, 1992; Laws 2008, c. 430, § 1, emerg. eff. June 2, 2008.

§70-3953. Oklahoma State Regents' Academic Scholars Trust Fund - Principal - Income and investment return - Administrative expenses.

A. There is hereby created a trust fund to be known as the "Oklahoma State Regents' Academic Scholars Trust Fund." The Oklahoma State Regents for Higher Education shall be the trustees of said Trust Fund.

B. The State Regents shall utilize said Trust Fund to implement the provisions of Sections 4 through 10 of this act.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections 4 through 10 of this act. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections 4 through 10 of this act. No such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Oklahoma State Regents Academic Scholarship Program established by this act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

Added by Laws 1989, c. 375, § 3, emerg. eff. June 6, 1989.

§70-3953.1. Oklahoma Higher Learning Access Trust Fund.

A. There is hereby created a trust fund to be known as the "Oklahoma Higher Learning Access Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of said Trust Fund.

B. The State Regents shall utilize said Trust Fund to implement the provisions of Sections 2601 through 2605 of this title.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Regents. Expenditures from said 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.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections 2601 through 2605 of this title. The State Regents may also utilize the Trust Fund principal for the

purposes provided in Sections 2601 through 2605 of this title. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Oklahoma Higher Learning Access Program established by the Oklahoma Higher Learning Access Act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Higher Learning Access Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to the appropriate technology center school district to cover general enrollment fees or tuition for eligible students pursuant to the Oklahoma Higher Learning Access Act. Allocations from the Trust Fund may be made only for the purpose of covering the general enrollment fees or tuition of eligible students. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.

Added by Laws 1992, c. 353, § 6, eff. July 1, 1992. Amended by Laws 2001, c. 33, § 150, eff. July 1, 2001; Laws 2007, c. 355, § 8, emerg. eff. June 4, 2007; Laws 2012, c. 304, § 639.

§70-3953.2. Repealed by Laws 2002, c. 99, § 6, eff. July 1, 2002.

§70-3953.3. Trust fund - Scholarships.

A. There is hereby created a trust fund to be known as the "Oklahoma GEAR UP Scholarship Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of said Trust Fund.

B. The State Regents shall utilize said Trust Fund to fund scholarships in accordance with the federal Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) grant.

C. The Trust Fund principal shall consist of monies received from the GEAR UP grant for scholarship purposes, any monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund, and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in subsection B of this section. The State Regents may also utilize the Trust Fund principal for the purpose provided in subsection B of this section. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses.

E. The State Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma GEAR UP Scholarship Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of Title 70 of the Oklahoma Statutes, to private institutions, and to the appropriate vocational-technical area school district to cover scholarships for eligible students pursuant to the GEAR UP grant. Allocations from the Trust Fund may be made only for the purpose of covering the scholarship costs. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education or vocational-technical institution.
Added by Laws 2000, c. 309, § 4, eff. Sept. 1, 2000.

§70-3953.4. Oklahoma Tuition Equalization Grant Trust Fund.

A. There is hereby created a trust fund to be known as the "Oklahoma Tuition Equalization Grant Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of the Trust Fund.

B. The State Regents shall utilize the Trust Fund to implement the provisions of Sections 1 through 3 of this act.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the State Regents for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections 1 through 3 of this act. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections 1 through 3 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Oklahoma Tuition Equalization Grant Program established by this act shall be paid from monies appropriated to the State Regents' coordinating board for their general operating budget.

E. The State Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Tuition Equalization Grant Trust Fund to the appropriate private institution for payment of a portion of the tuition for eligible students pursuant to this act. Allocations from the Trust Fund may be made only for the purpose of payment of a portion of the tuition for eligible students. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution.
Added by Laws 2003, c. 207, § 4, eff. July 1, 2003.

§70-3954. Trustee duty of care - Indemnity insurance - Investment committee - Investment managers - Fund custodian - Investment plan - Financial reports - Annual reports.

A. The Oklahoma State Regents for Higher Education shall discharge their duties as trustees of the Oklahoma State Regents' Endowment Trust Fund, as trustees of the Oklahoma State Regents' Academic Scholars Trust Fund, as trustees of the Oklahoma Higher Learning Access Trust Fund, as trustees of the Oklahoma GEAR UP Scholarship Trust Fund, and as trustees of the Oklahoma Tuition Equalization Grant Trust Fund, hereafter "Trust Funds":

1. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

2. By diversifying the investments of the Trust Funds so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

3. In accordance with the laws, documents and instruments governing the Trust Funds.

B. The State Regents may procure insurance indemnifying the members of the State Regents from personal loss or accountability from liability resulting from a member's action or inaction as a trustee.

C. The State Regents may establish an investment committee for any of the Trust Funds or any combination of such Trust Funds. Such investment committee shall be composed of members of the State Regents appointed by the chair of the State Regents. The committee shall make recommendations to the entire membership of the State Regents on all matters related to the choice of custodians and managers of the assets of the Trust Funds, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the State Regents in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the State Regents nor take effect without the approval of the State Regents.

D. The State Regents may retain qualified investment managers to provide for the investment of the monies of the Trust Funds and may pay the fees for the services of such investment managers from the investment proceeds attributable to each of the Trust Funds. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the State Regents. Subject to the overall investment guidelines set by the State Regents, the investment managers shall have full discretion in the management of those monies of the Trust Funds allocated to the investment managers. The State Regents shall manage those monies not specifically allocated to the investment managers. The monies of the

Trust Funds allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

E. Funds and revenues for investment by the investment managers or the State Regents shall be placed with a custodian selected by the State Regents. Payment of the fees for the custodians' services may be paid from the applicable Trust Fund. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the State Regents. In compliance with the investment policy guidelines of the State Regents, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the Trust Funds are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the Trust Funds as to the investment of the monies of the Trust Funds in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the State Regents for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles.

F. By November 1, 1989, and prior to August 1 of each year thereafter, the State Regents shall develop written investment plans for the Trust Funds.

G. The State Regents shall compile quarterly financial reports of all the funds and accounts of the Oklahoma State Regents' Endowment Trust Fund, the Oklahoma State Regents' Academic Scholars Trust Fund, the Oklahoma Higher Learning Access Trust Fund, the Oklahoma GEAR UP Scholarship Trust Fund, and the Oklahoma Tuition Equalization Grant Trust Fund on a fiscal year basis. The reports shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The reports shall contain combined and individual rates of returns of the investment managers by category of investment, over periods of time. The reports shall be distributed to the Director of the Legislative Service Bureau and the Chair of the Joint Committee on Fiscal Operations.

H. After July 1 and before October 1 of each year, the State Regents shall publish four annual reports presented in simple and easily understood language. The reports shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Director of the Legislative Service

Bureau, and the Chair of the Joint Committee on Fiscal Operations. The annual reports shall cover the operation of the Oklahoma State Regents' Endowment Trust Fund, the Oklahoma State Regents' Academic Scholars Trust Fund, the Oklahoma Higher Learning Access Trust Fund, the Oklahoma GEAR UP Scholarship Trust Fund, and the Oklahoma Tuition Equalization Grant Trust Fund during the past fiscal year, including income, disbursements, and the financial condition of the Trust Funds at the end of the fiscal year. The annual reports shall also contain the information issued in the quarterly reports required pursuant to subsection G of this section as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over-funded status, contributions and any other information deemed relevant by the State Regents. Added by Laws 1989, c. 375, § 11, emerg. eff. June 6, 1989. Amended by Laws 1992, c. 324, § 26, eff. July 1, 1992; Laws 1992, c. 391, § 1, eff. July 1, 1992; Laws 1997, c. 99, § 16, emerg. eff. April 15, 1997; Laws 1999, c. 320, § 42, eff. July 1, 1999; Laws 2000, c. 232, § 21, eff. July 1, 2000; Laws 2000, c. 309, § 1, eff. Sept. 1, 2000; Laws 2002, c. 99, § 2, eff. July 1, 2002; Laws 2003, c. 207, § 5, eff. July 1, 2003.

NOTE: Laws 1992, c. 353, § 7 repealed by Laws 1993, c. 10, § 16, emerg. eff. March 21, 1993.

§70-3955. Fiduciary duties - Conflict of interest.

A. A fiduciary with respect to the Oklahoma State Regents' Endowment Trust Fund, the Oklahoma State Regents' Academic Scholars Trust Fund, the Oklahoma Higher Learning Access Trust Fund, the Oklahoma GEAR UP Scholarship Trust Fund, or the Oklahoma Tuition Equalization Grant Trust Fund, hereafter the "Trust Fund," shall not cause the Trust Fund to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect:

1. Sale or exchange, or leasing of any property from the Trust Fund to a party in interest;
2. Lending of money or other extension of credit from the Trust Fund to a party in interest;
3. Furnishing of goods, services, or facilities from the Trust Fund to a party in interest; or
4. Transfer to, or use by or for the benefit of, a party in interest of any assets of the Trust Fund.

B. A fiduciary with respect to the Trust Fund shall not:

1. Deal with the assets of the Trust Fund in the fiduciary's own interest or for the fiduciary's own account;
2. In the fiduciary's individual or any other capacity act in any transaction involving the Trust Fund on behalf of a party whose interests are adverse to the interests of the Trust Fund; or

3. Receive any consideration for the fiduciary's own personal account from any party dealing with the Trust Fund in connection with a transaction involving the assets of the Trust Fund.

C. A fiduciary with respect to the Trust Fund may:

1. Invest all or part of the assets of the Trust Fund in deposits which bear the highest interest rate available for funds with the necessary degree of availability in a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan; or

2. Provide any ancillary service by a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan.

D. A person or a financial institution is a fiduciary with respect to the Trust Fund to the extent that the person or the financial institution:

1. Exercises any discretionary authority or discretionary control respecting management of the Trust Fund or exercises any authority or control respecting management or disposition of the assets of the Trust Fund;

2. Renders investment advice for a fee or other compensation, direct or indirect, with respect to any monies or other property of the Trust Fund, or has any authority or responsibility to do so; or

3. Has any discretionary authority or discretionary responsibility in the administration of the Trust Fund.

Added by Laws 1989, c. 375, § 12, emerg. eff. June 6, 1989. Amended by Laws 1992, c. 353, § 8, eff. July 1, 1992; Laws 1999, c. 320, § 43, eff. July 1, 1999; Laws 2000, c. 309, § 2, eff. Sept. 1, 2000; Laws 2002, c. 99, § 3, eff. July 1, 2002; Laws 2003, c. 207, § 6, eff. July 1, 2003.

§70-3970.1. Short title.

This act shall be known and may be cited as the "Oklahoma College Savings Plan Act".

Added by Laws 1998, c. 366, § 1, eff. July 1, 1998.

§70-3970.2. Purpose.

It is the purpose of this act, given the cost of higher education, the importance of encouraging savings for tuition, and the correlation of economic growth and education, to permit Oklahomans to benefit from tax benefits for qualified college savings programs allowed by federal law.

Added by Laws 1998, c. 366, § 2, eff. July 1, 1998.

§70-3970.3. Definitions.

As used in this act:

1. "Account" means an individual trust account or savings account established as prescribed in this act;

2. "Account owner" means the person or other entity allowable under Section 529 of the Internal Revenue Code designated at the time an account is opened as having the right to withdraw monies from the account before the account is disbursed to or for the benefit of the designated beneficiary;

3. "Affinity program" means any supplemental feature to the Oklahoma College Savings Plan that offers additional value for plan participants including, but not limited to, rebate contributions from affiliated credit cards;

4. "Board" means the Board of Trustees of the Oklahoma College Savings Plan;

5. "Designated beneficiary" means:

- a. with respect to an account, the person designated at the time the account is opened as the person whose higher education expenses are expected to be paid from the account,
- b. in the case of a change in beneficiaries described in Section 3970.7 of this title, the individual who is the new beneficiary, or
- c. in the case of an interest in the program created by this act purchased by the State of Oklahoma or a local government in this state, or an agency or instrumentality of such state or local government, or an organization described in Section 501(c)(3) of the Internal Revenue Code and exempt from taxation under Section 501(a) of that Code as part of a scholarship program operated by such government or organization, the individual(s) receiving such interest or scholarship;

6. "Eligible educational institution" means an institution as described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), and is eligible to participate in a program under Title IV of that Act;

7. "Financial institution" means any bank, commercial bank, national bank, savings bank, savings and loan association, credit union, an insurance company, brokerage firm, or other similar entity that is authorized to do business in this state;

8. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended;

9. "Member of family" means an individual who bears a relationship to another individual which is a relationship described in Section 529 of the Internal Revenue Code;

10. "Nonqualified withdrawal" means a withdrawal from an account other than one of the following:

- a. a qualified withdrawal,
- b. a withdrawal made as a result of the death or disability of the designated beneficiary of an account,

- c. withdrawal that is made on the account of a scholarship or the allowance or payment described in Section 529 of the Internal Revenue Code, received by the designated beneficiary to the extent the amount of the refund does not exceed the amount of the scholarship, allowance, or payment, or
- d. a rollover or change of designated beneficiary as permitted by subsection F of Section 3970.7 of this title;

11. "Program" means the Oklahoma College Savings Plan established under this act;

12. "Qualified higher education expenses" means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution, including room and board expenses, to the extent such expenses are allowable under Section 529 of the Internal Revenue Code; and

13. "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account, but only if the withdrawal is made in accordance with this act.

Added by Laws 1998, c. 366, § 3, eff. July 1, 1998. Amended by Laws 2001, c. 106, § 1, emerg. eff. April 17, 2001; Laws 2002, c. 144, § 2, emerg. eff. April 29, 2002; Laws 2006, c. 178, § 2, eff. Nov. 1, 2006.

§70-3970.4. Board of Trustees.

A. There is hereby created the Board of Trustees of the Oklahoma College Savings Plan program composed of seven (7) members as follows:

- 1. The State Treasurer;
- 2. The State Auditor and Inspector;
- 3. The State Superintendent of Public Instruction;
- 4. The Chancellor of the Oklahoma State Regents for Higher

Education; and

5. Three members, from the general public, each of whom possesses knowledge, skill and experience in accounting, risk management, investments, financial management, or actuarial science, one of whom is appointed by the Governor, one by the Speaker of the House of Representatives, and one by the President Pro Tempore of the Senate. The initial appointee of the Governor shall serve a term of two (2) years. The initial appointee of the President Pro Tempore of the Senate shall serve a term of three (3) years. The initial appointee of the Speaker of the House of Representatives shall serve a term of four (4) years. Upon expiration of the initial terms, subsequent terms shall be for four (4) years.

B. The State Treasurer shall serve as chair of the Board. The Board shall select a vice-chair.

C. Members of the Board may designate members of their respective staffs to attend meetings of the Board and to vote in their absence. Such designations shall be in writing to the chair of the Board and filed with the Secretary of State.

D. Members of the Board shall serve without compensation but shall receive reasonable reimbursement from their respective office or agency or in the case of appointed members from the appointing authority for actual and necessary travel expenses in accordance with the State Travel Reimbursement Act.

E. A majority of the members of the Board serving shall constitute a quorum for the transaction of business at a meeting of the Board. Voting upon action to be taken by the Board shall be conducted by a majority vote of the members present at the meeting of the Board.

F. The business of the Board shall be conducted at meetings of the Board held in compliance with the Oklahoma Open Meeting Act. The Board shall make available to the public records as required by the Oklahoma Open Records Act.

G. The Board may delegate to the Oklahoma State Regents for Higher Education some or all of the duties to carry out the day-to-day operations and responsibilities of the program. The State Regents shall provide staff for the Board. In exercising such delegation, the State Regents shall be authorized to exercise such powers as are vested in the Board which are necessary to fulfill the delegated duties and responsibilities, and may assign any such duties and responsibilities to the staff as the State Regents deem necessary and proper.

H. The members of the Board are immune from personal liability with respect to all actions that are taken in good faith and within the scope of the Board's authority.

Added by Laws 1998, c. 366, § 4, eff. July 1, 1998. Amended by Laws 1999, c. 142, § 1, emerg. eff. May 3, 1999.

§70-3970.5. Board duties.

The Board of Trustees of the Oklahoma College Savings Plan shall:

1. Develop and implement the program in a manner consistent with this act through the adoption of guidelines and procedures;

2. Retain professional services, if necessary, including accountants, auditors, consultants and other experts;

3. Seek rulings and other guidance, if necessary, from the United States Department of the Treasury, the Internal Revenue Service, and the Oklahoma Attorney General relating to the program;

4. Make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by Section 529 of the Internal Revenue Code;

5. Interpret, in policies, guidelines and procedures, the provisions of the Oklahoma College Savings Plan Act broadly in light of its purpose and objectives;

6. Develop a schedule of application fees and other necessary fees and charges in connection with any agreement, contract or transaction relating to the program that are sufficient to offset the administrative and staffing costs associated with the implementation and administration of this program;

7. Select the financial institution or institutions to act as the depositories and managers of the program accounts in accordance with this act. For purposes of selecting such institutions and managers, the Board shall be exempt from the Oklahoma Central Purchasing Act. The Board shall develop a competitive process by which the institutions and managers will be selected;

8. Develop procedures to assist in the administration and implementation of this act. Any guidelines or procedures affecting existing or potential participants in the Oklahoma College Savings Plan may only be implemented after reasonable notice to the public and a public hearing in a manner similar to requirements of the Administrative Procedures Act; and

9. Have the authority to implement affinity programs for plan participants.

Added by Laws 1998, c. 366, § 5, eff. July 1, 1998. Amended by Laws 1999, c. 142, § 2, emerg. eff. May 3, 1999; Laws 2006, c. 178, § 3, eff. Nov. 1, 2006.

§70-3970.6. Financial institutions as depositories and managers.

A. The Board of Trustees of the Oklahoma College Savings Plan shall implement the program through the use of one or more financial institutions to act as the depositories and managers. Under the program, persons may establish accounts through the program at a depository that has been selected by the Board.

B. The Board shall solicit proposals from financial institutions to act as the depositories and managers of the program. Financial institutions that submit proposals shall provide all information required by the Board which is sufficient to enable the evaluation of the investment strategies and asset allocations consistent with the program objectives set by the Board.

C. The Board shall select as program depositories and managers the financial institution or institutions from among bidding financial institutions that demonstrate the most advantageous combination, both to potential program participants and this state, of the following factors:

1. Financial stability and integrity;

2. The safety of the investment instruments being offered by the financial institution, taking into account any insurance provided with respect to these instruments;

3. The ability of the financial institution to ensure that the plan it offers tracks requirements of the Internal Revenue Code, regulations of the Internal Revenue Service, other pertinent federal and state laws and regulations, and rules and requirements of the Regents;

4. The ability of the financial institution to track estimated costs of higher education as provided by the Regents and provided by the financial institution to the account holder;

5. The ability of the financial institutions, directly or through a subcontract, to satisfy recordkeeping and reporting requirements, including those created by Section 529 of the Internal Revenue Code and Internal Revenue Service regulations;

6. The financial institution's plan for promoting the program and the investment it is willing to make to promote the program, including any use of institutions with offices in Oklahoma as plan marketers and enrollment agents;

7. The fees, if any, proposed to be charged to persons for maintaining accounts;

8. The minimum initial deposit and minimum contributions that the financial institution will require and the willingness of the financial institution to accept contributions through payroll deduction plans and other deposit plans; and

9. Any other benefits to this state or its residents included in the proposal, including an account opening fee payable to the Board by the account owner and an additional fee from the financial institution for statewide program marketing by the Board.

D. The Board shall enter into a contract with a financial institution, or institutions provided in subsection E of this section to serve as program managers and depositories.

E. The Board shall determine a minimum term for contracts executed between the Board and a financial institution pursuant to this section and shall establish procedures by which a contract may be renewed.

F. The Board may select more than one financial institution and investment for the program if the following conditions exist:

1. The United States Internal Revenue Service has provided guidance that giving a contributor a choice of more than one investment instrument under a state plan will not cause the plan to fail to qualify for favorable tax treatment under Section 529 of the Internal Revenue Code; and

2. The Board concludes that the choice of instrument vehicles is in the best interest of college savers and will not interfere with the promotion of the program.

G. A program manager shall:

1. Take all action required to keep the program in compliance with the requirements of this act and shall not take action contrary to this act or its contract to manage the program so that it is

treated as a qualified tuition plan under Section 529 of the Internal Revenue Code;

2. Keep adequate records of each account, keep each account segregated from each other account and provide the Board with the information necessary to prepare statements required by federal and state law or regulation or file these statements on behalf of the Board;

3. Compile and total information contained in statements required to be prepared under federal and state law and regulation and provide these compilations to the Board;

4. If there is more than one program manager, the program managers shall provide the Board with sufficient information to determine compliance with subsection P of Section 3970.7 of this title;

5. Provide representatives of the Board, including other contractors or other state agencies, access to the books and records of the program manager to the extent needed to determine compliance with the contract; and

6. Hold all accounts in trust for the benefit of this state and the account owner.

H. If a contract executed between the Board and a financial institution pursuant to this section is not renewed, all of the following conditions apply at the end of the term of the nonrenewed contract:

1. Accounts previously established and held in investment instruments at the financial institution shall not be terminated;

2. Additional contributions may be made to the accounts; and

3. No new accounts may be placed with that financial institution.

I. The Board may terminate a contract with a financial institution at any time for good cause. If a contract is terminated pursuant to this section, the Board shall take custody of accounts held at that financial institution and shall seek to promptly transfer the accounts to another financial institution that is selected as a program manager and into investment instruments as similar to the original investments as possible.

Added by Laws 1998, c. 366, § 6, eff. July 1, 1998. Amended by Laws 2002, c. 144, § 3, emerg. eff. April 29, 2002.

§70-3970.7. Program accounts.

A. The program shall be operated through the use of accounts. An account may be opened by any person who desires to save to pay the qualified higher education expenses of a person by:

1. Completing an application in the form prescribed by the Board;

2. Paying the one-time application fee established by the Board;

3. Making the minimum contribution required by the Board or by opening an account; and

4. Designating the type of account to be opened if more than one type of account is offered.

B. Any person may make contributions to an account after the account is opened.

C. Contributions to accounts may be made only in cash.

D. Account owners may withdraw all or part of the balance from an account on sixty (60) days' notice, or a shorter period as may be authorized by the Board, under rules prescribed by the Board. These rules shall include provisions that will generally enable the Board or program manager to determine if a withdrawal is a nonqualified withdrawal or a qualified withdrawal. The rules may, but need not, require one or more of the following:

1. Account owners seeking to make a qualified withdrawal or other withdrawal that is not a nonqualified withdrawal shall provide certifications, copies of bills for qualified higher education expenses or other supporting material;

2. Qualified withdrawals from an account shall be made only by a check payable jointly to the designated beneficiary and a higher education institution; or

3. Withdrawals not meeting certain requirements shall be treated as nonqualified withdrawals by the program manager.

E. An account owner may change the designated beneficiary of an account to an individual who is a member of the family of the former designated beneficiary in accordance with procedures established by the Board.

F. An account owner may make the following changes and transfers relating to the account:

1. Change the beneficiary of the account;

2. Transfer funds between accounts; and

3. Transfer funds between an account and an account in a qualified tuition program in another state or make a deposit to a new or existing account or to an account in a qualified tuition program in another state.

The account owner shall be informed that certain tax consequences may apply to these changes.

G. An account owner may make the changes, transfers, and withdrawals described in subsection F of this section to an account that is owned by the account owner. The account owner may also make transfers to an account that is owned by another person. If a change of beneficiary or transfer causes the total account balance for all accounts under the program for the new beneficiary to exceed the maximum account balance limit, the excess amount shall be rejected and returned to the account owner.

H. In the case of any nonqualified withdrawal from an account, an amount of not more than five percent (5%) of the proposed

withdrawal may be withheld as a penalty and paid to the Board for use in operating and marketing the program and for state student financial aid.

I. The Board may set the percentage of the penalty prescribed in subsection H of this section or change the basis of this penalty if the Board determines that establishing a penalty or raising an existing penalty is needed to discourage nonqualified withdrawals.

J. If an account owner makes a nonqualified withdrawal and no penalty amount is withheld pursuant to subsection H of this section or the amount withheld was less than the amount required to be withheld under that subsection for nonqualified withdrawals, the account owner shall pay the unpaid portion of the penalty to the Board on or before April 15 of the following tax year.

K. Each account for each designated beneficiary shall be maintained separately from each other account under the program.

L. Separate records and accounting shall be maintained for each account for each designated beneficiary.

M. Except as permitted by Section 529 of the Internal Revenue Code, no contributor to, account owner of, or designated beneficiary of any account may directly or indirectly direct the investment of any contributions to an account or the earnings from the account.

N. If the Board terminates the authority of a financial institution to hold accounts and accounts must be moved from that financial institution to another financial institution, the Board shall select the financial institution and type of investment to which the balance of the account is moved unless the Internal Revenue Service provides guidance stating that allowing the account owner to select among several financial institutions that are then contractors would not cause a plan to cease to be a qualified state tuition plan.

O. Neither an account owner nor a designated beneficiary may use an interest in an account as security for a loan. Any pledge of an interest in an account is of no force and effect.

P. The Board shall adopt guidelines and procedures to prevent contributions on behalf of a designated beneficiary in excess of those necessary to pay the qualified higher education expenses of the designated beneficiaries. The guidelines may address the following:

1. Procedures for aggregating the total balances of multiple accounts in qualified state tuition programs established for a designated beneficiary;

2. The establishment of a maximum total balance that may be held in accounts for a designated beneficiary;

3. Requirements that persons who contribute to an account certify that to the best of their knowledge the balance in all qualified state tuition programs, as defined in Section 529 of the Internal Revenue Code, of which the designated beneficiary is the designated beneficiary does not exceed the lesser of:

- a. a maximum college savings amount established by the Board from time to time, and
- b. the cost in current dollars of qualified higher education expenses that the contributor reasonably anticipates the designated beneficiary will incur;

4. Requirements that any excess balances with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or transferred to another account of a family member or rolled over to another family member beneficiary in accordance with this section.

Q. The financial institution(s) shall make all reports and informational returns as required by the Internal Revenue Service, the Oklahoma Tax Commission, and other pertinent federal and state laws and regulations.

R. The program manager shall make such reports with respect to contributions, distributions and other matters that the Board may require pursuant to federal and state law reporting requirements. The statement shall identify the contributions made during a preceding twelve-month period, the total contributions made through the end of the period, the value of the account as of the end of this period, distributions made during this period and any other matters that the Board requires be reported to the account owner.

S. The State of Oklahoma, a local government of this state or organizations described in Section 501(c)(3) of the Internal Revenue Code may open and become the account owner of an account to fund scholarships for persons whose identity will be determined after an account is opened. Accounts established pursuant to this section shall be exempt from the requirement that a beneficiary be designated when an account is opened. Each person who receives an interest in the account established pursuant to this section in the form of a scholarship shall be considered a designated beneficiary for the purposes of this act.

Added by Laws 1998, c. 366, § 7, eff. July 1, 1998. Amended by Laws 2002, c. 144, § 4, emerg. eff. April 29, 2002.

§70-3970.8. Repealed by Laws 2002, c. 144, § 5, emerg. eff. April 29, 2002.

§70-3970.9. Balance to be treated as asset of parent - Exceptions.

A. Any student loan program, student grant program, or other financial assistance program established or administered by this state shall treat the balance in an account of which the student is a designated beneficiary as if it were an asset of the parent of the designated beneficiary and not as a scholarship or grant or as an asset of the student for determining a student's or parent's income, assets or financial need.

B. Subsection A of this section applies to any financial assistance program administered by a state-supported college or university.

C. Subsections A and B of this section shall not apply if any of the following conditions exist:

1. Federal law requires all or a portion of the amount in an account to be considered in a different manner;

2. Federal benefits could be lost if all or a portion of the amount in an account is not considered in a different manner; or

3. A specific grant establishing a financial assistance program requires that all or a portion of the amount in an account be considered as an asset of the student.

Added by Laws 1998, c. 366, § 9, eff. July 1, 1998.

§70-3970.10. Limitations.

A. Nothing in this act shall be construed to:

1. Give a designated beneficiary any rights or legal interest with respect to an account unless the designated beneficiary is the account owner;

2. Guarantee that a designated beneficiary will be admitted to a higher education institution or be allowed to continue enrollment at or graduate from a higher education institution located in this state after admission;

3. Establish state residency for a person merely because the person is a designated beneficiary; or

4. Guarantee that amounts saved pursuant to the program will be sufficient to cover the qualified higher education expenses of a designated beneficiary.

B. Nothing in this act establishes any obligation of this state or any agency or instrumentality of this state to guarantee for the benefit of any account owner, contributor to an account or designated beneficiary any of the following:

1. The return of any amounts contributed to an account;

2. The rate of interest or other return on any account;

3. The payment of interest or other return on any account; or

4. Tuition rates or the cost of related higher education expenditures.

C. Under rules adopted by the Board, every contract, application, deposit slip or other similar document that may be used in connection with a contribution to an account shall clearly indicate that the account is not insured by this state and neither the principal deposited nor the investment return is guaranteed by this state.

Added by Laws 1998, c. 366, § 10, eff. July 1, 1998.

§70-3970.11. Reports.

The Board of Trustees of the Oklahoma College Savings Plan shall submit a report summarizing any findings and recommendations concerning the program to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor by February 1 of each year.
Added by Laws 1998, c. 366, § 11, eff. July 1, 1998.

§70-3970.12. Effective date for opening of accounts.

No account under the Oklahoma College Savings Program shall be opened prior to January 1, 1999, and until the Board of Trustees of the Oklahoma College Savings Plan determines it is appropriate.
Added by Laws 1998, c. 366, § 12, eff. July 1, 1998.

§70-3980.1. Short title.

This act shall be known and may be cited as the "Oklahoma Higher Education Promise of Excellence Act of 2005".
Added by Laws 2005, c. 2, § 1, emerg. eff. March 31, 2005.

§70-3980.2. Power to issue obligations for capital improvements.

A. It is the intent of the Legislature to authorize the Board of Regents of the University of Oklahoma, acting for the benefit of the University of Oklahoma, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting for the benefit of Oklahoma State University, the Oklahoma State Regents for Higher Education, acting for the benefit of other institutions within The Oklahoma State System of Higher Education, and the Oklahoma Capitol Improvement Authority to become issuers of obligations according to the provisions and for the purposes authorized by this act.

B. Obligations issued by any of the authorized issuers pursuant to this act supported by appropriation of revenues from the Oklahoma Education Lottery Trust Fund pursuant to Section 41 of Article X of the Oklahoma Constitution shall be considered and deemed to have been authorized for the purposes of construction or acquisition of educational facilities or equipment owned by or under the control of the Oklahoma State Regents for Higher Education within the meaning of paragraph 4 of subsection B of Section 41 of Article X of the Oklahoma Constitution and/or capital outlay projects within the meaning of paragraph 5 of subsection B of Section 41 of Article X of the Oklahoma Constitution.

C. Obligations issued pursuant to the authority of this act shall not be deemed or considered to be general obligations of the State of Oklahoma, but shall be limited and special obligations of the authorized issuer for the benefit of the applicable institutions within The Oklahoma State System of Higher Education under their respective auspices and control.

D. Neither the appropriations powers of the Legislature pursuant to Article V of the Oklahoma Constitution nor the powers described by

Section 3 of Article XIII-A of the Oklahoma Constitution with respect to monies lawfully appropriated to the Oklahoma State Regents for Higher Education nor the power of the Legislature to impose taxes, generally, shall be pledged to the repayment of any obligations issued pursuant to the provisions of this act and any obligation issued by any authorized issuer hereunder shall affirmatively state this restriction.

E. It is the intent of the Legislature to improve the ability of the Oklahoma State Regents for Higher Education and the other specifically designated Boards of Regents within The Oklahoma State System of Higher Education to finance capital improvements and to provide a method by which the total revenues available to each respective authorized issuer of obligations, or revenues available within The Oklahoma State System of Higher Education as prescribed by this act, may be pledged to the repayment of the obligations, resulting in a higher credit rating and an interest cost savings to The Oklahoma State System of Higher Education.

Added by Laws 2005, c. 2, § 2, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 1, emerg. eff. May 24, 2005.

§70-3980.3. Definitions.

As used in this act, and unless the context clearly requires otherwise:

1. "Authorized issuer" means:

- a. the Oklahoma State Regents for Higher Education acting for the benefit of any institution within The Oklahoma State System of Higher Education other than the University of Oklahoma or Oklahoma State University,
- b. the Board of Regents of the University of Oklahoma acting for the benefit of the University of Oklahoma,
- c. the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting for the benefit of Oklahoma State University, and
- d. the Oklahoma Capitol Improvement Authority;

2. "Bonds" means any bonds, notes, obligations, debentures, interim certificates, grant and revenue anticipation notes, interest in a lease, lease certificates of participation, lease purchase agreements, commercial paper, variable interest rate obligations of any kind, or other evidences of indebtedness, whether or not the interest on which is includable in the gross income of the recipients thereof for federal income tax purposes, issued by an authorized issuer pursuant to this act;

3. "Regents" means either the Oklahoma State Regents for Higher Education, the Board of Regents of the University of Oklahoma or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges; and

4. "State Regents" means the Oklahoma State Regents for Higher Education.

Added by Laws 2005, c. 2, § 3, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 2, emerg. eff. May 24, 2005.

§70-3980.4. Authorized revenues for repayment of obligations - Approval procedures for issuance of obligations - Restrictions on issuance.

A. The Oklahoma State Regents for Higher Education shall be authorized to issue indebtedness for capital projects to benefit each and every institution within The Oklahoma State System of Higher Education except the University of Oklahoma and Oklahoma State University.

B. The Board of Regents of the University of Oklahoma shall be authorized to issue indebtedness for capital projects to benefit the University of Oklahoma as provided by paragraph (n) of Section 3305 of this title. The Board of Regents of the University of Oklahoma, acting for the benefit of the University of Oklahoma, shall be authorized to pledge any lawfully available source of revenue other than revenues appropriated by the Legislature from tax receipts, but inclusive of revenues derived from the Oklahoma Education Lottery Act accruing to the credit of the University of Oklahoma to the repayment of obligations issued pursuant to this subsection and, with respect to obligations issued for the purpose specified in Section 160.1 of Title 62 of the Oklahoma Statutes, inclusive of monies accruing to the credit of the Comprehensive Cancer Center Debt Service Revolving Fund.

C. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall be authorized to issue indebtedness for capital projects to benefit Oklahoma State University pursuant to paragraph 16 of Section 3412 of this title. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting for the benefit of Oklahoma State University, shall be authorized to pledge any lawfully available source of revenue, other than revenues appropriated by the Legislature from tax receipts, but inclusive of revenues derived from the Oklahoma Education Lottery Act, accruing to the credit of Oklahoma State University to the repayment of obligations issued pursuant to this subsection.

D. The Oklahoma State Regents for Higher Education shall be required to affirmatively approve the issuance of obligations pursuant to the provisions of this act by either the Board of Regents of the University of Oklahoma, acting for the benefit of the University of Oklahoma or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting for the benefit of Oklahoma State University. For each of the proposed bond issues authorized pursuant to this act, a Statement of Essential Facts shall be prepared by the issuing Board of Regents for the use and

information of prospective bond purchasers. It shall be the duty of the Oklahoma State Regents for Higher Education to examine such Statement of Essential Facts and determine that, based upon such facts and projections, the projected revenue will satisfy the financial obligation to be incurred under the proposed bond issue. If the facts are found by the State Regents to be substantially accurate and if the State Regents find that, based upon such facts and projections, the projected revenue will satisfy the financial obligation to be incurred under the proposed bond issue, then the Oklahoma State Regents for Higher Education shall certify such to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate. The certificate shall be made in substantially the following form:

The Oklahoma State Regents for Higher Education do hereby certify that the provisions of this section have been complied with in proper order, for the bond issue mentioned above.

E. All obligations except refunding or defeasance obligations proposed to be issued by an authorized issuer pursuant to the Oklahoma Higher Education Promise of Excellence Act of 2005 shall be subject to final approval by the Legislature as provided by this subsection. The authorized issuer shall communicate the proposed projects and the terms of the financing to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the State Senate prior to the time any such obligations are sold. The communication required by this subsection shall be made not later than April 1 each year. The communication to such elected officials shall occur upon the same date for purposes of computing the time within which action must be taken as further prescribed by this subsection. The Legislature shall have a period of forty-five calendar days from the date as of which the information is communicated to the presiding officers of both chambers in order to pass a Concurrent Resolution disapproving the proposed issuance. If the Concurrent Resolution has not received a majority of votes of those elected to and constituting both the Oklahoma House of Representatives and the Oklahoma State Senate by the end of the forty-fifth day following the date upon which the proposed issuance is communicated to the presiding officers of both chambers, the proposed issuance shall be deemed to have been approved by the Legislature.

F. With the approval of the Oklahoma State Regents for Higher Education, the total revenues described by subsection B and subsection C of this section may be pledged to the repayment of obligations issued by either the Board of Regents of the University of Oklahoma or obligations issued by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges in order to obtain the highest possible credit rating. If the Board of Regents of the University of Oklahoma and the Board of Regents for the Oklahoma

Agricultural and Mechanical Colleges agree to the use of the total revenues available to each such Board of Regents pursuant to this subsection for a project that benefits either the University of Oklahoma or Oklahoma State University or both such comprehensive universities, there shall be an agreement executed by both such Boards of Regents describing the project, the principal amount of the indebtedness, the terms of the financing and such other matters as the two Boards of Regents may mutually agree. Such agreement shall be executed prior to the sale of any obligations by either Board of Regents with respect to the proposed project or projects. The agreement shall provide for one or the other Board of Regents to be the authorized issuer with respect to the project or projects. The agreement shall also provide for the ownership or control of any real or personal property to be improved or acquired with the proceeds from the sale of any such obligations, including any requirements for the transfer of real or personal property from one comprehensive university to the other comprehensive university if such transfer is required in order to promote or ensure the marketability of any obligations sold by either Board of Regents.

G. The Oklahoma State Regents for Higher Education may pledge all lawfully available revenues, other than revenues appropriated by the Legislature from tax receipts, but inclusive of revenues derived from the Oklahoma Education Lottery Act, and other than the revenues described by subsection B or subsection C of this section, to the repayment of obligations issued by the State Regents.

H. The authorized issuers shall be subject to the following restrictions governing the issuance of the obligations authorized by this act:

1. Obligations used to pay for the following assets shall be repaid in a period not to exceed five (5) years:
 - a. computers,
 - b. portable telecommunications equipment costing less than Fifty Thousand Dollars (\$50,000.00),
 - c. motor vehicles, and
 - d. any other item of tangible personal property with an original useful life of six (6) years or less;
2. Obligations used to pay for the following assets shall be repaid in a period not to exceed ten (10) years:
 - a. equipment with an original cost of less than One Hundred Thousand Dollars (\$100,000.00), per item, and
 - b. renovation of existing structures, unless the cost of the renovation exceeds the fair market value of the existing structure or unless the improvement extends the useful life of the existing structure, but in no case shall the maturity period exceed the period by which the life of the existing structure is extended; and

3. Obligations used to pay for all other assets shall be repaid in a period not to exceed thirty (30) years and in no case shall the latest maturity date of an obligation exceed the expected useful life of the asset.

Added by Laws 2005, c. 2, § 4, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 3, emerg. eff. May 24, 2005; Laws 2006, c. 221, § 1, eff. Nov. 1, 2006; Laws 2008, c. 286, § 1, eff. July 1, 2008.

§70-3980.6. Corporate powers.

The authorized issuers are for purposes of this act hereby granted, have and may exercise all powers necessary or appropriate to carry out and effectuate their respective corporate purposes, including, without limiting the generality thereof, the following:

1. To make and execute contracts with any individual, corporation, whether profit or nonprofit, association or any other entity and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions pursuant to the provisions of this act;

2. To employ underwriters, bond or other legal counsel, financial advisors, consultants, a financial institution to serve as trustee, paying agent or in any fiduciary capacity in connection with any program, indenture or general resolution of the Regents, or any other experts and to determine their qualifications, duties and compensation subject to the provisions of this act for advice and oversight of the State Bond Advisor;

3. To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;

4. To borrow money and to issue bonds, whether or not the interest thereon is to be includable in the gross income of the recipients thereof for federal income tax purposes, including, without limitation, to provide on a pooled or consolidated basis financing for the purposes and projects herein provided and to provide for the security and sources of payments therefor;

5. To receive and accept aid or contributions from any source of money, property, labor, or other things of value to be held, used and applied to carry out the purposes of this act subject to the conditions upon which the grants and contributions are made, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or of the state for any purpose consistent with this act;

6. To obtain from any department or agency of the United States of America or nongovernmental insurer any insurance or guaranty, to the extent now or hereafter available, as to, or of, or for, the payment or repayment of, interest or principal, or both, or any part thereof, on any bonds issued by the authorized issuers, or on any

municipal securities of political subdivisions purchased or held by the authorized issuers, pursuant to this act; and, notwithstanding any other provisions of this act, to enter into any agreement or contract whatsoever with respect to any such insurance or guaranty, except to the extent that the same would in any way impair or interfere with the ability of the authorized issuers to perform and fulfill the terms of any agreement made with the owners of the bonds of the authorized issuers;

7. To sell, convey, lease, exchange, transfer or otherwise dispose of, all or any of its property or any interest therein, wherever situated;

8. To provide financing assistance for the purposes and projects herein provided;

9. To acquire, purchase, hold, store, advertise, market, sell, trade, barter, exchange, distribute, transport, process, utilize and contract in all manner with respect thereto and for commodities, products and services, and real or personal property or any interest therein and to contract for, issue and utilize letters of credit and other credit facilities and incur indebtedness and to arrange, form, make, guarantee, issue, remit, receive, receipt, process and collect payments and equivalents, howsoever nominated, in connection with or for purposes of any of the foregoing and for the purpose of executing and fulfilling the purposes of the authorized issuers as prescribed by this act;

10. To acquire, reacquire, construct, reconstruct, extend, rent, lease, purchase, use, loan, borrow, install, equip, maintain, operate, renovate, refurbish, enlarge, remodel, convey, sell, at public or private sale, encumber, alleviate, transfer, exchange, dispose of and/or resell, any property, real, personal or mixed, improvements, buildings, equipment, chattels, furnishings, fixtures, trade fixtures, and any and all other facilities and/or property of whatever nature, including any and all rights to or therein for use by corporations, individuals, cooperatives, partnerships, associations or proprietary companies for any of or for the purpose of executing and/or fulfilling the purposes of the Regents, and to plan, establish, develop, construct, enlarge, improve, extend, maintain, equip, operate, lease, furnish, provide, supply, regulate, hold, store and administer property, buildings, improvements, and facilities of every nature, which may be useful in pursuing, promoting, executing and/or fulfilling the aforementioned purposes;

11. To the extent permitted under its contract with the owners of bonds, to consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest security or any other term of any contract, mortgage, contract or agreement of any kind to which the authorized issuers are a party;

12. To purchase its own bonds at such price or prices as the authorized issuers shall determine, subject to any agreement with the owners of bonds;

13. To enter into financial documents with others for the purpose of receiving revenues to pay the bonds authorized by this act; to lease, sell, or otherwise dispose of any or all of its projects to others for such revenues and upon such terms and conditions as the authorized issuers may deem advisable; and to grant options to renew any financing agreement with respect to project and to grant options to buy any project at such price or prices as the authorized issuers deem desirable;

14. To lend money to the state or political subdivisions through the purchase by the authorized issuers of obligations of the state or political subdivisions;

15. To collect fees and charges in connection with its loans, commitments and servicing, including, but not limited to, reimbursement of costs of financing as the authorized issuers shall determine to be reasonable and as shall be approved by the authorized issuers;

16. To provide services, technical assistance and advice to this state and political subdivisions and to enter into contracts with this state and political subdivisions to provide such services. The State of Oklahoma and its political subdivisions are hereby authorized to enter into contracts with the authorized issuers for such services and to pay for such services as may be provided them;

17. To contract, cooperate, or join with any one or more other governments or public agencies, or with the state, any political subdivisions of this state, or the United States, to perform any administrative service, activity, or undertaking which any such contracting party is authorized by law to perform, including the issuance of bonds;

18. To invest any funds available to the authorized issuers, whether or not from the proceeds of bonds, in such securities or pursuant to such agreements or other arrangements as the authorized issuers shall determine, subject to any agreements with bond owners or other creditors of the authorized issuers; and

19. To exercise all other powers and functions necessary or appropriate to carry out the duties and purposes set forth in this act, including, but not limited to, the power to enter into transactions involving variable interest rates and interest rate swaps.

Added by Laws 2005, c. 2, § 6, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 7, emerg. eff. May 24, 2005.

§70-3980.7. Power to borrow money and issue bonds - Bond resolutions - Bonds deemed negotiable instruments.

A. An authorized issuer shall have the power and is hereby authorized to borrow money and to issue bonds in such principal amounts as the authorized issuer determines shall be necessary to provide sufficient funds for:

1. The providing of financing for all or any part of any projects of the Regents as authorized under this act;

2. The payment of principal and interest on bonds of the authorized issuer;

3. The establishment of reserves to secure the bonds; and

4. All other expenditures of the authorized issuer incident to and necessary or convenient to carry out its purposes and powers, including the payment of any credit enhancement fees and costs of issuance incurred in connection with the issuance of bonds. The authorized issuer shall have the power to make expenditures for purposes of insuring and securing holders of bonds as provided in this act.

B. The authorized issuer shall have the power to refund any bonds and any bonds, notes or other obligations heretofore or hereafter issued by any other issuer of bonds in the state if the authorized issuer is authorized hereunder to issue bonds for the purpose the refunded bonds were issued by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any of its corporate purposes. Refunding bonds may be issued in such amount as the authorized issuer may determine, but not exceeding an amount sufficient to refund the principal amount of the bonds or notes to be refunded, together with any unpaid interest accrued and to accrue thereon and any premiums, expenses and commissions incurred in connection with the issuance of such refunding bonds and any reserve established in connection with the issuance of such refunding bonds. The refunding bonds may be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded or exchanged for the bonds to be refunded, all as determined by the authorized issuer.

C. All bonds of the authorized issuer issued pursuant to this section shall be special and limited obligations of the authorized issuer, secured and payable solely out of the revenues and receipts, excluding appropriations from tax receipts, derived pursuant to a financing agreement, but in no case shall such obligations be general obligations of the State of Oklahoma.

D. The bonds shall be authorized by resolution or resolutions of the authorized issuer, shall be dated such date or dates, and shall mature at such time or times as such resolution or resolutions may provide. The bonds shall bear interest at such rate or rates or contain terms providing for the means of determining such rate or rates, including variations in such rates, be in such denomination, be in such form, either coupon or registered, or in book-entry form,

carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such term of redemption, including redemptions prior to maturity, as such resolution or resolutions may provide. The bonds of the authorized issuer may be sold by the authorized issuer at public or private sale, and at the price or prices as the authorized issuer shall determine.

E. Any resolution or resolutions authorizing any bonds or any issue thereof may contain provisions, which shall be a part of the contract or contracts with the owners thereof, as to:

1. Pledging all or any part of the revenues to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondowners as may then exist;

2. Pledging all or any part of the assets of the authorized issuer, including mortgages and obligations securing the same, to secure the payment of the bonds or of any issue of bonds, subject to the agreements with bondowners as may then exist;

3. The use and disposition of the gross income from assets of any type owned by the authorized issuer and payment of principal of assets of any type owned by the authorized issuer;

4. The setting aside of reserves or sinking funds and the regulations and disposition thereof;

5. Limitations on the purpose to which the proceeds of sale of bonds may be applied and pledging the proceeds to secure the payment of the bonds;

6. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds;

7. The procedure, if any, by which the terms of any contract with bondowners may be amended or abrogated, the amount of bonds the owners of which must consent thereto, and the manner in which the consent may be given;

8. Vesting in a trustee such property, rights, powers and duties in trust as the authorized issuer may determine, which may include any or all of the rights, powers, and duties of the trustee appointed by the bondowners pursuant to this act and limiting or abrogating the right of bondowners to appoint a trustee under this act or limiting the rights, powers, and duties of the trustee;

9. Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the authorized issuer to the owners of the bonds and providing for the rights and remedies of the owners of the bonds in the event of default, including as a matter of right the appointment of a receiver; but the rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this act; and

10. Any other matters, of like or different character, which in any way affect the security or protection of the owners of the bonds.

F. Any pledge made by the authorized issuer shall be valid and binding from the time when the pledge is made. The revenues, monies, or property so pledged and thereafter received by the authorized issuer shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authorized issuer, irrespective of trust indenture whether the parties have notice thereof. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

G. Bonds of the authorized issuer may be secured by resolution of the authorized issuer or a trust indenture or similar document by and between the authorized issuer and a corporate trustee, which may be any bank having the power of a trust company or any trust company as provided by law. Such resolution, trust indenture or similar document may contain such provisions for protecting and enforcing the rights and remedies of the bondowners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authorized issuer in relation to the exercise of its corporate powers and the custody, safeguarding and application of all monies. The authorized issuer may provide by the resolution or trust indenture for the payment of the proceeds of the bonds and the revenues to the trustee under the trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine.

H. Whether or not the bonds are of the form and character as to be negotiable instruments under the terms of the Uniform Commercial Code, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, subject only to the provisions of the bonds relating to registration.

I. In the event that any of the members or officers of the authorized issuer shall cease to be members or officers of the authorized issuer prior to the delivery of any bonds or coupons signed by them, their signatures or facsimiles thereof shall nevertheless be valid and sufficient for all purposes, the same as if such members or officers had remained in office until such delivery.

J. Neither the members of the authorized issuer nor any other person executing the bonds issued under this act shall be subject to personal liability or accountability by reason of the issuance thereof.

K. The authorized issuer shall have the power to provide for the replacement of lost, destroyed, or mutilated bonds.

L. Except as otherwise provided by this act, bonds issued pursuant to the provisions of this act shall never constitute an indebtedness of the state within the meaning of any state constitutional provision or statutory limitation, but such bonds

shall be indebtedness payable solely from sources indicated on the bond documents, and shall never constitute nor give rise to a pecuniary liability of this state or a charge against the general credit of the state or taxing powers of the state, and such fact shall be plainly stated on the face of each bond.

Added by Laws 2005, c. 2, § 7, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 8, emerg. eff. May 24, 2005.

§70-3980.8. Transfer and interest exempt from taxation.

The obligations issued pursuant to this act by an authorized issuer, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

Added by Laws 2005, c. 2, § 8, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 9, emerg. eff. May 24, 2005.

§70-3980.9. Application for credit rating.

The Oklahoma State Regents for Higher Education, the Board of Regents of the University of Oklahoma and the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall make application for a credit rating from a nationally recognized rating agency with expertise in the evaluation of obligations issued by governmental entities as determined necessary and prudent by the State Bond Advisor.

Added by Laws 2005, c. 2, § 9, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 10, emerg. eff. May 24, 2005.

§70-3980.10. Audited financial statements.

A. Each authorized issuer and each institution within The Oklahoma State System of Higher Education that receives proceeds from the sale of any obligations issued pursuant to the Oklahoma Higher Education Promise of Excellence Act of 2005 shall issue financial statements audited by an independent certified public accountant within one hundred twenty (120) days after the close of the fiscal year.

B. Within thirty (30) days after completion of the audited financial statements pursuant to subsection A of this section, each institution shall cause the audited financial statement or a summary thereof to be made available to the general public on its web page.

Added by Laws 2005, c. 2, § 10, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 11, emerg. eff. May 24, 2005; Laws 2008, c. 79, § 1.

§70-3980.11. Repealed by Laws 2005, c. 218, § 16, emerg. eff. May 24, 2005.

§70-3980.12. Oklahoma Capitol Improvement Authority - Loans and issuance of obligations - Authorized projects.

A. For the purpose of paying the costs for acquisition, reimbursement and construction of real and personal property and making repairs, refurbishments and improvements to real and personal property, and providing funding for the herein enumerated capital projects at institutions of higher education which are part of The Oklahoma State System of Higher Education and for the purpose authorized in subsection B of this section, the Oklahoma Capitol Improvement Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such real and personal property and improvements and, in anticipation of the collection of such income and revenues, to issue negotiable obligations in a total amount sufficient, after deduction of costs of issuance, reserves and cost of any credit enhancement, to generate Four Hundred Seventy-five Million Dollars (\$475,000,000.00) in net proceeds to be expended on the projects enumerated herein whether issued in one or more series. Insofar as not in conflict with the provisions of this section, the provisions of Section 151 et seq. of Title 73 of the Oklahoma Statutes shall apply to the obligations issued under this section by the Oklahoma Capitol Improvement Authority. It is the intent of the Legislature to appropriate to the Oklahoma State Regents for Higher Education for allocation to the various institutions enumerated herein from the Oklahoma Education Lottery Trust Fund and from such other sources as may be necessary sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section. Bonds issued pursuant to this section shall be used for financing for the following projects in the indicated amounts:

1. Projects at the University of Oklahoma of approximately One Hundred Eight Million One Hundred Eighty Thousand Nine Hundred Fifty-six Dollars (\$108,180,956.00) to include:
 - a. construction of a chemistry and biochemistry teaching and research-laboratory complex,
 - b. installation of fire detection and suppression systems in library areas,
 - c. classroom renovation and improvements,
 - d. construction of library and learning center facilities and parking structure at the OU-Tulsa campus,
 - e. construction of a College of Allied Health Phase II Building and parking structure,
 - f. infrastructure improvements for the University Research Campus,
 - g. construction of new engineering and technology facilities,

- h. construction of a student learning center for University College,
- i. renovation and expansion of Gould Hall,
- j. renovation of Hester Hall,
- k. renovation of Rhyne Hall,
- l. renovation of Science Hall,
- m. completion of construction of weather center,
- n. renovation of Ellison Hall,
- o. construction of a cancer center,
- p. construction of a speech and hearing facility, and
- q. renovation of Schusterman Center at OU-Tulsa;

2. Projects at the Oklahoma State University of approximately Seventy-six Million One Hundred Sixty-eight Thousand Two Hundred Sixty-two Dollars (\$76,168,262.00) to include:

- a. construction of a new science and technology research center and renovation of existing research laboratory and office space,
- b. restoration and renovation of South Murray Hall, and
- c. construction of a new classroom building;

3. Projects at Oklahoma State University Institute of Technology-Okmulgee of approximately Six Million Four Hundred Sixty-two Thousand Three Hundred Seventy Dollars (\$6,462,370.00) to include:

- a. creation of a rural health science and technology center,
- b. renovation and expansion of culinary facility, and
- c. resurfacing of campus streets and parking lots;

4. Projects at the OSU College of Veterinary Medicine of approximately One Million One Hundred Seven Thousand Eight Hundred Thirty-five Dollars (\$1,107,835.00) to include:

- a. renovation of McElroy Hall, and
- b. renovation of Boren Veterinary Teaching Hospital;

5. Projects at OSU-Oklahoma City of approximately Seven Million Three Hundred Eighty-five Thousand Five Hundred Sixty-six Dollars (\$7,385,566.00) to include:

- a. construction of an addition to the agriculture resource center,
- b. construction of a physical plant building,
- c. acquisition of real property within existing campus area, and
- d. construction of a public safety training facility;

6. Projects at the OSU-Center for Health Science of approximately Four Million Sixty-two Thousand Sixty-one Dollars (\$4,062,061.00) to include renovation of existing facilities;

7. Projects at OSU-Tulsa of approximately Twelve Million Nine Hundred Ninety-four Thousand Eight Hundred Sixty-two Dollars

(\$12,994,862.00) to include construction of an advanced technology research center;

8. Projects at the University of Central Oklahoma of approximately Nineteen Million Six Hundred Ninety-five Thousand Three Hundred Twenty-nine Dollars (\$19,695,329.00) to include:

- a. renovation of Old North Building,
- b. construction of a new classroom building, and
- c. construction of a forensic science building;

9. Projects at East Central University of approximately Ten Million Eight Hundred Ten Thousand One Hundred Eighty-two Dollars (\$10,810,182.00) to include:

- a. construction of a fine arts center, and
- b. construction of a criminal justice skills training center;

10. Projects at Northeastern State University of approximately Twenty-two Million Nine Hundred Seventy-two Thousand Seven Hundred Sixty Dollars (\$22,972,760.00) to include:

- a. renovation of the Science Building,
- b. renovation and repair of classroom buildings,
- c. renovation of the Industrial Arts Building, and
- d. completion of construction on classrooms, other buildings and parking lots at the Broken Arrow campus;

11. Projects at Northwestern Oklahoma State University of approximately Six Million Eight Hundred Thirteen Thousand Four Hundred Thirty-two Dollars (\$6,813,432.00) to include:

- a. construction of Education Building,
- b. renovation of Science Building and upgrading of science equipment, and
- c. renovation of the Health and Physical Education Building;

12. Projects at Rogers State University of approximately Thirteen Million Nine Hundred Twenty-two Thousand Seven Hundred Two Dollars (\$13,922,702.00) to include:

- a. construction and renovation of classrooms and other buildings at the Bartlesville campus,
- b. construction and furnishing of a classroom building and parking lot,
- c. general infrastructure upgrades and improvements,
- d. expansion and renovation of Thunderbird and Post Hall, including furnishings and parking lot improvements,
- e. construction of a building and parking lot at the Pryor Campus, and
- f. renovation and repairs to other buildings on campus;

13. Projects at Southeastern Oklahoma State University of approximately Ten Million Sixty-two Thousand Seven Hundred Fifty-eight Dollars (\$10,062,758.00) to include:

- a. renovation of the Aviation Science Building,

- b. installation of an ADA elevator within the athletic facility,
- c. construction and renovation of classrooms,
- d. renovation and construction of Academic Support Services Building,
- e. improvements to the Administration Building,
- f. renovation of the Theatre Building,
- g. renovation of the Science Building, and
- h. renovation of the Morrison Building;

14. Projects at Southwestern Oklahoma State University of approximately Twelve Million Three Thousand Sixty-five Dollars (\$12,003,065.00) to include:

- a. renovation of the Chemistry, Pharmacy and Physics Building,
- b. renovation of existing theatre and construction of new theatre,
- c. upgrade of instructional equipment and elevators,
- d. energy efficiency improvements for various buildings,
- e. renovation and improvements to buildings on the Sayre campus,
- f. construction of outdoor classroom area, relocation of university observatory and other improvements,
- g. renovation of the Art Building, and
- h. renovation and addition to the Industrial Technology and Engineering Building;

15. Projects at Cameron University of approximately Twelve Million Fifty-nine Thousand Two Hundred Forty-seven Dollars (\$12,059,247.00) to include:

- a. either construction or renovation and expansion of Business Building,
- b. improvements to the Shepler Center and the Fitness Center,
- c. improvements on campus-wide scale needed to achieve ADA compliance,
- d. improvements to parking areas and access roads,
- e. improvements to campus buildings, and
- f. improvements to gymnasium;

16. Projects at Langston University of approximately Eighteen Million Three Hundred Seventy Thousand One Hundred Eighty-seven Dollars (\$18,370,187.00) to include:

- a. construction of a Student Success Center,
- b. renovation and construction of the Allied Health Complex,
- c. construction of a Performing Arts Center, and
- d. construction of an Oklahoma African-American Museum;

17. Projects at Oklahoma Panhandle State University of approximately Seven Million Two Hundred Eighty Thousand Dollars (\$7,280,000.00) to include:
 - a. construction of a science and agriculture building, and
 - b. construction of the Noble Activity and Cultural Center;
18. Projects at the University of Science and Arts of Oklahoma of approximately Six Million Sixty-eight Thousand Eight Hundred Thirty-two Dollars (\$6,068,832.00) to include:
 - a. renovation of Canning Hall,
 - b. improvements to parking areas and roofing of various buildings,
 - c. renovation of performing arts and academic lecture venues,
 - d. renovation of art annex, and
 - e. acquisition of classroom, laboratory and library equipment;
19. Projects at Carl Albert State College of approximately Eight Million Six Hundred Forty-seven Thousand Six Hundred One Dollars (\$8,647,601.00) to include:
 - a. construction of a new classroom building and parking lot,
 - b. construction of CASC Sallisaw Classroom and Library,
 - c. renovation and expansion of Joe E. White Library, and
 - d. renovation and expansion of the Mick Thompson Convocational Center;
20. Projects at Connors State College of approximately Seven Million Twenty-five Thousand Dollars (\$7,025,000.00) to include:
 - a. renovation of the Classroom Building, Library and Education Buildings,
 - b. renovation of the Fine Arts Building,
 - c. renovation of a building to become one-stop enrollment center,
 - d. renovation and addition to Haskell Building on Muskogee campus, and
 - e. renovation and expansion of existing buildings for the expansion of Allied Health and Technical programs;
21. Projects at Eastern Oklahoma State College of approximately Seven Million Nine Hundred Ten Thousand One Hundred One Dollars (\$7,910,101.00) to include:
 - a. construction of a student life and learning center,
 - b. repair and improvements to various campus facilities, and
 - c. campus-wide software replacement;
22. Projects at Murray State College of approximately Seven Million Twenty-five Thousand Dollars (\$7,025,000.00) to include:
 - a. renovation and improvements to various campus facilities,

- b. construction of a building for customer service and laboratory facilities,
- c. construction of a maintenance building,
- d. landscaping and parking and street improvements,
- e. acquisition of technology equipment, and
- f. acquisition of equipment to address instructional needs and campus security and safety issues;

23. Projects at Northern Oklahoma College of approximately Fourteen Million Two Hundred Ninety-three Thousand Two Hundred Thirty-five Dollars (\$14,293,235.00) to include:

- a. renovation and repair of buildings, parking areas and infrastructure on Enid campus,
- b. renovation of and furnishing and equipment for Wilkin Hall,
- c. construction of Allied Health and Educational Communication Center,
- d. renovation and expansion of the Vineyard Library Administration Building, and
- e. construction in conjunction with OSU of a new classroom building in Stillwater;

24. Projects at Northeastern Oklahoma A&M College of approximately Six Million Dollars (\$6,000,000.00) to include:

- a. renovation, expansion and equipment for Health Science Building,
- b. renovation of Commons Hall, and
- c. renovation and restoration of Science Building;

25. Projects at Oklahoma City Community College of approximately Fifteen Million Three Hundred Thirty-five Thousand One Hundred One Dollars (\$15,335,101.00) to include:

- a. construction of the Arts Education Center, and
- b. expansion of the Health Professions Education Center;

26. Projects at Redlands Community College of approximately Six Million Seven Hundred Seventy Thousand Dollars (\$6,770,000.00) to include:

- a. construction of the Darlington Agricultural Center,
- b. construction of a health, math and science facility,
- c. renovation and automation of library,
- d. acquisition of real property for Darlington Production facility,
- e. construction of facility to house International and Entrepreneurship Business Institute, and
- f. infrastructure improvements and upgrades;

27. Projects at Rose State College of approximately Eleven Million Seven Hundred Seventy-five Thousand Dollars (\$11,775,000.00) to include construction of a Health Sciences Center;

28. Projects at Seminole State College of approximately Six Million Seven Hundred Fifty Thousand Dollars (\$6,750,000.00) to include:

- a. construction of a wellness and athletic training facility,
- b. renovation and equipment acquisition necessary to accommodate persons with disabilities,
- c. acquisition and improvement of computer network equipment,
- d. renovation and expansion of facilities to develop a student success center,
- e. construction of maintenance building and affiliated roads and parking,
- f. acquisition of building for office space and storage, and
- g. construction and expansion of roads and parking facilities;

29. Projects at Tulsa Community College of approximately Sixteen Million Twenty-five Thousand Dollars (\$16,025,000.00) to include:

- a. construction of a distance learning center, and
- b. construction of a math and science building;

30. Projects at Western Oklahoma State College of approximately Six Million Dollars (\$6,000,000.00) to include:

- a. construction of a cooperative higher education and training center,
- b. construction and repair of parking lots, roads and walkways, and
- c. acquisition of software and information technology equipment;

31. Projects at the University Center of Southern Oklahoma of approximately Six Hundred Thousand Dollars (\$600,000.00) to include:
construction of classrooms in a new facility;

32. Projects at the McCurtain County Higher Education Center of approximately Six Hundred Thousand Dollars (\$600,000.00) to include renovation and expansion of chemistry laboratory and classroom and acquisition of equipment;

33. Projects at the Quartz Mountain Arts and Conference Center of approximately Three Million One Hundred Seventy-three Thousand Five Hundred Fifty-six Dollars (\$3,173,556.00) to include:

- a. renovation and remediation of lodge, walkways, parking lots and sidewalks,
- b. construction of a student dormitory and family reunion center,
- c. repair and renovation of Performing Arts Hall and Arts Pavilions,
- d. completion of construction of a comprehensive pedestrian trail system,

- e. improvements and upgrades of infrastructure, and
- f. improvement and acquisition of land; and

34. Projects for the Oklahoma Climatological Survey of approximately Six Hundred Fifty Thousand Dollars (\$650,000.00) to include acquisition and installation of equipment for the Oklahoma Mesonet to monitor atmospheric conditions in and around Oklahoma City.

B. To the extent funds are available from the proceeds of the borrowing authorized by subsection A of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs related to the projects authorized in subsection A of this section.

C. The Oklahoma Capitol Improvement Authority may issue obligations in one or more series and in conjunction with other issues of the Oklahoma Capitol Improvement Authority. The Oklahoma Capitol Improvement Authority may issue short-term obligations in anticipation of the sale of the bonds authorized by this section and enter into such liquidity and other agreements as may be necessary to provide for the efficient financing of the projects. The Oklahoma Capitol Improvement Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations.

D. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Oklahoma Capitol Improvement Authority, and in such form and at such prices and bearing interest at a fixed or variable rate as may be authorized by the Oklahoma Capitol Improvement Authority. The Oklahoma Capitol Improvement Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Oklahoma Capitol Improvement Authority.

E. Any interest earnings on funds or accounts created for the purposes of this section may be utilized as partial payment of the annual debt service or for the purposes directed by the Oklahoma Capitol Improvement Authority. The interest earnings in the construction funds created pursuant to this section shall be used by the Oklahoma Capitol Improvement Authority for the projects enumerated herein.

F. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

G. The Oklahoma Capitol Improvement Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Oklahoma Capitol Improvement Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

H. The Oklahoma Capitol Improvement Authority is authorized to issue bonds, notes, or other obligations for the purpose of refinancing or restructuring obligations issued pursuant to this section. To the extent funds are available from the proceeds of the borrowing authorized by this subsection, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs approved by the Oklahoma State Bond Advisor. The Oklahoma Capitol Improvement Authority is authorized to hire bond counsel, financial consultants, and such other professionals as may be deemed necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations. An issuance of bonds under this subsection may be undertaken to achieve an overall debt service savings, modify restrictive bond document covenants, or reduce payment requirements during periods of fiscal stress. To achieve these objectives, the Oklahoma Capitol Improvement Authority is authorized to extend the final maturity of outstanding obligations if necessary, but in no event shall the final maturity of an individual bond issue be extended more than ten (10) years without the approval of the Council of Bond Oversight. The obligations authorized under this subsection may be sold at either competitive or negotiated sale, as determined by the Oklahoma Capitol Improvement Authority, and in such form and at such prices as may be authorized by the Oklahoma Capitol Improvement Authority. The Oklahoma Capitol Improvement Authority may issue obligations in one or more series and may set such other terms and conditions as may be necessary in its judgment to achieve an efficient refinancing. The Oklahoma Capitol Improvement Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations, including the purchase of surety policies or other financial instruments to be utilized in lieu of reserve funds. The obligations may mature and have such provisions for redemption as shall be determined by the Oklahoma Capitol Improvement Authority. The Oklahoma Capitol Improvement Authority is hereby specifically authorized to purchase surety policies or other financial instruments to replace existing debt service reserves. Any payment for such

policies or other instruments may be made from the cash reserves being replaced or any other legally available source.

I. Bonds issued pursuant to this section shall not be subject to the provisions of Section 3980.4 of this title.

Added by Laws 2005, c. 2, § 12, emerg. eff. March 31, 2005. Amended by Laws 2005, c. 218, § 12, emerg. eff. May 24, 2005; Laws 2005, c. 402, § 7, eff. July 1, 2005; Laws 2008, c. 54, § 6, eff. July 1, 2008; Laws 2012, c. 252, § 3, eff. July 1, 2012.

§70-4001. Acquisition, construction and equipment of buildings, additions, public utilities, etc. - Fees and charges - Sale of surplus commodities and services - Cooperative agreements.

A. Subject to and in accordance with the terms hereof, the boards of regents for all state educational institutions for and in behalf of any university, college, school or institution under the jurisdiction of each of the said boards are hereby authorized from time to time to set aside such portion of their respective campuses or of the campuses under the jurisdiction of said boards, or any other land owned or leased by said boards, as may be necessary and suitable for the construction thereon of dormitories, student housing, cooperative group housing, parking facilities, adult education facilities, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, public utility plants and systems for the supplying of water, gas, heat or power and other self-liquidating projects and other revenue-producing buildings for the university, college or institution or related institution, which may include public, nonprofit or private entities, deemed necessary by said boards for the comfort, convenience and welfare of their students, and suitable for the purposes for which said institutions were established, including additions to existing buildings used for such purposes; to acquire through construction, purchase, condemnation or any combination thereof such dormitories, student housing, cooperative group housing, parking facilities, adult education facilities, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, public utility plants and systems and other revenue-producing buildings and acquire or construct additions, improvements and extensions to existing buildings and structures used for such purposes and to equip, furnish, maintain and operate all such buildings and structures; and to acquire through purchase, condemnation or otherwise any land, rights-of-way, easements, licenses and permits needed for the present or future use of such buildings, structures, plants and systems; provided, that such boards of regents shall not construct or acquire, for their respective institutions, such utility plants or systems whose capacity is in excess of the present or reasonably contemplated future needs of such institutions or related institutions, except as provided in subsection C hereof.

B. When in the opinion of the board of regents of any such institution any of the buildings, structures, plants and systems constructed, acquired, improved, extended, added to, furnished or equipped as above authorized are deemed necessary by the said board for the comfort, convenience and welfare of the student body as a whole, or for any specified class or part thereof, the board of regents shall have authority to charge and collect from all students in attendance at the university, college, school or institution, or related institutions, or from any specified class or part thereof for which such facilities are so deemed necessary, fees and charges for the use or availability of such buildings and structures and for the services or commodities to be made available by such plants, systems or facilities. The proceeds of all such fees and charges shall be considered as revenues within the meaning of Section 4004 of this title and the provisions of said section shall be applicable thereto. Where the commodities and services supplied by any such plant and system temporarily shall be found to be in excess of the requirements of the university, college, school or institution, or related institutions, the board of regents may sell the surplus to other public or nonprofit consumers, including incorporated municipalities, and in that connection may enter into such agreements as it may consider advisable. All revenues received from the sale of such surplus shall likewise be considered and treated as other revenues under Section 4004 of this title. Such board of regents may also enter into agreements for the purchase of water, electricity, gas, heat, or power to be distributed through the medium of any such plant or systems, provided only that no agreement entered into under the provisions of this paragraph shall pledge the credit of the State of Oklahoma.

C. Other state agencies or subdivisions of the state may enter into cooperative agreements with the regents of the universities or colleges on projects for the primary benefit of such university or college, and make use of facilities and services financed by bonds issued by the university or college, as authorized herein and under the terms and conditions of this section.

D. It is the intent of the Legislature that no additional public trusts having the state as beneficiary be created to finance the purchase of land or facilities or the construction of facilities at institutions of The Oklahoma State System of Higher Education or their agencies and that no beneficial interest in a public trust be accepted on behalf of the State of Oklahoma or any agency thereof involving an institution of higher learning; and that no additional projects be authorized for existing public trusts having the state as beneficiary now operating for the direct or indirect benefit of any institution of The Oklahoma State System of Higher Education or its agencies, except that the heating-cooling plant at the Oklahoma Health Sciences Center may be repaired or expanded, if approved by

the Oklahoma State Regents for Higher Education and except as provided in Section 4017 of this title.

Amended by Laws 1986, c. 245, § 4, emerg. eff. June 12, 1986; Laws 1988, c. 272, § 12, operative July 1, 1988.

§70-4002. Bonds authorized.

(a) For the purpose of paying all or part of the cost of acquisition of any such lands, rights-of-way, easements, licenses and permits and the construction, acquisition, equipment and furnishing of any such building or buildings or structure or structures, plants or systems, or of any additions, improvements or extensions thereto, or any additions to existing buildings, the Board of Regents of the institution for which such buildings, structures, plants or systems, all of which lands, rights-of-way, easements, licenses and permits, buildings, structures, plants and systems constructed, acquired, added to, improved or extended hereunder as a single project are hereafter referred to as "the building", are to be constructed, acquired, added to, improved, extended, furnished or equipped, which Board of Regents or each of them is hereinafter referred to as "the board", is authorized to borrow money on the credit of the income and revenues to be derived from the operation of the building, together with the income and revenue derived from any existing revenue-producing building or facility or facilities and, in anticipation of the collection of such income and revenues, to issue negotiable bonds in such amount as may in the opinion of the board be necessary for such purposes, and is authorized to provide for the payment of such bonds and the rights of the holders thereof as hereinafter provided. Such bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest, not exceeding twelve percent (12%) per annum, as may be provided by resolution or resolutions adopted by the board. Such bonds may be sold in such manner and at such price or prices plus accrued interest to date of delivery, as may be considered by the board to be advisable, but interest cost to maturity for any bonds issued hereunder shall not exceed twelve percent (12%) per annum, computed on the basis of average maturities according to standard tables of bond values. Bonds payable to bearer shall have all the qualities and incidents of negotiable papers.

(b) The board may in any resolution authorizing bonds hereunder provide for the initial issuance of one or more bonds, in this section called "bond", aggregating the amount of the entire issue and

make such provision for installment payments of the principal amount of any such bond as it may consider desirable, and may provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bond. The board may further make provision in any such resolution for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal or principal and interest.

(c) Bonds issued hereunder and interest thereon shall not be subject to taxation by the State of Oklahoma, or by any county, municipality or political subdivision therein. The board may in its discretion authorize one issue of bonds hereunder for constructing, acquiring, adding to, improving, extending, furnishing or equipping of more than one building, as "building" is above defined, and may make said bonds payable from the combined revenues of all buildings so constructed, acquired, added to, improved, extended, furnished or equipped, in whole or in part, with the proceeds thereof, together with revenues from the operation of any existing revenue-producing building or facility. The term "building" as herein used shall be construed to refer to all such "buildings". If more than one series of bonds shall be issued hereunder payable from the revenues of the buildings or facilities, priority of lien thereof on such revenues shall depend on the provisions of the proceedings authorizing the issuance of such bonds, it being within the discretion of the board, at the time it authorizes the first such series, to provide that subsequent series of bonds payable from such revenues shall not be issued, that subsequent series of bonds shall be subordinate as to lien, or that subsequent series of bonds shall enjoy parity of lien if such conditions and restrictions as may be specified in such proceedings can be met.

(d) The board may issue bonds hereunder for the purpose of refunding any obligations of the board payable from the revenues of any building, as "building" is hereinabove defined, together with revenues derived from any existing revenue-producing building or facility or facilities, or may authorize and deliver a single issue of bonds hereunder for the purpose in part of refunding obligations of the board payable from the revenues derived from any building or buildings and in part for the making of additions, improvements and extensions to such building or buildings, or the construction or acquisition of additional buildings, and the furnishing and equipping of such buildings or additions, together with revenues derived from any existing revenue-producing building or facility or facilities. Where bonds are issued under this paragraph solely for refunding

purposes, such bonds may either be sold as above provided or delivered in exchange for the outstanding obligations. If sold, the proceeds may be either applied to the payment of the obligations, refunded or deposited in escrow for the retirement thereof. Nothing herein contained shall be construed to authorize the refunding of any outstanding obligations which are not either maturing, callable for redemption under their terms, or voluntarily surrendered by their holders for cancellation, unless the board covenants that sufficient funds to pay all remaining interest and principal payments of the outstanding bonds when due will be placed in escrow as hereinafter set out for such purpose at the time of delivery of and payment for the new bonds issued hereunder.

In any case where refunding bonds are issued and sold six (6) months or more before the earliest date on which all bonds to be refunded thereby mature or are called for redemption in accordance with their terms, the proceeds of the refunding bonds, other than the amount included therein incidental to the issuance of the bonds, shall be deposited, together with any other funds available and appropriated by the board for the purpose, in escrow with a suitable banking institution having trust powers within the state, whose deposits are insured by the Federal Deposit Insurance Corporation. Such monies shall be invested in securities maturing or callable at the option of the holder on such dates and bearing interest at such rates as shall be required to provide funds sufficient, with any cash retained in the escrow account, to pay when due the interest to accrue on each obligation refunded to its maturity, or if prepayable, to an earlier designated date on which it may be called for redemption, and to pay the principal amount of each such bond at maturity, or, if prepayable at its designated earlier redemption date, and to pay any premium required for redemption on such date. Before the refunding bonds are delivered, the board shall by resolution irrevocably appropriate for these purposes the escrow account and all payments of principal and interest on the securities held therein, and shall provide for the call of all bonds directed to be prepaid, in accordance with their terms, on the redemption date or dates designated. Securities purchased from the escrow account shall be limited to direct obligations of the United States or obligations whose principal and interest payments are guaranteed by the United States. Such securities shall be purchased simultaneously with the delivery of the refunding bonds. No refunding bonds shall be issued more than ten (10) years before the last date on which the bonds to be refunded thereby mature or are directed to be prepaid in accordance with their terms. All bonds issued under this paragraph and the preceding paragraph shall in all respects be authorized, issued and secured in the manner provided for other bonds issued under this article, and shall have all of the attributes of such bonds. The board may provide that any such refunding bonds shall

have the same priority of lien on the revenues pledged for their payment as was enjoyed by the bonds refunded thereby.

(e) All proceedings heretofore adopted by said Board of Regents for the issuance of revenue bonds on a parity as to payment with other existing revenue bonds or which provide for the pledging of revenues from the building to be constructed, improved and furnished from the proceeds of revenue bonds and income and revenue derived from any existing revenue-producing building or facility, or facilities, and the bonds issued pursuant thereto are hereby validated, ratified and confirmed, and such revenue bonds constitute valid and binding obligations in accordance with the terms of such proceedings.

Added by Laws 1965, c. 396, § 1002. Amended by Laws 1968, c. 14, § 1, emerg. eff. Feb. 15, 1968; Laws 1970, c. 250, § 1, emerg. eff. April 16, 1970; Laws 1983, c. 316, § 1, emerg. eff. June 27, 1983; Laws 2000, c. 356, § 1, emerg. eff. June 6, 2000.

§70-4002.1. Legislative approval of bond issue.

Legislative approval expressed by concurrent resolution, except as provided by Section 121, Chapter 189, O.S.L. 1993, shall be required prior to commencing any action in anticipation of issuance by a Board of Regents of revenue bonds authorized by Section 4002 of Title 70 of the Oklahoma Statutes or any other bonds authorized by law to be issued by such Boards. The provisions of this section shall not apply to revenue bonds issued for the purpose of refundings or defeasance of existing revenue bonds.

Added by Laws 1982, c. 374, § 40, emerg. eff. July 20, 1982. Amended by Laws 1993, c. 189, § 122, emerg. eff. May 20, 1993; Laws 1999, c. 345, § 19, eff. July 1, 1999.

§70-4002.2. Construction of communications and telecommunications network - Revenue bonds.

The Oklahoma State Regents for Higher Education are hereby authorized to issue revenue bonds in the sum not to exceed Two Million Dollars (\$2,000,000.00) for the purpose of planning and constructing a communications and telecommunications network and the purchase of necessary equipment for the use of The State System of Higher Education and state government generally.

Added by Laws 1986, c. 246, § 15, operative July 1, 1986. der

§70-4003. Limitation on pledging or use of revenue - Bonds not obligations of State.

No provision of this article shall be construed to authorize the pledging or use of revenue of existing buildings and facilities other than auxiliary enterprises and other self-liquidating buildings and facilities, nor shall any provisions of this article be construed to authorize the pledging or use of any revolving funds. No bonds

issued under the authorization of this article shall ever become an obligation or debt of the State of Oklahoma.
Laws 1965, c. 396, § 1003.

§70-4004. Bonds payable only from revenue - Resolution authorizing bonds - Agreements and terms.

(a) The bonds issued hereunder shall not be an indebtedness of the State of Oklahoma or of the institution for which they are issued or the board of regents thereof, but shall be special obligations payable solely from the revenue to be derived from the operation of the building and the board is authorized and directed to pledge all or any part of such revenues to the payment of and interest on the bonds. In order to secure the prompt payment of such principal and interest and the proper application of the revenues pledged thereto, the board is authorized by appropriate provisions in the resolution or resolutions authorizing the bonds:

(1) To covenant as to the use and disposition of the proceeds of the sale of such bonds;

(2) To covenant as to the operation of the building and the collection and disposition of the revenues derived from such operation;

(3) To covenant as to the rights, liabilities, powers and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;

(4) To covenant and agree to carry such insurance on the building, and the use and occupancy thereof as may be considered desirable and, in its discretion, to provide that the cost of such insurance shall be considered a part of the expense of operating the building;

(5) To vest in a trustee or trustees the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure the bonds and to execute and deliver a trust agreement or agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and may limit the liabilities thereof and prescribe the terms and conditions upon which such trustee or trustees or the holder or holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all such covenants and resort to such remedies as may be appropriate, including the right to enter into possession of the building and to operate the same until the default is remedied or until all bonded indebtedness related to that building is retired, whichever first occurs;

(6) To fix rents, charges and fees to be imposed in connection with and for the use of the building and the facilities supplied thereby, which rents, charges and fees shall be considered to be

income and revenues derived from the operation of the building, and are hereby expressly required to be fully sufficient to assure the prompt payment of principal and interest on the bonds as each becomes due, and to make and enforce such rules and regulations with reference to the use of the building, and with reference to requiring any class or classes of students to use the building as it may deem desirable for the welfare of the institution and its students or for the accomplishment of the purposes of this article;

(7) To covenant to maintain a maximum percentage of occupancy of the building;

(8) To covenant against the issuance of any other obligations payable from the revenues to be derived from the buildings;

(9) To make covenants other than and in addition to those herein expressly mentioned of such character as may be considered necessary or advisable to effect the purposes of this article.

(b) All such agreements and covenants entered into by the board shall be binding in all respects upon the board and its officials, agents and employees, and upon its successors, and all such agreements and covenants shall be enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

Added by Laws 1965, c. 396, § 1004, eff. July 1, 1965. Amended by Laws 1973, c. 43, § 2, emerg. eff. April 25, 1973.

§70-4005. Federal grant of funds.

The board may enter into any agreement or contracts with the United States of America or any agency or instrumentality thereof which it may consider advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of the construction, furnishing and equipment of the building.

Added by Laws 1965, c. 396, § 1005, eff. July 1, 1965.

§70-4006. Disposition of proceeds of bonds - Contracts - Warrants.

The proceeds derived from the sale of the bonds herein authorized shall be deposited in the State Treasury to the credit of the board and kept in a separate fund and used solely for the purpose for which the bonds are authorized. The board is authorized to make all contracts and execute all instruments which in its discretion may be deemed necessary or advisable to provide for the construction, furnishing, and equipment of the building, and the State Treasurer is hereby directed and authorized to issue warrants against such funds for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the board for such purpose.

Laws 1965, c. 396, § 1006; Laws 1979, c. 47, § 86, emerg. eff. April 9, 1979.

§70-4007. Disposition of proceeds of operation of buildings.

Except as to revenues paid directly to a trustee under the provisions of Section 1004(a) (5) hereof, all income and revenues derived from the operation of the building shall be deposited as collected in a fund in the State Treasury to be applied solely to the payment of the principal of and interest on the bonds and, to the extent so provided in the resolution authorizing the bonds, to the payment of the cost of maintaining and operating the building and the establishment of reserves for such purpose. As principal and interest becomes due from time to time the State Treasurer shall, not less than fifteen (15) days prior to the payment date, transmit to the paying agent for the bonds, money from said fund in an amount sufficient to pay the principal or interest so falling due. Said fund and the money therein is hereby irrevocably pledged to such purposes.

Laws 1965, c. 396, § 1007.

§70-4008. Form of bonds - Approval by Attorney General.

All bonds issued hereunder shall have on the backs thereof the certificate required by Section 29 of Article X of the Constitution of Oklahoma. Such bonds and any bonds or other obligations issued under the Oklahoma Higher Education Promise of Excellence Act of 2005 shall be submitted to the Attorney General of Oklahoma for examination; and such bonds, when having been examined and certified as legal obligations by the Attorney General in accordance with such requirements as he or she may make, shall be incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction thereof within thirty (30) days from the date of such approval. Bonds so approved by the Attorney General shall be prima facie valid and binding obligations according to their terms, and the only defense which may be offered thereto in any suit instituted after such thirty-day period shall have expired shall be forgery, fraud or violation of the Constitution.

Added by Laws 1965, c. 396, § 1008. Amended by Laws 2009, c. 320, § 2, eff. July 1, 2009.

§70-4009. Public funds, etc., may be invested in bonds.

Any bank, trust or insurance company organized under the laws of Oklahoma may invest its capital, surplus and reserves in bonds issued under the provisions of this article. The officers having charge of any sinking fund or any other fund of the state or any department, agency or institution thereof, including the various funds established by Article 17 of the Oklahoma School Code, or any county, city, town, or school district in the state, may invest such funds in bonds issued under the provisions of this article at the reasonable market value thereof. Such bonds are also approved as collateral

security for the deposit of any public funds and for the investment of trust funds.

Laws 1965, c. 396, § 1009.

§70-4010. Borrowing money and issuing notes in anticipation of bond issue.

Whenever the board shall have adopted a resolution authorizing the issuance of any series of bonds hereunder and said bonds have been sold but prior to the time as of which the bonds can be delivered the board finds it necessary to borrow money for the purpose for which the bonds were authorized, the board may, by appropriate resolutions, authorize the borrowing of money in anticipation of the issuance of the bonds, and the issuance of the note or notes of the board to evidence such borrowing. The amount so borrowed shall not exceed the principal amount of the bonds and shall not bear interest at a rate exceeding the average interest rate of the bonds. Such note or notes shall be signed in the manner prescribed by the board and shall be made payable at such time or times as the board may prescribe not later than one (1) year from their respective dates and may be renewed from time to time by the issuance of new notes hereunder. The proceeds of any loan made under this section shall be devoted exclusively to the purposes for which the bonds shall have been authorized and the note or notes and the interest thereon shall be paid with the proceeds of the bonds simultaneously with the delivery of the bonds. If for any reason the bonds shall not be issued, the holder or holders of the notes shall be entitled to all rights which would have been enjoyed by the holders of the bonds had they been issued, and the notes shall be paid from the revenues provided for the payment of the bonds and shall be entitled to the benefit of all covenants, agreements and rights appearing in the resolution authorizing the bonds for the benefit of the bonds.

Laws 1965, c. 396, § 1010.

§70-4011. Approval of bonds by Supreme Court.

The board is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any series of bonds to be issued hereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to give such applications precedence over the other business of the Court and to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the state that on a day named the board will ask the court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file

protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with the provisions of this article and that when issued they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the board, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.

Laws 1965, c. 396, § 1011.

§70-4012. Renumbered as § 4018 of this title by Laws 2000, c. 309, § 5, eff. Sept. 1, 2000.

§70-4013. Control by Boards of Regents.

The Board of Regents which by the Constitution and/or by the laws of this State is charged with the control, management and government of one or more of the universities, colleges, schools or institutions of higher education shall have for each of the universities, colleges, schools and institutions under its jurisdiction exclusive determination of need, control, and management of all self-liquidating revenue bond matters as provided for in this article. Laws 1965, c. 396, § 1013.

§70-4014. Statement of Essential Facts.

For each of the proposed bond issues to be issued pursuant to Sections 4001 through 4014, Title 70 of the Oklahoma Statutes, a Statement of Essential Facts shall be prepared by the issuing Board of Regents for the use and information of prospective bond purchasers. It shall be the duty of the Oklahoma State Regents for Higher Education to examine such Statement of Essential Facts and determine that, based upon such facts and projections, the projected revenue will satisfy the financial obligation to be incurred under the proposed bond issue. If the facts are found by the State Regents to be substantially accurate and if the State Regents find that, based upon such facts and projections, the projected revenue will satisfy the financial obligation to be incurred under the proposed bond issue, then the Oklahoma State Regents for Higher Education shall certify such to the Attorney General of Oklahoma before the proposed bond issue can be approved by the Attorney General. The certificate shall be made in substantially the following form:

The Oklahoma State Regents for Higher Education do hereby certify that the provisions of Section 4014, Title 70 of the Oklahoma Statutes have been complied with in proper order, for the revenue bond issue mentioned above.

Added by Laws 1970, c. 250, § 2, emerg. eff. April 16, 1970.

§70-4015. Community junior colleges - Social and recreation centers - Revenue bonds.

A. The board of trustees of any community junior college operating under the provisions of Sections 4401 through 4418 of Title 70, Oklahoma Statutes, may construct a building for use as a social and recreation center for the students and members of the faculty of the college, including lounges, meeting rooms, game rooms, bookstores, eating places and other facilities for the comfort, convenience and welfare of students and faculty members, and issue revenue bonds to pay the cost of constructing, equipping and furnishing the building. The Board of Trustees shall adopt rules and regulations for the use of the building and the operation of the center and facilities thereof; and may do all things necessary or convenient to make the center effective for the purposes for which it is maintained or operated.

B. Issuance of the revenue bonds shall be in accordance with procedures prescribed by the Attorney General. The bonds shall be special obligations, payable solely from revenues designated by the Board of Trustees, which may, subject to the approval of the Oklahoma State Regents for Higher Education, include fees and charges collected from students in attendance at the college, and income derived from operations of facilities of the center. Provided, such building shall not be constructed nor shall any revenue bonds be issued unless the Oklahoma State Regents for Higher Education shall have determined that the projected revenue will satisfy the financial obligation to be incurred under the proposed bond issue.

Laws 1971, c. 255, § 1, emerg. eff. June 16, 1971.

§70-4016. Utility plants and systems - Jurisdiction and control.

The Board of Regents which by the Constitution and/or by the laws of this state is charged with the control, management and government of one or more of the universities, colleges, schools or institutions of higher education shall have for each of the universities, colleges, schools and institutions under its jurisdiction, and related institutions, exclusive jurisdiction and control, including exclusive and final rate-making power which shall not be subject to review or approval by any other state office, agency or commission, over the utility plants and systems serving such universities, colleges, schools, institutions and related institutions, which may include public, nonprofit or private entities.

Laws 1979, c. 281, § 17, emerg. eff. June 7, 1979.

§70-4017. Boards of regents for educational institutions - Contractual arrangements with public trusts - Capital expenditures.

The boards of regents for educational institutions who are members of The Oklahoma State System of Higher Education are authorized to enter into loan agreements, investment agreements or other appropriate contractual arrangements, with any public trust created pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes, which has the State of Oklahoma as its beneficiary. Said agreements may be entered into for the purpose of obtaining funds from such public trust to reimburse such educational institutions for capital expenditures made by them, and such trusts are authorized to provide such funds by issuing debt obligations pursuant to the terms and in the manner provided for in the Public Trust Laws, Section 176 et seq. of Title 60 of the Oklahoma Statutes.

Capital expenditures are defined as those capital expenditures allowed pursuant to Section 103 of the Internal Revenue Code of 1954, as amended, to be financed with tax-exempt bonds or notes. If such loan agreement, investment agreement or other appropriate contractual arrangement involves the repayment to such public trust of funds provided for capital expenditure reimbursement, the boards of regents of such educational institutions are authorized to provide for the repayment with the income and revenues from any existing revenue-producing buildings or facilities or from other income and revenues legally available and permitted for such purpose, including, but not limited to, the interest, income and rentals derived from the Section Thirteen Fund and the New College Fund, as provided for in Section 3904 of Title 70 of the Oklahoma Statutes.

It is the legislative intent that such income and revenues can be utilized by the boards of regents to the repayment, if necessary, of reimbursed capital expenditure funds received from such public trust. The boards of regents of such educational institutions are authorized to enter into contractual agreements with such financial institutions as may be necessary for such public trusts to issue the debt obligations contemplated herein. Said contractual agreements shall include, but not be limited to, investment contracts pursuant to which the State Treasurer is authorized to, and shall invest fund balances of such educational institutions.

Added by Laws 1986, c. 245, § 5, emerg. eff. June 12, 1986.

§70-4018. Lease of buildings.

In any instance in which the board shall consider it preferable to acquire the building or additions to existing buildings or equipment in the manner authorized in this section rather than through the issuance of bonds by the board, it may do so by complying with this section. In each such case the board is authorized to lease to any nonprofit corporation organized for the benefit of the

college or university affected, or to a public trust such portion or portions of the campus of the institution as may be necessary as sites therefor. The lease shall contain such provisions with respect to the type, construction and operation of any such building or addition as the board may consider desirable, and the board may enter into agreements as to the use which will be made of any such building, addition or equipment, the operation, maintenance and supervision thereof, the imposition of fees and charges by the board for the use of the building or addition, and the collection and disposition to be made of the proceeds of such fees and charges. The board may agree to make such fees and charges adequate to provide a sum sufficient to pay the cost of the maintenance and operation thereof and the amortization of the cost of the building or any addition to existing buildings or equipment therefor, over a specified period of years, and when such cost shall have been paid any obligations issued by any entity to finance such cost shall have been fully paid as to principal and interest, the lease shall terminate and title to the building or any addition to existing buildings or equipment shall vest in the board. The agreements herein authorized to be entered into by the board may, in the discretion of the board, include a lease of the buildings, additions or equipment and the payment of rentals therefor. The board may furnish without charge, heat, light, water, power and similar facilities for any building erected under the provisions of this section and all buildings and additions to existing buildings so erected and equipment therefor shall be exempt from taxation.

Added by Laws 1969, c. 396, § 1012. Amended by Laws 1984, c. 259, § 3, operative July 1, 1984; Laws 2000, c. 309, § 3, eff. Sept. 1, 2000. Renumbered from § 4012 of this title by Laws 2000, c. 309, § 5, eff. Sept. 1, 2000.

§70-4019. Program for advance funding of state's contribution to endowed chairs and positions - Issuance of obligations.

A. The Oklahoma Capitol Improvement Authority is hereby authorized, consistent with the statutes pertaining to the Oklahoma State Regents' Endowment Trust Fund, to establish a program to provide for the advance funding of the state's contribution to endowed chairs, professorships, lectureships and positions for artists in residence as provided in Section 3952 of this title at the various institutions in The Oklahoma State System of Higher Education. The Oklahoma State Regents for Higher Education are authorized to enter into agreements with the Authority to provide security for any obligations issued for such purpose.

B. The Authority is hereby authorized to issue and sell obligations in such amounts as shall be needed from time to time for the purposes of obtaining funds for the state's matching contribution for endowed chairs, professorships, lectureships and positions for

artists in residence; provided, however, that the total principal amount of such obligations shall not exceed in the aggregate One Hundred Fifty Million Dollars (\$150,000,000.00) outstanding at any one time for the purpose of funding endowed chairs. At least fifty percent (50%) of the endowed chair, professorship or lectureship positions funded as provided for in this subsection shall be for positions that involve research and development. No obligations shall be issued for any endowment account for which matching monies specified in subsection E of Section 3952 of this title have not been received.

C. It is the intent of the Legislature that payments for the purpose of retiring the obligations created pursuant to this section be made by the State Regents from the lump-sum appropriation made pursuant to Section 3 of Article XIII-A of the Oklahoma Constitution. Further, it is the intent of the Legislature to appropriate to the State Regents sufficient monies to allow the State Regents to make payments for the purpose of retiring the obligations created pursuant to this section.

D. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority.

E. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than twenty (20) years from the first principal maturity date of any given series.

F. The authority is authorized to issue bonds, notes, and other obligations for the purpose of refinancing or restructuring the outstanding obligations authorized under this section.

G. Any interest earnings on funds or accounts created for purposes of this section may be utilized as partial payment of the annual debt service or for purposes directed by the Authority.

H. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

I. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. This shall not include monies in the Oklahoma State Regents Endowment Trust Fund. The State Regents may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

Added by Laws 2004, c. 115, § 2, emerg. eff. April 19, 2004. Amended by Laws 2007, c. 214, § 1, eff. July 1, 2007; Laws 2008, c. 430, § 2, emerg. eff. June 2, 2008; Laws 2010, c. 97, § 1, emerg. eff. April 13, 2010.

§70-4101. Establishment.

Any person or persons, group, or other entity, establishing a private educational institution shall do so only as a corporation organized or domesticated under the laws of Oklahoma.

Added by Laws 1965, c. 396, § 1101, eff. July 1, 1965.

§70-4102. Property.

All property, real or personal, of a private educational institution shall be held and used solely for the purposes of education and not for the individual benefit of itself or any contributor to the endowment thereof, unless the private educational institution is organized for profit.

Laws 1965, c. 396, § 1102.

§70-4103. Accreditation for private and out-of-state public degree-granting institutions

A. As used in this section:

1. "Degree-granting institution" means an institution that offers education leading to an associate's degree or higher;

2. "Non-degree-granting activity" means offering education or training that does not lead to an associate's degree or higher; and

3. "State authorization reciprocity agreement" means an agreement among states, districts and territories that establishes comparable standards for providing distance education from their postsecondary educational institutions to out-of-state students.

B. All private and out-of-state public degree-granting institutions shall be accredited by a national or regional accrediting agency which is recognized by the Secretary of the United States Department of Education as a reliable authority as to the quality of education or training offered by institutions of higher education for the purposes of the Higher Education Act of 1965, as amended. Additionally, for the purposes of consumer protection and to maintain financial eligibility for Title IV funding as described in 34 CFR Part 600, institutions shall be authorized according to the policies and procedures established by the Oklahoma State Regents for Higher Education. These policies and procedures shall be limited to a complaint process provision, standards for operation, stipulations for a written enrollment agreement between the institution and the student and reporting requirements. The following institutions shall be exempt from this section:

1. Private institutions participating in the Oklahoma Tuition Equalization Grant program; and

2. Out-of-state public and private institutions participating in a state authorization reciprocity agreement that only conduct activities in Oklahoma that are acceptable under the terms and conditions of the state authorization reciprocity agreement.

C. Non-exempt institutions engaged in non-degree granting activities, such as offering certificates and diplomas, shall be subject to the standards administered by the Oklahoma Board of Private Vocational Schools.

Added by Laws 1965, c. 396, § 1103, eff. July 1, 1965. Amended by Laws 1996, c. 284, § 1, eff. July 1, 1996; Laws 2016, c. 216, § 1.

§70-4104. Degrees.

A private educational institution shall grant only those degrees authorized by the Oklahoma State Regents for Higher Education unless approved otherwise by a national or regional accrediting agency which is recognized by the Secretary of the United States Department of Education as a reliable authority as to the quality of education or training offered by institutions of higher education for the purposes of the Higher Education Act of 1965, as amended.

Added by Laws 1965, c. 396, § 1104. Amended by Laws 1996, c. 284, § 2, eff. July 1, 1996.

§70-4105. Existing private educational institutions.

Nothing in this article shall affect any private educational institution in existence when this Code becomes effective if such institution is accredited as provided in this article.

Laws 1965, c. 396, § 1105.

§70-4201. Establishment - Programs - Admission of nonresidents.

The Board of Education of any school district in this State may provide educational facilities and programs above the twelfth grade in an institution to be known as a Municipal Junior College. Programs offered may include, but shall not be limited to, vocational and adult education courses. Persons not residing in the district may be admitted upon payment of fees established by the Board of Education.

Laws 1965, c. 396, § 1201.

§70-4202. Accreditation.

Municipal Junior Colleges shall comply with, and be accredited under, regulations and standards prescribed by the Oklahoma State Regents for Higher Education.

Laws 1965, c. 396, § 1202.

§70-4203. Courses - Programs - Certificates - Degrees.

Municipal Junior Colleges shall offer only those courses and programs and shall grant only those certificates and degrees which may be authorized by the Oklahoma State Regents for Higher Education.

Laws 1965, c. 396, § 1203.

§70-4204. Fees.

The Board of Education of a school district maintaining a Municipal Junior College may establish a schedule of student fees which will pay all or part of the costs of operation of the institution unless the school district has funds available together with a proportionate ratio of support from appropriations granted to Institutions of Higher Education to provide proper accreditation requirements.
Laws 1965, c. 396, § 1204.

§70-4301. Oil and gas mining leases - Terms - Bids - Use of proceeds.

The Board of Regents of any state educational institution in the State System may sell and execute oil and gas leases, and other mining leases, on any of the lands of the State of Oklahoma under the control of the Board of Regents, whenever in the judgment of the Board such leasing of the lands will not interfere with the use to which the lands are being used by the state and will not injure the buildings or other property situated on tracts adjoining the lands leased, all sales to be made on a basis of a retained royalty of not less than one-eighth (1/8) of all of the oil, gas and other minerals produced therefrom, and such additional cash bonus as may be procured. All such leases shall contain a provision that in the event of the discovery of natural gas, such gas shall be furnished free of charge to any state educational institution located or thereafter located upon the lands covered by the lease. Such leases shall be sold only after advertisement for a period of three (3) weeks in a legal newspaper published and of general circulation in the county in which the lands are located. Sales shall be made to the highest and best bidder, and all bids for any tract shall be presented to the Board of Regents of the institution in sealed envelopes and shall all be opened and considered at the same time. The Board of Regents shall have the right to reject any and all of the bids submitted, and again readvertise the lease or leases for sale. The Board of Regents may make and promulgate such additional rules and regulations as it may deem necessary and for the best interest of the state in facilitating the sale of the leases. All monies derived from the sale of such leases, and from any royalties subsequently accruing, shall be deposited in the State Treasury and credited to a special fund for the institution, to be used by the institution upon approval by its Board of Regents for capital improvements, including buildings, repairs and modernization, classroom and laboratory equipment, and for such other purposes as may be approved by the State Regents.
Laws 1965, c. 396, § 1301.

§70-4302. Assets and obligations of former Boards of Regents. All property, funds and other assets of any Board of Regents that is replaced or abolished by the provisions of this Act are hereby transferred to the Board of Regents replacing or succeeding the former Board of Regents, which shall also assume and pay all liabilities and obligations of the former Board of Regents. Laws 1965, c. 396, § 1302.

§70-4303. Transfer of money in special funds created under prior laws.

Unless otherwise provided herein, monies in any special fund created by or established pursuant to any law or part of a law repealed by this act shall be transferred, at the direction of the State Regents, to a similar fund created or established pursuant to the provisions of this act. The term "special fund" as used in this section, shall include, but shall not be limited to, any revolving fund or fiscal account. Laws 1965, c. 396, § 1303.

§70-4304. Repealed by Laws 1977, c. 54, § 3, eff. Oct. 1, 1977.

§70-4305. Airports.

Any one of the institutions comprising The Oklahoma State System of Higher Education as defined in Section 1 of Article XIII-A of the Constitution of Oklahoma and any other institutions of Higher Education which have become coordinated with the Oklahoma State System of Higher Education under the provisions of Section 4 of said Article XIII-A of said Constitution may accept grants of airport property from the United States and hold and operate the same, and may accept, receive, receipt for, disburse, and expend federal monies granted by the United States in aid of airport development upon such terms and conditions as are prescribed by the United States and are consistent with state law, and consistent with the terms of the grants by which said properties are acquired or said federal monies are received from the United States, and any amendment to any grants or release of any restriction found in the grants; and such institutions operating or controlling any airport shall have exclusive management and control of such airport and are hereby permitted to authorize and regulate the use of such airports by aircraft not owned and operated by such institutions under the conditions and subject to the restrictions hereinafter set forth.

A state educational institution may make or amend such reasonable rules, regulations, and orders as it may deem necessary for the operation, government and use of any such airport under its control not inconsistent with this section, with the laws of this state or of the United States, or any rules, regulations or orders promulgated pursuant to either, or with the terms of any grant of airport

property or money from the United States, or any amendment to any grants or release of any restriction in any grants. Such institution may fix and charge for such services and facilities for aircraft not owned and operated by it, either rented by it or under concession contract, as are customarily provided and deemed necessary at any public airport; provided that all income received from the services and facilities herein provided for shall be kept by such institution in a separate fund to be used solely for the operation, upkeep and maintenance of such institutional airport. A state educational institution airport may use, lease, rent, sell or otherwise dispose of any of the property acquired for any purpose not inconsistent with the terms of any grant or money from the United States or any amendment of any grants or release of restriction found in any grants.

Laws 1965, c. 396, § 1305. der

§70-4306. Gifts, devises and bequests - College- or university-related foundation funds.

A. All state higher educational institutions, constituent agencies or other entities are hereby authorized to accept and receive any and all grants or contracts of all kinds, gifts, devises and bequests of money or property, either real or personal, which may be, or which may heretofore have been tendered to them by grant or contract, will or gift, conditionally or unconditionally; and the Board of Regents of said institutions, constituent agencies or other entities are hereby directed, authorized and empowered to hold such funds or property in trust, or invest or sell them and use either principal or interest or the proceeds of sale for the benefit of such institutions or entities or the students or others for whose benefit such institutions or entities are conducted; all in any manner which is consistent with the terms of the gift as stipulated by the donor and with the provisions of any applicable laws. Money donated to a college- or university-related foundation for student scholarships or grants to students of an institution of The Oklahoma State System of Higher Education shall not be loaned or given to any regent, officer, director, or employee of such foundation or institution or to any relative of such person within the third degree of affinity or consanguinity. The following, however, shall not be prohibited:

1. Students in the employ of such foundation or institution may be given scholarships; and

2. Scholarships may be awarded to an otherwise disqualified relative of any faculty member, staff employee, foundation or institution officer or maintenance worker of such foundation or institution if such relative is meritoriously qualified.

B. Any person willfully violating the prohibitions of subsection A of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than

five (5) years or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. Any person found guilty of said violations shall also be subject to immediate removal from office or employment where applicable.

C. The Oklahoma State Regents for Higher Education, any institution or agency of The Oklahoma State System of Higher Education or the regents or governing board of such institution or agency shall not directly or indirectly transfer any funds to any college- or university-related foundation or render services or provide any thing of value to any such foundation without receiving documented adequate payment or reimbursement therefor according to written contract; provided, nothing herein shall be construed as prohibiting payment by the institution or agency of claims for expenses of fund raising for the benefit of the institution or agency by state employees if such fund raising activities are approved in advance by the governing board of regents responsible for such institution or agency and made a part of the minutes of the meeting of the board.

D. Neither the Oklahoma State Regents for Higher Education nor any institution or agency of The Oklahoma State System of Higher Education shall receive any funds, services, or thing of value from any college- or university-related foundation which has any officers or employees who are officers or employees of any institution or agency of the State System or State Regents unless such foundation makes all its financial records and documents, including work papers, except for names of donors, available to auditors who are performing audits of the institution or agency.

Added by Laws 1965, c. 396, § 1306. Amended by Laws 1987, c. 229, § 4, eff. July 1, 1987; Laws 1997, c. 133, § 578, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 418, eff. July 1, 1999; Laws 2004, c. 134, § 2, eff. July 1, 2004.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 578 from July 1, 1998, to July 1, 1999.

§70-4307. Reports and statements.

Institutions of higher learning in the Oklahoma State System of Higher Education and other colleges and universities in the state shall make enrollment and other educational information reports to the Oklahoma State Regents for Higher Education on forms and at such times as may be prescribed by said Regents.

Laws 1965, c. 396, § 1307.

§70-4308. Act not to affect prior obligations, proceedings, transactions, actions or rights accrued.

Nothing in this act, nor the repeal of any law or part of a law by this act, shall affect the validity of any obligation or contract incurred, or proceedings begun, or any official actions taken, or any

rights accrued, before this act becomes effective. The payment of bonds and other obligations outstanding when this act becomes effective shall be governed by the laws under which such bonds were issued or such obligations were incurred.

Laws 1965, c. 396, § 1308.

§70-4309. Repealed by Laws 1980, c. 68, § 1, emerg eff. April 10, 1980.

§70-4310. Repealed by Laws 1989, c. 154 § 2, operative July 1, 1989.

§70-4311. Repealed by Laws 1980, c. 68, § 1, emerg eff. April 10, 1980.

§70-4312. General public liability insurance on university employees.

Boards of Regents, institutions and agencies comprising the Oklahoma State System of Higher Education are hereby authorized to carry general public liability insurance on their employees limited to their official assigned duties at said university and to pay the premiums therefor out of non-state-appropriated funds for the following kinds of insurance, not to exceed the limits indicated:

1. Bodily injury liability, Ten Thousand Dollars (\$10,000.00) each person, Fifty Thousand Dollars (\$50,000.00) each accident;
2. Property damage liability, Ten Thousand Dollars (\$10,000.00) each accident; and
3. Medical expense, One Thousand Dollars (\$1,000.00).

Such insurance shall be on standard policy forms approved by the Insurance Commissioner with companies authorized to do business in Oklahoma. To the extent that an insurer has provided indemnity in a contract of insurance to the Board of Regents, an institution or an agency to which the act applies, the said insurer may not plead as a defense in any action involving insurance purchased pursuant to this act the governmental immunity of either the State of Oklahoma or of any political subdivision or agency thereof which has purchased insurance authorized by this act.

Added by Laws 1971, c. 272, § 1, emerg. eff. June 17, 1971. Amended by Laws 2006, c. 264, § 72, eff. July 1, 2006.

§70-4313. Liability insurance for employees of various institutions - Payment of premiums.

It is the intent of the Legislature that the Oklahoma State Regents for Higher Education shall recognize the need for and the various boards of regents in the Oklahoma State System of Higher Education be and are hereby authorized to provide liability insurance to indemnify employees of institutions and members of boards of regents in The Oklahoma State System of Higher Education while

performing their official duties, provided such liability shall not exceed One Million Dollars (\$1,000,000.00) and provided further that boards of regents may in their discretion pay the premium for such insurance from regular operating budget funds of the State System. Laws 1975, c. 294, § 16, emerg. eff. June 5, 1975; Laws 1980, c. 320, § 17, emerg. eff. June 16, 1980; Laws 1981, c. 130, § 1.

§70-4314. Student loans - Loan agreement - Delinquency charge - Attorney fees - Collection fees.

Notwithstanding the provisions of Title 14A of the Oklahoma Statutes which otherwise limit enforceable charges for delinquent payments and collection of delinquent loans which are granted to students for educational costs while attending accredited institutions in The Oklahoma State System of Higher Education, as defined in the Oklahoma Constitution, Article XIII-A, Section 1, the loan agreement between the lender and the student who is borrowing to attend such an institution may lawfully provide for the collection of the following:

1. A delinquency charge on any installment not paid within ten (10) days after its scheduled due date in an amount not exceeding the greater of either Five Dollars (\$5.00) or five percent (5%) of the unpaid amount of the installment; and

2. Reasonable attorney's fees and fees paid to collection agencies by the lender in the event the delinquent loan is referred to an attorney or a commercial collection agency for collection. Provided that this section shall apply only to education loans for which the loan finance charge imposed under the agreement does not exceed an annual percentage rate of twelve percent (12%) per annum calculated according to the actuarial method.

Laws 1979, c. 119, § 1.

§70-4315. Cause of action against third parties.

Any public or private institution of higher education that is a member of a governing authority shall have a cause of action against a third party who engages or conspires with another to engage in conduct in violation of the rules of the governing authority that causes the educational institution to incur sanctions by the governing authority or other economic penalties or losses. The educational institution may recover damages in the amount of the sanctions, penalties or economic losses incurred as a result of the conduct of the third party, and reasonable attorney fees and costs. Added by Laws 2017, c. 46, § 1, eff. Nov. 1, 2017.

§70-4401. Authorization to establish and maintain college.

A community junior college may be established, maintained and operated in any community in accordance with criteria and standards,

rules, and regulations prescribed by the Oklahoma State Regents for Higher Education, hereinafter referred to as the State Regents. Laws 1967, c. 100, § 2 (Section 1401), emerg. eff. April 24, 1967.

§70-4402. Application to establish.

A community junior college may be established only when application therefor has been made to the State Regents by the governing board or boards of one or more cities, counties, towns and/or school districts having territory in such community, provided that existing accredited community junior colleges shall be deemed to have priority for inclusion in the fiscal budgeting for institutions of higher learning after the effective date of this act to fulfill the requirements as per Section 1408 of the act. Provided, that a community junior college may be established in a community consisting of a geographical area whose boundaries are not co-extensive with those of one or more cities, counties, towns and/or school districts, if the population of such area is not less than seventy-five thousand (75,000) and the net assessed valuation in such area is not less than Seventy-five Million Dollars (\$75,000,000.00) to be determined by the State Regents, and an application therefor is made by petition signed by not less than five percent (5%) of the legal voters residing in such area. The application shall describe the boundaries of the community in which the community junior college will be established and maintained. The word "community" as used herein shall mean the area set forth in the application.

Laws 1967, c. 100, § 2 (Section 1402); Laws 1969, c. 15, § 1.

§70-4403. Election - Order - Appointment of governing board - Annexation of territory.

(a) If, after considering any such application, the State Regents determine as result of a survey that there is a need for a junior college in the community and that a junior college meeting the criteria and standards fixed by the State Regents can be maintained in the community, they shall issue a proclamation calling an election to be held in the community, to allow legal voters residing in the community to vote on the question of whether a junior college shall be established and maintained in the community. The State Election Board shall cause such election to be held in the same manner as elections on state questions and shall certify the results to the State Regents; and if a majority of the legal voters residing in the community, voting on the question, shall have voted in favor of establishing and maintaining the proposed junior college, the State Regents shall issue an order authorizing the junior college, designating the name by which it shall be known and describing the boundaries of the community in which the junior college will be established and maintained as set forth in the application. Thereupon the Governor shall appoint four members of the governing board of the

junior college hereinafter provided for, by and with the advice and consent of the State Senate, such appointments to be to Position No. 1, Position No. 2, Position No. 3, and Position No. 4, respectively, which four members so appointed by the Governor shall appoint three other members of the governing board, to Position No. 5, Position No. 6, and Position No. 7, respectively.

(b) The territory comprising a county, municipality or school district, or any part thereof, may, upon petition of the governing board of the county, municipality or school district, or upon petition of not less than ten percent (10%) of the legal voters residing therein, be annexed to an adjoining community or school district maintaining or authorized to maintain a community junior college, if (1) the State Regents determine that the annexation is feasible, and (2) the annexation is approved by the legal voters in the territory proposed to be annexed, as hereinafter provided. The petition shall be filed with the State Regents, which shall thereupon cause a study to be made as to the feasibility of the proposed annexation, and if the State Regents determine that it is feasible, they shall issue a proclamation calling an election to be held in such territory, to allow legal voters in the territory to vote on the question of whether the territory shall be annexed to such community or school district maintaining or authorized to maintain a community junior college. The State Election Board shall cause such election to be held in the same manner as elections on state questions, and certify the results to the State Regents; and if a majority of the legal voters residing in such territory, voting on the question, shall have voted in favor of annexing the territory to such community or school district, the State Regents shall issue an order annexing the territory to such community or school district maintaining or authorized to maintain a community junior college, and give notice thereof to the board of trustees of the college.

Laws 1967, c. 100, § 2 (Section 1403); Laws 1968, c. 166, § 1.

§70-4404. Board of Trustees - Tenure - Election of successors - Vacancies.

(a) The governing board of a community junior college shall be known as the Board of Trustees and shall be composed of seven (7) members who are qualified electors of the junior college district, as follows: Position No. 1, with a term expiring one (1) year from the effective date of the first appointment thereto, and each seven (7) years thereafter; Position No. 2, with a term expiring two (2) years from the effective date of the first appointment thereto, and each seven (7) years thereafter; Position No. 3, with a term expiring three (3) years from the effective date of the first appointment thereto, and each seven (7) years thereafter; Position No. 4, with a term expiring four (4) years from the effective date of the first appointment thereto, and each seven (7) years thereafter; Position

No. 5, with a term expiring five (5) years from the effective date of the first appointment thereto, and each seven (7) years thereafter; Position No. 6, with a term expiring six (6) years from the effective date of the first appointment thereto, and each seven (7) years thereafter; Position No. 7, with a term expiring seven (7) years from the effective date of the first appointment thereto, and each seven (7) years thereafter.

(b) An election shall be held in such community each year, on the fourth Tuesday in January, to select the successor of the member of the governing board whose term expires during the year. Such election shall be conducted by the county election board of the county having the greatest part of the territory in the community. Each elected member shall be elected for a term of seven (7) years, and until his successor is elected and qualified. Vacancies in the membership of the board shall be filled by the remaining members of the board, for a period extending until the next regular community junior college district election, at which time an election conducted as provided in this section shall be held to fill any balance of the unexpired term; provided however, that if the board does not fill the vacancy by appointment within seventy (70) days after the same occurs, it shall be mandatory on the part of the county election board to call a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a board member only and said election shall be conducted in the same manner as the regular election.

Added by Laws 1967, c. 100, § 2 (Section 1404), emerg. eff. April 24, 1967; Laws 1972, c. 217, § 2, emerg. eff. April 7, 1972; Laws 1973, c. 97, § 1, emerg. eff. May 2, 1973.

§70-4405. Powers and duties of board.

The governing board of a community junior college shall have the supervision, management, and control of the community junior college, and shall have the following additional specific powers and duties:

a. Adopt such rules and regulations as it deems necessary to govern the community junior college.

b. Employ and fix the compensation and duties of such personnel as it deems necessary for the operation of the community junior college; and establish appropriate policies for retirement, group insurance, and other staff benefits as provided for employees of other public colleges in Oklahoma.

c. Purchase, construct, or rent such buildings as it deems necessary for the operation of the community junior college.

d. Enter into contracts, purchase supplies, materials, and equipment, and incur such other expenses as may be necessary to make any of its powers effective.

e. Receive and make disposition of monies, grants, and property from Federal agencies and the State, and administer the same in accordance with Federal and State requirements.

f. Accept gifts of real and personal property, money, and other things, and to use or dispose of the same in accordance with the direction of the donors or grantors thereof.

g. Establish a schedule of student fees to pay all or part of the cost of operation of the college, which schedule of fees must bear the approval of the State Regents.

h. Do all things necessary or convenient to carry out the powers expressly granted to it, or to make the community junior college effective for the purposes for which it is maintained or operated. Laws 1967, c. 100, § 2 (Section 1405).

§70-4406. Cooperative agreements.

The governing board of any public junior college shall have the power and authority to enter into cooperative agreements with any technology center school for the joint use of facilities and personnel, joint courses of study and educational programs and other cooperative efforts to the mutual benefit of each school and the public.

Added by Laws 1967, c. 100, § 2, emerg. eff. April 24, 1967. Amended by Laws 1987, c. 204, § 50, operative July 1, 1987; Laws 2001, c. 33, § 152, eff. July 1, 2001.

§70-4407. Standards and regulations - Courses - Degrees.

Each community junior college shall comply with, and be accredited under, standards and regulations prescribed by the State Regents; and shall offer courses of study and educational programs and shall grant certificates and degrees as authorized by the State Regents in order that the educational activities of the junior college shall be coordinated with the total public effort for higher education in the state.

Laws 1967, c. 100, § 2 (Section 1407).

§70-4408. Financial assistance - Locations authorized.

Any community junior college established, operated, and accredited as provided for herein shall be eligible to receive assistance from the State of Oklahoma in funds for educational and general operation of the institution, which funds shall be allocated by the State Regents from monies appropriated by the Legislature, which allocation shall be on a per capita basis in an amount equal to seventy-five percent (75%) of the per capita state-appropriated allocation made to the two-year college member institutions of the Oklahoma State System of Higher Education. Any municipality or subdivision of the state government represented in the jurisdiction of the community junior college shall have authority to use any of

its funds, now or hereafter available, to assist in the establishment, maintenance, and operation of the community junior college. Community junior colleges are hereby authorized to be established at Henryetta, Ardmore and Woodward, Oklahoma. Laws 1967, c. 100, § 2 (Section 1408); Laws 1970, c. 281, § 1.

§70-4409. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§70-4410. Authorization for junior colleges to become technology center schools.

Any community maintaining a community junior college as provided by Sections 4401 - 4409 of this title, in which courses in vocational and/or technical education are to be offered, and meeting the published standards and criteria prescribed by law and/or the State Board of Career and Technology Education for establishing a technology center school district may, by resolution adopted by the Board of Trustees of the college, become a technology center school district; and laws applicable to other technology center school districts, including laws authorizing tax levies and laws pertaining to eligibility for participation in federal funds, shall be applicable to such district, except that in lieu of a board of education its governing board shall be the Board of Trustees of the community junior college; provided that the provision above shall also be applicable to all community and municipal junior colleges now in existence in Oklahoma.

Added by Laws 1968, c. 278, § 1, emerg. eff. May 2, 1968. Amended by Laws 2001, c. 33, § 153, eff. July 1, 2001.

§70-4411. Two-year colleges to become technology center school districts by resolution of Regents for Higher Education - Eligibility for federal funds.

It is further provided that a two-year college which is a part of The Oklahoma State System of Higher Education may become a technology center school district for the purpose of providing postsecondary vocational and/or technical education programs and services within an area to be geographically defined by the Oklahoma State Regents for Higher Education. Two-year state colleges thus designated as technology center districts by resolution of the State Regents for Higher Education shall be eligible to receive federal funds for vocational-technical education. Exclusive management and control of higher education institutions now vested by law in the governing boards and the State Regents for Higher Education shall remain unchanged by present provisions. The college technology center districts which receive federal vocational education funds from the State Board of Career and Technology Education shall comply with the standards and rules established by the State Board of Career and

Technology Education that are applicable to programs federally funded. The funds derived from local taxing authority as granted heretofore to community college boards shall not be construed to accrue to said boards of regents for state two-year colleges. Added by Laws 1968, c. 278, § 2, emerg. eff. May 2, 1968. Amended by Laws 1991, c. 206, § 3, emerg. eff. May 17, 1991; Laws 2001, c. 33, § 154, eff. July 1, 2001.

§70-4412. State aid for building purposes.

The Oklahoma State Regents for Higher Education shall have authority to allocate state aid to community junior colleges meeting the standards and criteria for accreditation by the State Regents, for capital improvements purposes from funds appropriated by the State Legislature for this purpose, provided that a long-range comprehensive plan for the campus development of the junior college has been prepared by the institution and approved by the State Regents. After approval of the plan the State Regents may allocate from any funds available for such purpose not more than forty percent (40%) of the estimated cost of proposed construction of buildings and other capital improvements, provided that the institution shall have furnished assurance to the State Regents that the remaining sixty percent (60%) of the estimated cost of the construction project will be provided in the form of federal and/or local funds. Laws 1968, c. 278, § 3.

§70-4413. Tulsa Community College.

A. The Oklahoma State Regents for Higher Education shall have authority to establish a two-year community college in Tulsa County to serve Tulsa County and surrounding area, if provision is made locally for the donation, to the State of Oklahoma, of a suitable site for the college, which shall be known as the Tulsa Community College and shall be an integral part of The Oklahoma State System of Higher Education; and shall be entitled to the same privileges and be subject to the same laws as other member institutions of such State System.

B. After the Oklahoma State Regents for Higher Education have acted to establish the Tulsa Community College, there shall be created the Board of Regents of the Tulsa Community College, which shall consist of seven (7) members, to be appointed by the Governor, by and with the advice and consent of the Senate. Four members of said Board shall be residents of Tulsa County. Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be as follows:

Position No. 1. The term of office of one member shall expire on the 30th day of June, 1969, and each seven (7) years thereafter.

Position No. 2. The term of office of one member shall expire on the 30th day of June, 1970, and each seven (7) years thereafter.

Position No. 3. The term of office of one member shall expire on the 30th day of June, 1971, and each seven (7) years thereafter.

Position No. 4. The term of office of one member shall expire on the 30th day of June, 1972, and each seven (7) years thereafter.

Position No. 5. The term of office of one member shall expire on the 30th day of June, 1973, and each seven (7) years thereafter.

Position No. 6. The term of office of one member shall expire on the 30th day of June, 1974, and each seven (7) years thereafter.

Position No. 7. The term of office of one member shall expire on the 30th day of June, 1975, and each seven (7) years thereafter.

Vacancies in positions on the Board shall be filled by the Governor for the unexpired term, by and with the advice and consent of the Senate. No member of the Board shall be employed upon any work to be performed in connection with the Tulsa Community College, nor shall any member of said Board enter into any contract or business transaction involving a financial consideration with the Tulsa Community College. Each member of the Board of Regents of the Tulsa Community College shall take and subscribe to the oaths required of state officials generally. Each member of the Board shall be allowed necessary travel expenses, as may be approved by the Board, pursuant to the State Travel Reimbursement Act.

C. The Board of Regents of the Tulsa Community College shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a chairperson, a vice-chairperson, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until his or her successor is elected and qualified, and who shall perform such duties as the Board directs; and each of whom shall furnish a corporate surety bond payable to the State of Oklahoma, in such amount as the Board may prescribe, conditioned upon the faithful performance of his or her duties. The Board shall adopt rules as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting, in a suitable book to be obtained and kept for such purpose. The Board of Regents of the Tulsa Community College shall be the governing Board of the community college and shall have the supervision and management thereof and shall have the same powers and duties as governing boards of other institutions in The Oklahoma State System of Higher Education and may do all things necessary or convenient to make the community college effective for the functions and purposes for which it shall have been established. Following the establishment of the Tulsa Community College by the Oklahoma State Regents for Higher Education, the Board of Regents of the college shall develop a comprehensive plan for implementing the functions, purposes and educational programs of the Tulsa Community College as prescribed by the State Regents in the establishment of the institution, which plan shall be submitted for review and approval of said State Regents.

D. The name change from Tulsa Junior College to Tulsa Community College shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority by the Board of Regents, title to property, obligations, or any other phase or aspect of the legal status of the institution for any purpose, except that the institution shall be referred to as the "Tulsa Community College" in all future references to the institution and in all constitutional and statutory references currently in law.

E. It is the intent of the Legislature that supplies, including but not limited to letterheads, which on the effective date of this section carry or are labeled with the name "Tulsa Junior College" shall be utilized after the effective date of this section until such supplies are depleted. Any new supplies ordered for use after the effective date of this section shall bear the name "Tulsa Community College". For purposes of this section, "supplies" shall not mean signs designating the name of the college.

Added by Laws 1968, c. 278, § 4, emerg. eff. May 2, 1968. Amended by Laws 1985, c. 178, § 66, operative July 1, 1985; Laws 1996, c. 276, § 7, emerg. eff. May 30, 1996.

§70-4414. Provisions of act as cumulative.

The provisions of this act shall be cumulative to existing laws. Laws 1968, c. 278, § 5.

§70-4415. Communities as area school districts - Authorization to issue bonds and levy taxes.

Any community that has heretofore been or that may hereafter be authorized to establish a junior college by order of the Oklahoma State Regents for Higher Education pursuant to Chapter 100, Oklahoma Session Laws 1967, as amended (70 O.S. Supp. 1968, Sections 4401 - 4409), and that has been or may be declared to be an area school district by resolution of the Board of Trustees of the junior college, may, through the Board of Trustees of the community college, in accordance with Section 9B, Article X, Oklahoma Constitution, issue general obligation bonds in the same manner as bonds are issued by independent school districts, and cause taxes to be levied against all taxable property in the community to meet payment of principal and interest of the bonds under the procedure prescribed for bonds of independent school districts; and may make levies as provided by Sections 9B and 10, Article X, Oklahoma Constitution, and Section 5 of Chapter 321, Oklahoma Session Laws 1967 (70 O.S. Supp. 1968, Sec. 4-47).

Laws 1969, p. 621, H.J.R.No. 1034, § 1, emerg. eff. April 17, 1969.

§70-4416. Validation of organization of certain area school districts and bonds and tax levies.

Any such community heretofore declared to be an area school district is hereby validated and confirmed as a duly established area school district for the purpose of Section 9B, Article X, Oklahoma Constitution, and shall have the powers specified in Section 1 of Chapter 278, Oklahoma Session Laws 1968 (70 O.S.Supp.1968, Sec. 4410). Any and all elections heretofore called or held to authorize the issuance of bonds and tax levies by any such community as an area school district, and bonds and tax levies issued or authorized pursuant to such elections in the manner prescribed by law for independent school districts, are hereby validated and confirmed. Laws 1969, p. 621, H.J.R.No. 1034, § 2.

§70-4417. Western Oklahoma State College.

The Oklahoma State Regents for Higher Education are hereby directed to complete the study authorized by House Concurrent Resolution No. 1003 of the First Session of the Thirty-second Legislature within ninety (90) days after the passage of this act and, upon a finding of need and feasibility, are authorized to establish a two-year junior college in Altus, to serve Jackson, Tillman, Kiowa, Greer and Harmon Counties and surrounding area, if provision is made locally for the donation, to the State of Oklahoma, of a suitable site for the college, which shall be known as the Western Oklahoma State College and shall be an integral part of the Oklahoma State System of Higher Education; and shall be entitled to the same privileges and be subject to the same laws as other member institutions of such State System.

Added by Laws 1969, c. 295, § 2, emerg. eff. May 7, 1969. Amended by Laws 1974, c. 16, § 3.

§70-4418. Board of Regents of Western Oklahoma State College.

The State Regents for Higher Education upon said finding of need and feasibility as provided in Section 4417 of this title are directed to negotiate with the Board of the now existing Altus Community College and make all appropriate arrangements for the conversion of this institution to a state junior college, including the continued use of existing facilities, faculty and other resources for the period of time necessary to achieve the conversion, and to maintain and operate the college during the transition period. After the conversion has been fully accomplished by the State Regents, a governing board composed of seven (7) members to serve seven-year overlapping terms and to be known as the Board of Regents of Western Oklahoma State College shall be created to be appointed by the Governor by and with the advice and consent of the Senate, which board shall have the same powers and duties as the Board of Regents of Tulsa Community College, set out in Section 4413 of this title. No more than four members of Advisory Board shall be residents of any one county involved.

Added by Laws 1969, c. 295, § 3, emerg. eff. May 7, 1969. Amended by Laws 1974, c. 16, § 4; Laws 1996, c. 276, § 8, emerg. eff. May 30, 1996.

§70-4418.1. Changing name of Altus Junior College to Western Oklahoma State College.

The state educational institution located at Altus shall continue at the same location and its official name shall be Western Oklahoma State College.

Added by Laws 1974, c. 16, § 1.

§70-4418.2. References deemed to be to Western Oklahoma State College - Legal status not affected.

Wherever the laws of this state refer to this institution as Altus Junior College or any other name, the reference shall be deemed to be to Western Oklahoma State College. The name herein prescribed shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority by the Oklahoma State Regents for Higher Education, title to property, obligations, or any other phase or aspect of the legal status of the institution or its Board of Regents for any purpose, except that this institution shall be referred to as "Western Oklahoma State College" and its Board of Regents shall be referred to as the "Board of Regents of Western Oklahoma State College."

Added by Laws 1974, c. 16, § 2.

§70-4419. Tulsa Technology Center School District - Board districts.

A. All of the territory comprising the County of Tulsa, and all of the territory in adjacent counties comprising a portion of school districts partially located in Tulsa County shall be a technology center school district to be known as the Tulsa Technology Center School District. Territory that is in an existing technology center school district shall be exempt from consideration. Provided, nothing in this section shall prohibit the annexation of territory in adjacent counties by the Tulsa Technology Center School District in accordance with rules prescribed by the State Board of Career and Technology Education. Provided, further, any such annexation shall be approved by the Tulsa Technology Center School Board of Education prior to such annexation election. The Tulsa Technology Center School District shall have a board of education consisting of seven (7) members having the same powers and duties as boards of education of other technology center school districts. The members shall be elected in the same manner as boards of education of other technology center school districts except as otherwise provided in this title. The terms of office of members shall be staggered so that the term of office of only one member shall expire each year. The offices shall be numbered. The Tulsa Technology Center School Board of Education

shall divide the territory of the district into seven board districts in the same manner as required by independent school districts. One member of the board of education shall be elected to represent each board district. Beginning January 1, 1993, the following provisions and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the Tulsa Technology Center School Board of Education:

1. There shall be held a nomination election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two nominees from among the candidates for board member to represent the board district;

2. If, in the nominating election, one candidate has a majority of all votes cast, then that candidate shall be elected to represent the board district and a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for the board district in the general election; and

3. At the general election, all of the electors of the board district shall select one of the two nominees as the member of the board of education representing the board district.

B. Except as otherwise provided in this section, the election of the governing board and the operation of the Tulsa Technology Center School District shall be in accordance with rules established by the State Board of Career and Technology Education as provided for in Section 9B, Article X of the Oklahoma Constitution.

C. It is hereby provided that not more than five (5) mills on the dollar valuation of the taxable property in the district shall be voted on or thereafter be levied annually under Section 9B, Article X of the Oklahoma Constitution, and the district shall not become indebted for more than three percent (3%) of the net valuation of taxable property within the district for capital improvements for secondary and adult vocational and technical education purposes. Only programs in secondary and adult vocational and technical education shall be offered by the district.

D. Programs in post-secondary vocational and/or technical education shall not be offered or conducted by the Tulsa Technology Center School District; provided, however, that nothing in this section shall be construed as prohibiting the establishment of an authorization to conduct such post-secondary vocational and technical programs by legislative enactment creating or establishing such programs within the limits of Section 9B, Article X of the Oklahoma Constitution.

Added by Laws 1973, c. 278, § 1, emerg. eff. May 30, 1973. Amended by Laws 1982, c. 257, § 2, operative July 1, 1982; Laws 1992, c. 40, § 1, eff. July 1, 1992; Laws 2001, c. 33, § 155, eff. July 1, 2001; Laws 2002, c. 480, § 2, emerg. eff. June 6, 2002.

§70-4420. Tulsa Community College Technology Center School District.

A. The territory comprising the County of Tulsa shall be a technology center school district for vocational and/or technical schools to be known as the Tulsa Community College Technology Center School District; and all laws applicable to other technology center school districts shall apply to it, except as hereinafter provided. The Board of Regents of the Tulsa Community College shall serve as the governing board of education of the district. Programs in postsecondary vocational and/or technical and/or adult education shall be offered by the district, subject only to the authority herein granted to the Tulsa Technology Center School District Board which shall serve as a funding board for the Tulsa Community College Technology Center School District. The funding board composed of the elected members of the Tulsa Technology Center School District shall have the sole authority to resolve and determine the submission of a proposed millage or capital improvement bond issue to a vote of the electorate. Provided, however, that in the event of a favorable action on any such question submitted resulting in a levy for the support of programs to be offered by the Tulsa Community College Technology Center School District, then and in that event the funds so voted and derived from such levy shall be under the direct supervision and control of the governing board of the Tulsa Community College Technology Center School District. All funds expended for operations or capital improvements are subject to approval by the Tulsa Technology Center School District Board. All such funds shall be expended according to rules and procedures prescribed by the Oklahoma State Regents for Higher Education.

B. Not more than five (5) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied annually under Section 9B, Article X of the Oklahoma Constitution, for postsecondary vocational and/or technical education purposes in the district. Proceeds of such levies shall be made a part of the educational and general operating budget of the Tulsa Community College and shall be allotted, budgeted and expended for supplemental support of the postsecondary vocational and/or technical and/or adult education programs offered by the college in accordance with rules made by the Oklahoma State Regents for Higher Education; provided, however, that the State Regents shall not take into consideration this local ad valorem tax revenue for supplemental support of the district technical education program when allocating state-appropriated funds for support of the basic community college program.

C. The district may become indebted for not more than two percent (2%) of the net valuation of taxable property within the district for capital improvements to provide supplemental accommodations for postsecondary vocational and technical education programs offered at the Tulsa Community College, when such

indebtedness is approved by a majority of the electors of the technology center school district voting on the question in an election called for such purpose. Bonds in pursuance thereof shall be issued in the same manner as bonds issued by boards of education of other technology center school districts, and the proceeds of such bonds shall be used for facilities approved by the Oklahoma State Regents for Higher Education and shall be allocated, expended and accounted for in accordance with rules of the State Regents. Added by Laws 1973, c. 278, § 2, emerg. eff. May 30, 1973. Amended by Laws 1996, c. 276, § 9, emerg. eff. May 30, 1996; Laws 2001, c. 33, § 156, eff. July 1, 2001; Laws 2002, c. 480, § 3, emerg. eff. June 6, 2002.

§70-4420.1. College technology center school districts.

A. Any county contiguous with a county that is entirely included in a college technology center school district, upon adoption of a resolution by the board of regents of any institution of The Oklahoma State System of Higher Education whose main campus is located within such contiguous county, shall become a college technology center school district and be governed by the members of said board of regents, sitting as a board of education. The laws applicable to technology center school districts, including laws authorizing submission of tax levies pursuant to Section 9B of Article X of the Oklahoma Constitution which may be in addition to established levies of districts overlapping with said district, and the laws pertaining to expenditure of funds and eligibility for participation in federal funds, shall be applicable to such district. Not more than five (5) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied pursuant to subsection A of Section 9B of Article X of the Oklahoma Constitution. Not more than five (5) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied pursuant to subsection B of Section 9B of Article X of the Oklahoma Constitution. Funds received pursuant to ad valorem levies shall not be used for state purposes but shall be used for postsecondary vocational and/or technical and adult education purposes in the district.

B. The Oklahoma State Regents for Higher Education shall not take the ad valorem tax revenue of the district into consideration when allocating state-appropriated funds to the institution. Added by Laws 1989, c. 41, § 2, eff. Jan. 1, 1991. Amended by Laws 2001, c. 33, § 157, eff. July 1, 2001.

§70-4420.2. Eligibility for state funds appropriated to State Board of Career and Technology Education.

College technology center school districts authorized by Sections 4410, 4411, 4420, and 4420.1 of this title shall not be eligible to receive any state funds appropriated by the Legislature to the State

Board of Career and Technology Education. Nothing provided in this section shall be construed as prohibiting contracts and cooperative agreements between college technology center districts and technology center school districts or prohibiting contracts or agreements between or among technology center schools or the State Board of Career and Technology Education and institutions of The Oklahoma State System for Higher Education or their governing boards of regents or trustees or the Oklahoma State Regents for Higher Education.

Added by Laws 1991, c. 206, § 2, emerg. eff. May 17, 1991. Amended by Laws 2001, c. 33, § 158, eff. July 1, 2001.

§70-4421. Separate technology center district for vocational and/or technical secondary and adult education programs not authorized or prohibited.

Nothing herein contained shall be construed to authorize or prohibit the separate establishment of a technology center district for vocational and/or technical secondary and adult education programs within the allowable remaining fiscal limits as authorized by Section 9B, Article X of the Oklahoma Constitution.

Added by Laws 1973, c. 278, § 3, emerg. eff. May 30, 1973. Amended by Laws 2001, c. 33, § 159, eff. July 1, 2001.

§70-4422. Legislative intent.

It is the intent of the Oklahoma Legislature to make the best use of all assets and properties owned by the State Board of Regents for Higher Education; therefore, the Oklahoma Legislature authorizes and directs the State Board of Regents for Higher Education to trade all or part of any properties now owned in Tulsa County within the innerdispersal loop for any suitable site in northeast Tulsa, to facilitate a proper and expeditious development of the multicampus concept for a junior college program.

Added by Laws 1973, c. 278, § 4, emerg. eff. May 30, 1973.

§70-4423. Redlands Community College - Carl Albert State College - Seminole State College - Rose State College - Oklahoma City Community College.

A. The Oklahoma State Regents for Higher Education are hereby authorized and directed to maintain two-year colleges at El Reno, which shall be known as the Redlands Community College, at Poteau, which shall be known as the Carl Albert State College, at Seminole, which shall be known as the Seminole State College, at Midwest City, which shall be known as the Rose State College, and in South Oklahoma City, which shall be known as the Oklahoma City Community College; and, each of said colleges shall be an integral and full-fledged part of The Oklahoma State System of Higher Education.

B. Each of the colleges which at the time it became a member of the State System was operating a technical area school district program to carry out the function of postsecondary technical education for the people of the district shall continue to do so as then operated and in accordance with Section 4410 of this title, and all property acquired by virtue of the technical area school district operation shall remain as property of the technical area school district and be maintained in the custody of the Board of Regents of the college acting as the governing board of the technical area school district for use by the postsecondary area district program.

C. For each of the colleges above named and identified, there shall be created a separate Board of Regents, and said Board of Regents shall consist of seven (7) members to serve seven-year overlapping terms, with members of said Board to be appointed by the Governor by and with the advice and consent of the State Senate. Each Board shall have the same powers and duties as the Board of Regents of Tulsa Community College. Four members of the Board of Regents for the colleges located at El Reno, Poteau and Seminole shall be from the county in which said college is located. Four members of the Board of Regents for Rose State College shall be residents of the original district of the college. Four members of the Board of Regents for Oklahoma City Community College shall be residents of South Oklahoma City. For purposes of this section, "South Oklahoma City" shall mean the original district of Oklahoma City Community College and the portion of Oklahoma City that lies in Cleveland County and is bounded on the west by County Line Road and on the east by Bryant Avenue.

With respect to Rose State College and Oklahoma City Community College, it is further provided that the college and its governing Board of Regents shall continue to operate the technical area school district program to carry out the function of postsecondary technical education for the people of the technical education school district as now operated, and in accordance with Section 4410 of this title. Added by Laws 1973, c. 209, § 16, emerg. eff. May 18, 1973. Amended by Laws 1974, c. 33, § 1, emerg. eff. April 11, 1974; Laws 1983, c. 16, § 2, eff. Nov. 1, 1983; Laws 1990, c. 218, § 8, emerg. eff. May 18, 1990; Laws 1991, c. 61, § 2, eff. Sept. 1, 1991; Laws 1996, c. 171, § 2, emerg. eff. May 14, 1996; Laws 2007, c. 72, § 1, eff. July 1, 2007; Laws 2008, c. 3, § 47, emerg. eff. Feb. 28, 2008. NOTE: Laws 1996, c. 276, § 10 repealed by Laws 2008, c. 3, § 48, emerg. eff. Feb. 28, 2008.

§70-4423.1. Carl Albert State College - Name change.

The state educational institution located at Poteau which is known as "Carl Albert Junior College" and is presently designated as "Carl Albert Junior College" shall continue at the same location and the official name of the institution shall be designated in all

future references as "Carl Albert State College". Any reference in the statutes to Carl Albert Junior College shall be deemed a reference to Carl Albert State College.

Added by Laws 1990, c. 218, § 9, emerg. eff. May 18, 1990.

§70-4423.1A. Courses and programs for people of Sallisaw - Branch of Carl Albert State College.

A. The Oklahoma State Regents for Higher Education shall make resident college credit courses and programs available to the people of Sallisaw.

B. The State Regents for Higher Education shall provide classes and programs through a branch of Carl Albert State College, which shall be established and located in Sallisaw. The branch campus of Carl Albert State College shall be governed by the Board of Regents of Carl Albert State College and administered through Carl Albert State College. The Board of Regents of Carl Albert State College may provide resources to the branch campus of Carl Albert State College to maintain its facilities in accordance with its function and mission as provided by law. The people locally shall provide suitable physical plant accommodations for the branch campus.

Added by Laws 1996, c. 276, § 6, emerg. eff. May 30, 1996. Amended by Laws 1999, c. 271, § 10, eff. Sept. 1, 1999.

§70-4423.2. El Reno Junior College - Name change.

A. The institution of The Oklahoma State System of Higher Education located at El Reno and formerly known as "El Reno Junior College" shall continue at the same location and its official name shall be "Redlands Community College".

B. It is the intent of the Legislature that expendable supplies, including but not limited to letterheads, which on the effective date of this section carry or are labeled with the name "El Reno Junior College" shall be utilized after the effective date of this section until such supplies are depleted. For purposes of this section, "supplies" shall not mean college catalogs and shall not mean signs designating the name of the college.

Added by Laws 1991, c. 61, § 3, eff. Sept. 1, 1991.

§70-4423.3. Seminole Junior College - Name change.

A. The state educational institution located at Seminole which is known and designated as "Seminole Junior College" shall continue at the same location and the official name of the institution shall be designated in all future references as "Seminole State College".

B. It is the intent of the Legislature that expendable supplies including, but not limited to, letterheads, which on the effective date of this section carry or are labeled with the name "Seminole Junior College" shall be utilized after the effective date of this section until such supplies are depleted. For purposes of this

section, "supplies" shall not mean college catalogs and shall not mean signs designating the name of the college.

Added by Laws 1996, c. 171, § 3, emerg. eff. May 14, 1996.

§70-4424. Repealed by Laws 2005, c. 402, § 8, eff. July 1, 2005.

§70-4425. McCurtain County Higher Education Program - Acceptance of property and equipment.

A. The Oklahoma State Regents for Higher Education are authorized to accept from McCurtain County the property used for accommodating the McCurtain County Higher Education Program located near Idabel and known as the E. T. Dunlap Higher Education Center, including the land, buildings, equipment and other appurtenances. The facility shall be accepted on behalf of the State of Oklahoma and it together with the higher education program operated therein shall become an integral part of The Oklahoma State System of Higher Education and shall continue to be maintained and operated for the purpose and in the same manner as at present.

B. The Board of Regents of Oklahoma Colleges are authorized to accept from the Oklahoma State Regents for Higher Education all property acquired by the Oklahoma State Regents for Higher Education pursuant to subsection A of this section. The property shall be used as part of the Southeastern Oklahoma State University branch campus in McCurtain County.

Added by Laws 1982, c. 375, § 2, emerg. eff. July 23, 1982. Amended by Laws 2005, c. 402, § 4, eff. July 1, 2005.

§70-4426. Repealed by Laws 2005, c. 402, § 8, eff. July 1, 2005.

§70-4427. McCurtain County Higher Education Program - Board of trustees - Advisory board.

A. Until the effective date of this act, there is hereby created a board of nine (9) trustees to be appointed by the Governor by and with the consent of the Senate to serve as the administrative agency for the McCurtain County Higher Education Program. The initial nine (9) members shall serve their terms for the period to which originally appointed, in numbered positions having dates of expiration identical to the dates of expiration of the original appointments:

Position No. 1. The term of office of one member shall expire on the 30th day of June, 1986, and each nine (9) years thereafter;

Position No. 2. The term of office of one member shall expire on the 30th day of June, 1987, and each nine (9) years thereafter;

Position No. 3. The term of office of one member shall expire on the 30th day of June, 1988, and each nine (9) years thereafter;

Position No. 4. The term of office of one member shall expire on the 30th day of June, 1989, and each nine (9) years thereafter;

Position No. 5. The term of office of one member shall expire on the 30th day of June, 1990, and each nine (9) years thereafter;
Position No. 6. The term of office of one member shall expire on the 30th day of June, 1991, and each nine (9) years thereafter;
Position No. 7. The term of office of one member shall expire on the 30th day of June, 1992, and each nine (9) years thereafter;
Position No. 8. The term of office of one member shall expire on the 30th day of June, 1993, and each nine (9) years thereafter;
Position No. 9. The term of office of one member shall expire on the 30th day of June, 1994, and each nine (9) years thereafter.

The board so created shall have the same powers and duties as members of the board of trustees for the University Center of Southern Oklahoma. The board shall organize and elect a chair, vice-chair and secretary annually.

B. Beginning with the effective date of this act the board of trustees created by this section shall serve as an advisory board to the Board of Regents of Oklahoma Colleges and the President of Southeastern Oklahoma State University for the Southeastern Oklahoma State University branch campus in McCurtain County. The advisory board shall make recommendations on courses and programs, student services, student financial services, and services to the community to be furnished by the Southeastern Oklahoma State University branch campus in McCurtain County.

Added by Laws 1982, c. 375, § 4, emerg. eff. July 23, 1982. Amended by Laws 1985, c. 317, § 6, emerg. eff. July 26, 1985; Laws 1987, c. 204, § 66, operative July 1, 1987; Laws 1992, c. 223, § 7, eff. July 1, 1992; Laws 2005, c. 402, § 5, eff. July 1, 2005; Laws 2012, c. 252, § 4, eff. July 1, 2012.

§70-4428. Sayre Junior College - Merger with Southwestern Oklahoma State University.

Sayre Junior College is hereby merged with Southwestern Oklahoma State University, which shall have administrative responsibility for the programs of higher education henceforth to be offered at the Sayre branch campus.

Added by Laws 1987, c. 204, § 61, operative July 1, 1987. Amended by Laws 2005, c. 402, § 6, eff. July 1, 2005.

§70-4429. Sayre Junior College - Transfer of assets, etc.

All property, equipment, and other assets except cash and expendable supplies, and all debts and other obligations of Sayre Junior College shall, as of the effective date of this section, become assets and obligations of the Sayre Public Schools, District I-31, Beckham County, Oklahoma. All cash, expendable supplies, academic records and all other documents of Sayre Junior College that are not required by the Sayre Public Schools for the management of the district's assets and obligations shall, as of the effective date

of this act, be transferred to and become the responsibility of Southwestern Oklahoma State University.

Added by Laws 1987, c. 204, § 62, operative July 1, 1987.

§70-4430. Repealed by Laws 1996, c. 276, § 16, emerg. eff. May 30, 1996.

§70-4430.1. Repealed by Laws 1996, c. 276, § 16, emerg. eff. May 30, 1996.

§70-4431. Repealed by Laws 1996, c. 276, § 16, emerg. eff. May 30, 1996.

§70-4440. Repealed by Laws 2014, c. 8, § 1, eff. Nov. 1, 2014.

§70-4450. Definitions.

As used in Sections 4451 through 4452a of this title:

1. "Quartz Mountain" means all properties held in fee title, lease or otherwise, including interests in land, real estate options or real estate contracts, held by or on behalf of the board of trustees for the Quartz Mountain Arts and Conference Center and Nature Park that are known and designated as the Quartz Mountain Arts and Conference Center, Quartz Mountain Lodge, and Quartz Mountain State Park, including the golf course, the property known as Baldy Point, described as the N 1/2 of the NE 1/4 of Section 20, Township Five (5) North, Range Twenty (20) West of the Indian Meridian, and the SE 1/4 of the SE 1/4 of Section 17, Township Five (5) North, Range Twenty (20) West of the Indian Meridian, Greer County, Oklahoma, the property known as Devils Canyon, all buildings, improvements, appurtenances and associated lands, and all personal property including equipment, files, fixtures, furniture, and supplies that relate to the properties;

2. "Center" means the Quartz Mountain Arts and Conference Center and Nature Park created in this act;

3. "Board" or "board of trustees" means the board of trustees for the Quartz Mountain Arts and Conference Center and Nature Park created in this act;

4. "Commission" means the Oklahoma Tourism and Recreation Commission;

5. "Department" means the Oklahoma Tourism and Recreation Department; and

6. "State Regents" means the Oklahoma State Regents for Higher Education.

Added by Laws 2001, c. 347, § 1, emerg. eff. June 1, 2001. Amended by Laws 2008, c. 101, § 1, eff. July 1, 2008.

§70-4451. Board of Trustees - Park rangers - Acts prohibited on Center premises - Penalties - Seasonal employees - Programs of study.

A. There is hereby created a board of trustees to act as the administrative agency for the Quartz Mountain Arts and Conference Center and Nature Park ("Center"). The board shall represent a consortium of higher education institutions within The Oklahoma State System of Higher Education with an interest in the administration of the Center, residents of southwest Oklahoma and a nonprofit arts organization which operates a fine arts institute and continuing education programs with an interest in the administration of the Center. The Quartz Mountain Arts and Conference Center and Nature Park shall be an integral part of The Oklahoma State System of Higher Education.

B. Beginning July 1, 2008, the board shall consist of nine (9) members, three of whom shall be the presidents of each of the following higher education institutions or shall be individuals who meet the qualifications set forth in subsection D of this section and represent and are selected by the president of each of the following higher education institutions:

1. Western Oklahoma State College;
2. Cameron University; and
3. Southwestern Oklahoma State University.

The remaining six members shall be appointed by the Governor with the advice and consent of the Senate. The members appointed by the Governor shall hold numbered positions with staggered terms to expire as provided in subsection C of this section. Successors to the members initially appointed by the Governor shall serve seven-year terms that shall expire on June 30 of the seventh year following appointment. Appointed members may serve successive terms.

Position one shall be the president of an arts organization recognized as a nonprofit organization pursuant to 26 U.S.C., Section 501(c)(3) that utilizes the Center facilities for the fine arts institute and continuing education programs offered by the organization. Positions two and three shall be individuals who are members of an arts organization recognized as a nonprofit organization pursuant to 26 U.S.C., Section 501(c)(3) that utilize the Center facilities for the fine arts institute and continuing education programs offered by the organization. Position four shall be a resident of Kiowa County. Position five shall be a resident of Greer County. Position six shall be a resident of Jackson County.

C. The numbered positions and terms shall be as follows:

1. Position No. 1: the term of office of one member shall expire on June 30, 2014, and each seven (7) years thereafter;
2. Position No. 2: the term of office of one member shall expire on June 30, 2013, and each seven (7) years thereafter;
3. Position No. 3: the term of office of one member shall expire on June 30, 2012, and each seven (7) years thereafter;

4. Position No. 4: the term of office of one member shall expire on June 30, 2011, and each seven (7) years thereafter;

5. Position No. 5: the term of office of one member shall expire on June 30, 2010, and each seven (7) years thereafter; and

6. Position No. 6: the term of office of one member shall expire on June 30, 2009, and each seven (7) years thereafter.

D. Any member selected by a president of a higher education institution to serve on the board shall be employed as an administrator at the vice-president level or higher or as a provost at the higher education institution which the member is representing.

E. The terms of office of the members of the board of trustees serving on the effective date of this act shall expire July 1, 2008. Any member of the board of trustees serving prior to June 30, 2008, may be appointed to the board of trustees on or after July 1, 2008, if the member is otherwise eligible to serve.

F. The Chancellor of Higher Education shall call the first meeting of the board. The board of trustees shall be a body corporate and shall adopt and use an official seal. The board shall elect a chair, vice-chair, and secretary annually. The board shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. The board shall have the authority to submit a budget annually to the Oklahoma State Regents for Higher Education, administer monies allocated by the Oklahoma State Regents for Higher Education, select and employ a chief executive officer and other employees, and to expend all monies allocated to the Center as may be necessary to perform the duties and responsibilities of the board. The board shall have the supervision, management and control of the Center. The board shall be authorized to adopt rules and regulations it deems necessary to govern the Center; enter into contracts for taking title to real and personal property; lease Center facilities for programs and institutes; accept private funds and gifts of real or personal property for joint development of the Center as a cultural conference center, arts park and natural area preserve; commission park rangers as provided in subsection F of this section, and fulfill other duties and responsibilities of the board. Board members shall receive no compensation for service on the board but are to be reimbursed for reasonable and necessary expenses.

G. The board may commission any officer or employee who is certified pursuant to Section 3311 of this title as a park ranger as the board deems necessary to secure the Center and to maintain law and order. Park rangers, when commissioned, shall have all the powers of peace officers except the serving or execution of civil process and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, highway patrol troopers, and police officers in their respective jurisdictions and shall possess all immunities and matters of defense now available or hereafter made available to

sheriffs, highway patrol troopers, and police officers in any suit brought against them in consequence of acts done in the course of their employment, provided that the rangers shall comply with the provisions of Section 3311 of this title.

H. 1. Notwithstanding any other provisions of law, no person may:

- a. discharge fireworks in any posted areas of the Center,
- b. possess any glass container in a designated and posted swim or beach area within the Center premises,
- c. build a fire on the Center premises in areas posted as prohibited by the board of trustees,
- d. solicit or demand gifts, money, goods or services on the Center premises, or
- e. sell, hawk, or peddle on the Center premises any goods, wares, merchandise, liquids, edibles, or any item of value, without having a contract or lease agreement approved by the board of trustees.

2. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

3. Fifty percent (50%) of all monies collected pursuant to this subsection shall be deposited in a fund designated by the State Regents and fifty percent (50%) shall be remitted to the county in which the violation is made.

I. The Center is authorized to employ seasonal employees throughout the calendar year who work fewer than one thousand two hundred (1,200) hours in any twelve-month period. These employees shall not be entitled to paid leave, paid holidays, retirement, health, dental or life insurance, and shall be exempt from any laws, rules, or practices providing for these benefits.

J. It is the intent of the Legislature that the State Regents shall provide staffing and travel reimbursement for staff and the board, in accordance with the State Travel Reimbursement Act.

K. The board of trustees shall work with the three consortium higher education institutions and the State Regents to establish or provide courses or programs of study to be offered by the institutions which utilize and incorporate the facilities and resources of the Center.

Added by Laws 2001, c. 347, § 2, emerg. eff. June 1, 2001. Amended by Laws 2002, c. 293, § 2, emerg. eff. May 22, 2002; Laws 2008, c. 101, § 2, eff. July 1, 2008.

§70-4452. Transfer of Quartz Mountain properties and personnel - Funding - Election of retirement system - Rights and responsibilities of board.

A. Effective January 1, 2002, the properties defined as Quartz Mountain in Section 4450 of this title are hereby transferred from the Oklahoma Tourism and Recreation Commission and the Oklahoma Tourism and Recreation Department to the board of trustees for the Quartz Mountain Arts and Conference Center and Nature Park.

B. All Department personnel, in both the classified and unclassified service of the State Merit System of Personnel Administration, who are assigned as of January 1, 2002, to Quartz Mountain, including related liabilities for sick leave, annual leave, holidays, unemployment benefits and workers' compensation benefits accruing prior to January 1, 2002, to such personnel shall be transferred as of January 1, 2002, to the board. It is the intent of the Legislature that, to the extent possible, the board shall ensure that the employees retain pay and benefits, as much as possible, including longevity, dependent insurance benefits, seniority, rights and other privileges and benefits. Notwithstanding the provisions of the Oklahoma Personnel Act, Department employees assigned to Quartz Mountain on January 1, 2002, shall have the right, at the effective date of January 1, 2002, and not thereafter, to fill a budgeted vacancy in the classified service of the Parks Division in the Department or to fill a budgeted vacancy in the unclassified service in the Golf or Resorts Divisions of the Department, if such employee is qualified. Additionally, filling of vacancies shall be based on seniority order with the State of Oklahoma.

C. Appropriate conveyances and other documents shall be executed by January 1, 2002, to effectuate the transfer of Quartz Mountain.

D. The State Auditor and Inspector shall determine the amount of funds from available budgetary resources for Quartz Mountain, including any appropriated funds, revolving funds, or sinking funds, that should be transferred on January 1, 2002, from the Department and Commission to the State Regents to continue operation of the Center for the fiscal year ending June 30, 2002, and shall determine the amount that should be reserved to the Department for payment of obligations incurred prior to January 1, 2002. The State Auditor shall consider relevant funding and expenditure history and projected expenditures and expenses related to Quartz Mountain and available budgetary resources for Quartz Mountain in determining the amount to be transferred. The Director of the Office of Management and Enterprise Services is authorized and directed to coordinate and administer the funds transfer. The funds transferred to the State Regents shall not be subject to any budgetary limits that may have attached to the funds when the funds were appropriated to the Department. From July 1, 2001, through December 31, 2001, the Department shall not spend or encumber more than the funds budgeted for that period for Quartz Mountain without approval of the State Auditor and Inspector. Any extraordinary costs incurred by the State Auditor in performing the review may be subtracted from the amount

transferred on January 1, 2002, to the State Regents and paid to the State Auditor.

E. The State Regents may establish appropriate funds and accounts, including a revolving fund in the Office of Management and Enterprise Services for servicing the fiscal operations of the Center. Such funds and accounts shall be subject to the direct supervision, management and control of the board of trustees for the Center created in this act.

F. 1. An employee transferred pursuant to the provisions of this act who is a member of the Oklahoma Public Employees Retirement System or the Oklahoma Law Enforcement Retirement System may elect to remain a member of the applicable system or may elect to become a member of the Teachers' Retirement System of Oklahoma. The employee shall file an election on a form prescribed for that purpose with the applicable system not later than January 15, 2002.

2. If an employee files an election to remain in the Oklahoma Public Employees Retirement System or the Oklahoma Law Enforcement Retirement System, the board of trustees shall pay the required employer contributions applicable to the participating employers pursuant to Section 920 of Title 74 of the Oklahoma Statutes or Section 2-304 of Title 47 of the Oklahoma Statutes. The employee shall continue to pay employee contributions as required by law.

3. If the employee fails to file an election by January 15, 2002, the employee shall become a member of the Teachers' Retirement System of Oklahoma.

4. Employees who become members of the Teachers' Retirement System of Oklahoma shall acquire service credit in the Teachers' Retirement System pursuant to the provisions of subsection Q of Section 17-116.2 of this title and shall have all service credit with the Oklahoma Public Employees Retirement System canceled. The board of trustees shall make required contributions pursuant to Section 17-108.1 of this title and the employee shall make required contributions imposed pursuant to Section 17-116.2 of this title. The board of trustees and the employees shall be subject to all requirements of the provisions of Sections 17-101 et seq. of this title governing the Teachers' Retirement System of Oklahoma.

5. Any employee who is employed by the board after January 1, 2002, and who is otherwise eligible for membership in the Oklahoma Teacher's Retirement System or the Oklahoma Law Enforcement Retirement System shall be enrolled during employment by the board of trustees in the Oklahoma Teacher's Retirement System or the Oklahoma Law Enforcement Retirement System, as appropriate.

G. The board shall not be responsible for any claims arising under The Governmental Tort Claims Act accrued prior to January 1, 2002, claims arising from any other actions accrued prior to January 1, 2002, or tort claims arising prior to January 1, 2002, for which no claim has accrued upon the date of transfer. The board shall not

be responsible for any claims arising out of construction begun before January 1, 2002, at Quartz Mountain.

H. 1. The board shall succeed to any contractual rights and responsibilities the Department or the Commission has incurred on behalf of Quartz Mountain, except as provided in subsection G of this section.

2. The board may enter into one or more contracts for management services of the Center. The duties and benefits arising under any contract for management services of any part of Quartz Mountain entered into by the Commission that is in effect on January 1, 2002, shall be assigned to the board. The contract may be renewable at the option of the board but not to exceed a cumulative period of fifty (50) years.

3. The Department and the Commission shall execute all necessary documents to memorialize the assignment to the board all rights, responsibilities, and obligations under any and all contracts the Department or the Commission has entered into relating to operation of any part of Quartz Mountain, including the golf course, as provided in this section. The board shall execute any documents necessary to memorialize acceptance of such assignment. In the absence of memorializing documents or conveyances, the transfers including all the assignments shall occur by operation of law.

I. The rules of the Commission relating to the operation of Quartz Mountain, such as traffic, fees, and other like matters, that are in effect on January 1, 2002, shall be enforceable by the board until the board establishes rules or until January 1, 2003, whichever occurs earlier. The board shall be exempt from the provisions of Articles I and II of the Administrative Procedures Act.

Added by Laws 2001, c. 347, § 3, emerg. eff. June 1, 2001. Amended by Laws 2012, c. 304, § 640.

§70-4452a. Authorization for issuance of bonds for Center and Nature Park.

Any legislative authorization for the issuance of bonds on behalf of the Oklahoma Department of Tourism and Recreation for projects at Quartz Mountain Arts and Conference Center and Nature Park shall be construed as, and in all respects shall constitute, authorization for the issuance of bonds on behalf of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park under the same terms and conditions as set forth in the original authorizing legislation.

Added by Laws 2002, c. 293, § 4, emerg. eff. May 22, 2002.

§70-4501. Repealed by Laws 1988, c. 137, § 6, eff. July 1, 1988.

§70-4502. Repealed by Laws 1988, c. 137, § 6, eff. July 1, 1988.

§70-4503. Repealed by Laws 1988, c. 137, § 6, eff. July 1, 1988.

§70-4504. Repealed by Laws 1988, c. 137, § 6, eff. July 1, 1988.

§70-4511. Continuous school program.

All public school districts of any type or class are authorized to establish, maintain and operate their educational program under a continuous school program, to be conducted throughout the entire year.

The board of education of any school district may, after notification to the State Superintendent of Public Instruction, establish and operate in one or more of the schools within the district, or in all schools within the district, a continuous school program pursuant to the provisions of this act.

Added by Laws 1975, c. 332, § 1, emerg. eff. June 12, 1975.

§70-4512. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-4513. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-4514. Repealed by Laws 1989, c. 335, § 24, eff. July 1, 1989.

§70-4515. Public hearing.

Prior to implementing a continuous school program in any school of the district, the school district's board of education shall consult in good faith in an effort to reach agreement with the employees of the school, with the parents of pupils who would be affected by the change, and with the community at large. Such consultation shall include at least one public hearing for which the board has given adequate notice to the employees and to the parents of pupils affected.

In school districts where a continuous school program is implemented in fewer than all of the schools maintained by the school district, the board of education of such a school district shall make every reasonable effort to assign employees who prefer the regular school schedule to schools of the same level retaining the regular school schedule.

The board of education of any school district operating pursuant to the provisions of this chapter shall divide the students of each selected school into as many groups as necessary to adequately accommodate a continuous school program so established and conducted. Students of the same family shall be placed in the same group unless one or more of such students is enrolled in a special education class or unless the parent or guardian of such students requests that the students be placed in different groups.

Added by Laws 1975, c. 332, § 5, emerg. eff. June 12, 1975.

§70-4516. School calendar.

The board of education of any school district operating pursuant to the provisions of Section 4511 et seq. of this title shall establish a school calendar whereby the teaching sessions and vacation periods during the school year are on a rotating basis.

Each selected school shall be closed for all students and employees on regular school holidays.

The schools and classes shall be conducted for a total of no less than one hundred eighty (180) days or no less than one thousand eighty (1,080) hours during the academic year as provided for in Section 1-109 of this title.

The provisions of all other laws relating to compulsory full-time education and the enrollment and attendance of pupils in the kindergarten, elementary and secondary grades shall be applicable with respect to the regular school days prescribed for the entire academic year established for the school at which a program pursuant to Section 4511 et seq. of this title is conducted, and to the attendance area established for such school.

Added by Laws 1975, c. 332, § 6, emerg. eff. June 12, 1975. Amended by Laws 2009, c. 103, § 4, emerg. eff. April 24, 2009; Laws 2019, c. 490, § 2, eff. Sept. 1, 2019.

§70-4517. Salary schedule.

The board of education of any school district operating the continuous school program pursuant to this act shall prescribe a separate salary schedule for the employees of the district who are employed at any school maintaining the continuous school program pursuant to this act, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

Each school district maintaining a continuous school program in any school within the district pursuant to this act shall be entitled to receive the same support, but not more support, from the State Board of Education due to the average daily attendance at such school than it would have received if the school had been operating under the provisions of law relating to the regular school year as provided in Section 18-109 of Title 70 of the Oklahoma Statutes.

State aid shall not be increased to any district operating on a continuous school program; there shall be paid no amount greater than said district would have received if it were operating on a regular school year.

Added by Laws 1975, c. 332, § 7, emerg. eff. June 12, 1975.

§70-4518. Program evaluation.

The state superintendent of public instruction may require the submission of such reports and information as designated by the

Department of Education to properly evaluate all programs established pursuant to this act.

Added by Laws 1975, c. 332, § 8, emerg. eff. June 12, 1975.

§70-4601. Repealed by Laws 1996, c. 276, § 16, emerg. eff. May 30, 1996.

§70-4602. Repealed by Laws 1996, c. 276, § 16, emerg. eff. May 30, 1996.

§70-4603. Repealed by Laws 1992, c. 223, § 9, eff. July 1, 1992.

§70-4604. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-4604.1. Renumbered as § 6.1 of Title 51 by Laws 1992, c. 223, § 8, eff. July 1, 1992.

§70-4605. Repealed by Laws 1996, c. 276, § 16, emerg. eff. May 30, 1996.

§70-4607. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-4608. Repealed by Laws 1996, c. 5, § 7, eff. April 1, 1996.

§70-4651. Repealed by Laws 1998, c. 325, § 14, eff. July 1, 1999.

§70-4652. Repealed by Laws 1998, c. 325, § 14, eff. July 1, 1999.

§70-4653. Repealed by Laws 1998, c. 325, § 14, eff. July 1, 1999.

§70-4654. Repealed by Laws 1998, c. 325, § 14, eff. July 1, 1999.

§70-4661. Higher education in Tulsa - Legislative findings.

The Legislature finds that a structured, coherent system of higher education in the Tulsa metropolitan area offering a whole range of higher education courses for lower and upper division undergraduate students, traditional and nontraditional students, and graduate students would be of great benefit. The Legislature also finds that the existing resources can be reconfigured and maximized to offer the citizens of the Tulsa metropolitan area high quality higher education opportunities at a minimum cost to the State of Oklahoma. The Legislature intends to afford the citizens of the Tulsa metropolitan area a coordinated, vertically integrated system of higher education from freshman through graduate levels.

Added by Laws 1998, c. 325, § 1, eff. July 1, 1998.

§70-4662. Oklahoma State University/Tulsa - Programs and degrees.

On January 1, 1999, there shall be established as a successor to Rogers University in Tulsa a branch institution of Oklahoma State University which shall be known as Oklahoma State University/Tulsa and shall offer upper division undergraduate courses and baccalaureate degree programs. No later than July 1, 2001, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, in cooperation with the Oklahoma State Regents for Higher Education, shall have developed and implemented programs leading to baccalaureate degrees that can be earned at Oklahoma State University/Tulsa. Beginning with the 2001 - 2002 academic year, degrees earned at Oklahoma State University/Tulsa shall be designated as awarded by the Oklahoma State Regents for Higher Education acting through Oklahoma State University; provided that dual degree programs may be offered at Oklahoma State University/Tulsa and dual degrees may be awarded through Oklahoma State University and other institutions.

Added by Laws 1998, c. 325, § 2, eff. July 1, 1998.

§70-4663. Oklahoma State University/Tulsa - Board of Trustees.

A. On January 1, 1999, there shall be created the Board of Trustees for Oklahoma State University/Tulsa which shall consist of seven members who reside in Tulsa County or contiguous counties and two members of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (A&M Board) who shall serve as voting, ex officio members, one of whom shall reside in the First Congressional District. The second member from the A&M Board shall be appointed by the A&M Board. For purposes of serving on the Board of Trustees, the members of the A&M Board who are appointed to the Board of Trustees shall not be subject to the dual office holding restrictions in Section 6 of Title 51 of the Oklahoma Statutes. The Governor shall appoint the other members of the Board of Trustees with the advice and consent of the Senate. The members shall be appointed to numbered positions with staggered terms to expire as provided in this section. Successors to the initial board members shall serve seven-year terms that shall expire on June 30 of the seventh year following appointment. Vacancies on the Board shall be filled for the unexpired term by the Governor with the advice and consent of the Senate. Four of the nine members on the initial Board of Trustees shall be appointed by the Governor with the advice and consent of the Senate from the members of the Board of Regents of Rogers University who are residents of Tulsa and are serving on the effective date of this act. The four members appointed from the Board of Regents of Rogers University shall be appointed to the positions numbered one through four. The remaining three members appointed by the Governor shall be appointed to positions five through seven. The member of the A&M Board who resides in the First Congressional District shall hold position number eight. The second member of the A&M Board shall

hold position number nine. The numbered positions and terms shall be as follows:

1. Position No. 1: The term of office of one member shall expire on the 30th day of June, 2000, and each seven (7) years thereafter;

2. Position No. 2: The term of office of one member shall expire on the 30th day of June, 2001, and each seven (7) years thereafter;

3. Position No. 3: The term of office of one member shall expire on the 30th day of June, 2002, and each seven (7) years thereafter;

4. Position No. 4: The term of office of one member shall expire on the 30th day of June, 2003, and each seven (7) years thereafter;

5. Position No. 5: The term of office of one member shall expire on the 30th day of June, 2004, and each seven (7) years thereafter;

6. Position No. 6: The term of office of one member shall expire on the 30th day of June, 2005, and each seven (7) years thereafter;

7. Position No. 7: The term of office of one member shall expire on the 30th day of June, 2006, and each seven (7) years thereafter;

8. Position No. 8: The term of office shall coincide with the member's term on the A&M Board; and

9. Position No. 9: The term of office shall coincide with the member's term on the A&M Board.

B. The Board of Trustees shall be a body corporate and shall adopt and use an official seal. The Board shall elect a chair, vice-chair, and secretary annually, each of whom shall serve for a term of one fiscal year and until a successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules which it deems necessary for the operation of the Board and the discharge of its duties and shall cause the minutes of all meetings to be kept. The Board shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

C. The Board of Trustees for Oklahoma State University/Tulsa may be authorized by the A&M Board to supervise and manage the campus of Oklahoma State University/Tulsa and perform other functions as necessary. The Board of Trustees shall promulgate rules and enact policies to govern the processes and procedures of the Board. The policies of the Board of Regents of Rogers University, including but not limited to policies on personnel and student participation, that are in effect on the date that the Board of Regents of Rogers University is dissolved shall be deemed adopted by the Board of Trustees unless specifically amended or repealed by the A&M Board. The A&M Board and the Board of Trustees shall appoint a joint

committee of at least two members from each board and at least two members of the staff of each institution to develop and propose mutually agreed upon rules and policies to formalize the review and oversight procedures and the relationships between the A&M Board, the Board of Trustees, Oklahoma State University in Stillwater, and Oklahoma State University/Tulsa. It is the intent of the Legislature that in the interests of immediate responsiveness to the needs of students, employees, and the business community that the decision or approval process be expedited.

D. Subject to the oversight of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Trustees of Oklahoma State University/Tulsa shall set the compensation of the president of Oklahoma State University/Tulsa. On or after January 1, 1999, the A&M Board may assign and delineate roles and responsibilities for the Board of Trustees for Oklahoma State University/Tulsa. Such responsibilities may include, but are not limited to, student services, facility operations, student financial services, budget preparations, endowed chairs at Oklahoma State University/Tulsa, and administrative operations as specified by the A&M Board.

E. The Board of Trustees shall establish the usual and customary accounts established by higher education institutions within the Office of Management and Enterprise Services necessary to carry out its duties.

F. Until July 1, 2001, during the transition and development of Oklahoma State University/Tulsa, acting on behalf of the Board of Trustees for Oklahoma State University/Tulsa, Oklahoma State University is authorized and directed to negotiate contracts with institutions for courses and degree programs of study approved by the Oklahoma State Regents for Higher Education, as necessary to meet the higher education needs for the Tulsa metropolitan area. The number of degree programs offered by Northeastern State University and Langston University shall not be diminished or duplicated.

G. The president of Oklahoma State University/Tulsa shall be selected by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges after completion of a search process as set forth in this subsection. The A&M Board shall appoint at least two of its members, one of whom must reside in the First Congressional District, and the Board of Trustees shall appoint at least two of its members to a search committee. The president of Oklahoma State University may appoint other representatives of faculty, staff, and students to the search committee. The president of Oklahoma State University shall recommend a candidate in consultation with the search committee to the Board of Trustees and the A&M Board.

Added by Laws 1998, c. 325, § 3, eff. July 1, 1998. Amended by Laws 2012, c. 304, § 641.

§70-4664. Oklahoma State University/Tulsa - Funding.

The Oklahoma State Regents for Higher Education shall allocate funds from its consolidated appropriation to Oklahoma State University/Tulsa in the same manner as allocations are made to other higher education institutions. The funding for Oklahoma State University/Tulsa shall be at essentially the same rates based on program costs as the rates for the Oklahoma State University campus in Stillwater.

Added by Laws 1998, c. 325, § 4, eff. July 1, 1998.

§70-4665. Nonduplication of courses.

Courses offered at the undergraduate level through Oklahoma State University/Tulsa shall not duplicate those offered by Tulsa Community College.

Added by Laws 1998, c. 325, § 5, eff. July 1, 1998.

§70-4666. Langston University - Statewide plan and mission.

In strengthening the State of Oklahoma's commitment to Langston's historical significance and future potential, the Oklahoma State Regents for Higher Education are directed and authorized to design a statewide plan for Langston University and report to the Legislature by January 1, 1999, for approval by the Legislature.

It is the intent of the Legislature that the functions and programs of Oklahoma State University/Tulsa shall be conducted in such manner as to cooperate with the Oklahoma State Regents for Higher Education in fulfilling the statewide mission for Langston University.

Added by Laws 1998, c. 325, § 6, eff. July 1, 1998.

§70-4667. Langston University - Tulsa branch.

On July 1, 2001, there shall be established a branch of Langston University within the Tulsa metropolitan area consistent with the statewide plan for Langston University as provided in Section 6 of this act. Langston University shall continue to meet the missions and programs of the Langston Urban Center in Tulsa. The Oklahoma State Regents for Higher Education are authorized to make upper division undergraduate and graduate course offerings at the Langston University Branch in Tulsa available as the State Regents shall determine are appropriate. Undergraduate degree programs offered through Oklahoma State University/Tulsa shall not duplicate those undergraduate degree programs offered by Langston University Branch in Tulsa, as determined by the Oklahoma State Regents for Higher Education and shall be consistent with and in furthering implementation of the statewide plan for Langston University as developed by the State Regents pursuant to Section 6 of this act and filed with the Office for Civil Rights, United States Department of Education.

The Oklahoma State Regents for Higher Education shall fund Langston University at a level not less than its fiscal year 1998 level, and its Education and General Budget shall be held harmless from reductions in succeeding years. The Oklahoma State Regents for Higher Education shall allocate funds to Langston University sufficient to fund full time faculty in Tulsa at a level equal to seventy percent (70%) of its faculty level that existed in Tulsa in fiscal year 1998 and adequate building and classroom space which were funded in fiscal year 1998 in order to carry out all functions in Tulsa. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall allocate space for Langston University in Tulsa.

It is the intent of the Legislature that Langston University be funded at a level consistent with the average allocation and allotment of the institutions in the regional funding tier as established by the Oklahoma State Regents for Higher Education.

Beginning with the 2001 - 2002 academic year, degrees earned at Langston University Branch in Tulsa shall be designated as awarded by the Oklahoma State Regents for Higher Education acting through Langston University.

Added by Laws 1998, c. 325, § 7, eff. July 1, 1998.

§70-4668. Northeastern State University - Tulsa branch.

On July 1, 2001, there may be established a branch of Northeastern State University within the Tulsa metropolitan area. The Oklahoma State Regents for Higher Education are authorized to make upper division undergraduate and graduate course offerings at the Northeastern State University branch available as the State Regents shall determine are appropriate. Undergraduate degree programs offered through Oklahoma State University/Tulsa shall not duplicate those undergraduate degree programs offered by Northeastern State University in Tulsa, as determined by the Oklahoma State Regents for Higher Education.

The Oklahoma State Regents for Higher Education shall fund Northeastern State University at a level not less than its fiscal year 1998 level, and its Education and General Budget shall be held harmless from reductions in succeeding years.

It is the intent of the Legislature that Northeastern State University be funded at a level consistent with the average allocation and allotment of the institutions in the regional funding tier as established by the Oklahoma State Regents for Higher Education.

Beginning with the 2001 - 2002 academic year, degrees earned at Northeastern State University Branch in Tulsa shall be designated as awarded by the Oklahoma State Regents for Higher Education acting through Northeastern State University.

Added by Laws 1998, c. 325, § 8, eff. July 1, 1998.

§70-4669. Rogers State University - Creation and funding.

A. On January 1, 1999, there shall be created in Claremore, Oklahoma, and its other regionally accredited sites, as a successor to the Claremore campus of Rogers University, an institution of higher education to be known as Rogers State University. Rogers State University shall programmatically and budgetarily function as a regional institution within The Oklahoma State System of Higher Education, yet with a community college component. It shall be authorized to offer no less than the average number of programs and courses of study at other regional institutions of similar size and enrollment.

B. Rogers State University shall operate as an institution within The Oklahoma State System of Higher Education and shall be governed by the Board of Regents of the University of Oklahoma. The president of Rogers State University shall report directly to the Board of Regents of the University of Oklahoma.

C. It is the intent of the Legislature that Rogers State University be funded initially at a level consistent with the average allocation and allotment of the institutions in the regional funding tier as established by the Oklahoma State Regents for Higher Education.

D. The Legislature recognizes the decision of the State Regents, pursuant to the powers vested in the State Regents by Section 2 of Article XIII-A of the Oklahoma Constitution, to change the function of Rogers State University, formerly known as the Claremore campus of Rogers University, to include a four-year baccalaureate and graduate degree granting function, as quickly as that can be done, giving due consideration to the protection of the institution's regional accreditation status. The State Regents will provide an annual report on the transition in Rogers State University function to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, beginning on January 1, 2000, and continuing until Rogers State University is regionally accredited as a four-year baccalaureate and graduate degree granting institution.

E. Rogers State University shall maintain a community college component within the university and shall maintain admission standards, academic policies and practices for the community college component consistent with those approved for associate degree granting institutions by the Oklahoma State Regents for Higher Education.

F. Rogers State University is hereby authorized to contract with other regionally accredited institutions of higher education, specifically including Northeastern State University, for the delivery of courses and programs at any location where Rogers State University is authorized to deliver courses or programs. This

authorization shall still remain in force after Rogers State University gains regional accreditation for upper division programs. Added by Laws 1998, c. 325, § 9, eff. July 1, 1998. Amended by Laws 1999, c. 274, § 5, eff. June 1, 1999.

§70-4669.1. Rogers State University - Transfer of governance from Board of Regents of Oklahoma Colleges to Board of Regents of the University of Oklahoma, Cameron University and Rogers State University - Assumption of obligations for tenure or retirement of employees.

A. The governance, supervision, management and control of Rogers State University is hereby transferred from the Board of Regents of Oklahoma Colleges to the Board of Regents of the University of Oklahoma, Cameron University and Rogers State University. All property, assets, and obligations of Rogers State University and any and all obligations of the Board of Regents of Oklahoma Colleges for and on behalf of Rogers State University are hereby transferred to the Board of Regents of the University of Oklahoma, Cameron University and Rogers State University.

B. Obligations for tenure or retirement of employees of Rogers State University, either through Rogers State University or the Board of Regents of Oklahoma Colleges, shall be assumed by the Board of Regents of the University of Oklahoma, Cameron University, and Rogers State University. For the employees of Rogers State University who were employed by Rogers State University on or after January 1, 1999, and who were participants in the Supplemental Retirement Plan for the Board of Regents of Oklahoma Colleges at the time of their employment by Rogers State University, the Board of Regents of the University of Oklahoma, Cameron University, and Rogers State University shall assume or provide a reasonable substitute for the Supplemental Retirement Plan for the Board of Regents of Oklahoma Colleges in accordance with applicable rules and regulations of the Internal Revenue Service or other governmental agencies. These employees shall receive credit for compensation, vesting, and service years in the calculation of benefits under the plan assumed or provided as required in this section to the same extent as though they had not left the employ of the regional university that was participating in the Supplemental Retirement Plan for the Board of Regents of Oklahoma Colleges.

Added by Laws 1999, c. 274, § 1, eff. June 1, 1999.

§70-4670. Dissolution of Board of Regents of Rogers University.

On January 1, 1999, the entity known as the Board of Regents of Rogers University, created by Section 4651 of this title, shall be dissolved. No later than December 31, 1998, the Board of Regents of Rogers University shall determine how the property of Rogers University shall be divided, subject to the limitations provided in

this section. The property and assets of Rogers University which have accrued from the beneficial interests running to Rogers University from the public trust created by the University Center at Tulsa Authority and the beneficial interests running to Rogers University from the foundation created for the benefit of Rogers University/Tulsa, shall be transferred to Oklahoma State University/Tulsa, contingent upon approval of the Authority and the foundation. The beneficial interests running to Rogers University from the foundation created for the benefit of Rogers University/Claremore shall be transferred to Rogers State University, contingent upon approval of the foundation. The assets and obligations of Rogers University shall be divided between Oklahoma State University/Tulsa and Rogers State University with the assets that belonged to Rogers State College prior to June 30, 1996, being transferred to Rogers State University and the assets that belonged to University Center at Tulsa being transferred to Oklahoma State University/Tulsa. The Board of Regents of Rogers University shall determine how the assets acquired since May 30, 1996, shall be divided between the two institutions. In cases of disagreement concerning asset distribution, the Oklahoma State Regents for Higher Education shall make the final determination. Added by Laws 1998, c. 325, § 10, eff. July 1, 1998. Amended by Laws 2002, c. 437, § 3, eff. July 1, 2002.

§70-4671. Oklahoma State University - Long-range planning and development.

No later than November 1, 1998, the president of Oklahoma State University shall submit to the Legislature a long-range plan for the development of the Oklahoma State University/Tulsa program. Added by Laws 1998, c. 325, § 11, eff. July 1, 1998.

§70-4672. Rogers University/Tulsa - Coordination of student services.

The Oklahoma State Regents for Higher Education shall immediately establish policies and procedures requiring institutions that offer courses through Rogers University/Tulsa to cooperate in sharing information to implement a seamless system of student services at Rogers University/Tulsa consistent with federal law and accreditation standards. There shall be a single site on the Rogers University campus in Tulsa where students shall have access to student services. Student services shall include but not be limited to registration, student records, faculty advisement, scholarship information, and financial aid. The system of services for students shall provide an efficient interface among the different institutions offering courses and programs.

Consistent with federal law and accreditation standards, the Board of Regents of Rogers University shall have the power to access

student records for students who take or have taken courses through a contractual arrangement between Rogers University and any other higher education institution. As part of any contract with a providing institution, Rogers University and students at Rogers University must be able to obtain immediate information related to student records, scholarships, financial aid, and other student services for Rogers University students.

Added by Laws 1998, c. 325, § 12, eff. July 1, 1998.

§70-4673. University of Oklahoma/Oklahoma State University Graduate Center at Tulsa - Establishment and funding.

A. The Oklahoma State Regents for Higher Education shall establish the University of Oklahoma/Oklahoma State University Graduate Center at Tulsa (OU/OSU Graduate Center at Tulsa). The Center shall be directly funded by the Oklahoma State Regents for Higher Education and the Center shall be subject to its direction for final approval of programs and courses of study. There shall be a joint admissions committee composed of five faculty members appointed by the University of Oklahoma and five faculty members appointed by Oklahoma State University. The president of the University of Oklahoma shall serve as chair and the president of Oklahoma State University shall serve as vice-chair for the first year of operation of the Center. After one year the positions of chair and vice-chair shall rotate annually between presidents of the two institutions. The chair shall appoint the provost with the approval of the vice-chair.

B. The Oklahoma State Regents for Higher Education shall appropriate funds to the University of Oklahoma for the operation of the programs of the University of Oklahoma College of Medicine and for the programs designated by the Oklahoma State Regents for Higher Education to be offered in Tulsa by the College. These programs shall be under the operational control of the University of Oklahoma.

C. The Oklahoma State Regents for Higher Education shall appropriate funds to Oklahoma State University for the operation of the Oklahoma State University College of Osteopathic Medicine and for any programs designated by the Oklahoma State Regents for Higher Education to be offered in Tulsa by the College. These programs shall be under the operational control of Oklahoma State University.

D. A joint consortium for research shall be established as a part of the OU/OSU Graduate Center at Tulsa.

E. Any curricula offered by the University of Oklahoma and Oklahoma State University at the graduate or professional level may be offered by the University of Oklahoma and Oklahoma State University.

Added by Laws 1998, c. 325, § 13, eff. July 1, 1998. Amended by Laws 2001, c. 230, § 4, eff. July 1, 2001.

§70-4674. Technology Intern Partner Program.

A. It is the intent of the Legislature that the Board of Trustees for Oklahoma State University/Tulsa develop and implement a Technology Intern Partner Program. The purpose of the Program shall be to facilitate a positive relationship between the academic and business sector while providing valuable, hands-on experiences for students. In addition the Program will provide an additional method for introducing students to career opportunities in technology-based companies.

B. The benefits of the Technology Intern Partner Program are as follows:

1. Enhances classroom learning for the student by integrating academic curriculum and real-world work experience;
2. Assists students in career decision making through on-the-job experience in a chosen field;
3. Improves after graduation job opportunities for students by giving the student valuable work experience and contact with potential employers;
4. Teaches students valuable job search skills such as career assessments, resume writing, and interviewing techniques; and
5. Promotes the lifelong learning process of integrating work and learning, and enhances workplace skills in occupational, analytical, and teamwork performance.

C. It is further the intent of the Legislature that the Technology Intern Partner Program shall provide internships for eligible students with technology-based companies. One-half of the funding for the internships shall be provided by the University and one-half by the participating companies. The Board of Trustees should establish criteria and procedures for implementation and operation of the Program. The Board may decline to accept any such funding it deems inappropriate, including funding amounts the Board is unable to match.

Added by Laws 2002, c. 437, § 4, eff. July 1, 2002.

§70-4701. Center for Instructional Excellence - Feasibility study.

The Oklahoma State Regents for Higher Education are hereby authorized to study the cost feasibility of developing a "Center for Instructional Excellence". This Center should serve as the primary coordinating agency for the development and dissemination of instructional technology and should proceed immediately to collect from current resources the best available media materials, computer software, and other instructional technology available. This Center should renew public higher education's commitment to its principal mission of instruction by identifying master professors from throughout the system and underwriting, through release time and direct funding, the dissemination of their instructional work.

It is the intent of this legislation that all institutions within The Oklahoma State System of Higher Education shall cooperate in the development of the "Center for Instructional Excellence" by making available faculty and instructional resources. The Center shall then serve as a clearinghouse in disseminating the best of these resources to the remainder of the system. It is the intent of this legislation that the Oklahoma State Regents for Higher Education shall provide direct funding to the Center from both private and public resources to carry out the task of developing or acquiring all aspects of the rapidly changing instructional technology so that these methods may be evaluated and made available to institutions within The State System of Higher Education.

The Center should become the most cost effective method for instructional development by providing coordination for similar existing efforts on individual campuses and eventually bringing these operations under a central mechanism providing for a better economy of scale in making the necessary resources available to all higher education faculty members in order to provide for excellence in instruction at all levels.

The Center is made necessary because the traditional instructional process competes, without sufficient resources or modern technology, with much more powerful informational media and computer software being made available through the private sector in noneducational environments and because students, accustomed to more sophisticated methods of information acquisition, demand and deserve the most effective instructional process within their educational experiences.

The "Center for Instructional Excellence" should devise, in cooperation with the budget staff of the Oklahoma State Regents for Higher Education, appropriate formats for inquiring of institutions regarding resources devoted to improving the instructional process with a particular emphasis on depicting budgets, not just in programmatic terms, but in terms of the proportion of available resources devoted in each academic program to computer interaction, media, tutelage, team teaching, and other instructional innovations. Added by Laws 1987, c. 227, § 4, operative July 1, 1987.

§70-4702. Precollegiate compensatory courses - Report - Funding - Commendation of Regents.

A. The Legislature requests a report from the State Regents for Higher Education by February 1, 1988, on the precollegiate compensatory courses and the expenditures related to such courses, authorized pursuant to this section.

B. When monies are made available, a fund shall be established in the office of the State Regents for Higher Education for the purpose of funding and offering precollegiate courses, over and above those offered for credit at the current institution which the student

is attending. Such courses shall be offered to compensate for courses not offered previously to high school students. A fund shall be established at the State Department of Education for the purpose of funding and offering precollegiate courses, to be coordinated with the State Regents for Higher Education, according to priorities established by the State Regents for Higher Education as recommendations or requirements.

C. The Legislature commends the State Regents for Higher Education on the precollegiate course component of their Policy Statement on Admission to, Retention in, and Transfer among Colleges and Universities of The State System.

Added by Laws 1987, c. 227, § 5, operative July 1, 1987.

§70-4703. General fee and tuition contributions - Appropriations - Investment in quality education - Intent of Legislature.

A. It is the intent of the Legislature that within a period of four (4) years Oklahoma shall reach the middle quintile among the states for like institutions in general fee and tuition contribution and in state appropriations invested in improving higher education.

B. It is the intent of the Oklahoma Legislature to build our existing higher education system into a system of greater quality. In order to do so, the Oklahoma Legislature intends to increase its investment in the quality of The Oklahoma State System of Higher Education. The Legislature hereby authorizes the State Regents for Higher Education to fund institutions with careful consideration of their role within The Oklahoma State System of Higher Education; such funding should be based on each institution's potential for excellence and in line with each institution's progress toward achieving its goals.

Added by Laws 1987, c. 227, § 6, operative July 1, 1987.

§70-4704. Consolidation of financial assistance program - Increasing assistance - Priority system for eligibility for assistance - National Merit scholars.

A. The State Regents for Higher Education are hereby authorized to consolidate the administration of all scholarship, forgivable loan and teacher institute monies within one student financial assistance program.

B. The Oklahoma Legislature believes that its citizens should receive the benefits of higher education and it further believes that the state benefits by having an educated populace. It is the intent of the Legislature to increase funding to grant, scholarship, teacher institute and forgivable loan programs, as funds are made available. The State Regents for Higher Education are hereby authorized to establish a priority system for eligibility for assistance based on any one or more of the following criteria:

1. need;

2. minority or underprivileged status;
3. potential for academic excellence;
4. potential for excellence in targeted career areas, such as teaching; or
5. potential as a research or teaching assistant at the post-graduate level.

C. As funds are made available, it is the intent of the Legislature to provide full scholarships to allow National Merit scholars to attend any public institution of higher education in this state. It is the intent of the Legislature to provide seventy-five percent (75%) scholarships to allow National Merit Semi-finalists to attend any public institution of higher education in this state. Added by Laws 1987, c. 227, § 7, operative July 1, 1987.

§70-4705. Educational trust fund - Study.

The State Regents for Higher Education are hereby authorized to study developing a program to create at least one trust fund whereby Oklahoma residents will be able to pre-pay all or part of enrollment fees or tuition to any Oklahoma institution of higher education recognized by the Oklahoma State Regents for Higher Education. This program shall require that monies paid in shall be held in trust and used to pay all or part of the enrollment fees for the beneficiaries designated by the contributor to the trust. The program shall allow payments to be made either in a lump sum or in installments, with the amounts of money due being determined based on the age of the beneficiary. The program shall require the Oklahoma State Regents for Higher Education to file a report with the Speaker of the House of Representatives and the President Pro Tempore of the Senate prior to January 31 of each year, detailing the activity of the trust in the previous year. The Oklahoma State Regents for Higher Education are authorized to model the plan on the Michigan education trust act. The Regents shall, prior to January 31, 1988, file a report with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, outlining the program.

Added by Laws 1987, c. 227, § 8, operative July 1, 1987.

§70-4706. Defining roles, goals and missions of like institutions - Admission standard - Commendation of two-year colleges for providing universal access and State Regents for updating and enforcing viability standard.

A. Recognizing the increasing demand for college and university education, the rapid changes facing our society, and the worldwide competition facing our citizens, the Legislature acknowledges the need to reexamine the state's higher education system to ensure that the system created half a century ago will meet the changing needs. It is the intent of the Legislature that the State Regents for Higher Education fully exercise their constitutional authority to reexamine

and more clearly define the roles, goals and missions of like institutions within The Oklahoma State System of Higher Education. It is further the intent of the Legislature that the State Regents examine the current system of governance of Oklahoma institutions of higher education and submit a report and recommendations to the Oklahoma Legislature by January 1, 1993. Such recommendations shall also examine qualifications for board service and shall be consistent with the functions assigned each institution.

B. The Legislature encourages the State Regents to set admissions standards reflecting the differences between the various institutions. The implementation of such standards shall not have a negative impact on current funding.

C. The Legislature commends the two-year colleges for providing universal access. In the interest of economy and of value for each dollar invested in the system, unnecessary duplication should be avoided.

D. The Legislature commends the State Regents for Higher Education for updating and enforcing the viability standards for institutions of higher education.

Added by Laws 1987, c. 227, § 9, operative July 1, 1987; Laws 1992, c. 308, § 14, eff. June 1, 1992.

§70-4707. Comprehensive examination for graduates.

The Oklahoma Legislature believes that any student who graduates from any institution of higher education in The Oklahoma State System of Higher Education should have a demonstrable knowledge of basic courses: English composition and comprehension and mathematics. It is therefore the intent of the Legislature that, prior to enrollment in upper division classes, each student shall demonstrate satisfactory achievement by passing a comprehensive examination. The Legislature commends the Oklahoma State Regents for Higher Education for initiating the study of how best to accomplish this purpose. Added by Laws 1987, c. 227, § 10, operative July 1, 1987.

§70-4708. Cooperation with private sector in establishing centers of excellence.

Recognizing that true excellence can be achieved only through cooperation within institutions of higher education, among the institutions, and between the institutions and the private sector, it is the intent of the Legislature that institutions of higher education seek the establishment of centers of excellence on their campuses, as authorized by the Economic Development Act of 1987. Added by Laws 1987, c. 227, § 11, operative July 1, 1987.

§70-4709. Minority faculty representation - Faculty award and fellowship opportunities - Faculty salaries.

A. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education continue to increase the proportional representation of ethnic minorities among the academic faculties at the individual institutions of The Oklahoma State System of Higher Education. Funds shall continue to be made available to the institutions for the first year payment of salary following employment of a newly hired tenured or tenure-track minority faculty member. It is the intent of the Legislature that these funds be provided only for those persons who are hired with the intention of permanently filling a faculty position which either has become open or has been created at an institution. Funding for personal benefits shall be provided by the employing institution. It is the further intent of the Legislature that special effort continue to be given to recruitment of minorities in those academic fields in which they are particularly underrepresented. The State Regents shall encourage the institutions to continue aggressive recruitment of minority academic faculty.

B. It is the intent of the Legislature to initiate award and fellowship opportunities to commend faculty, serving at institutions of higher education within The Oklahoma State System of Higher Education, who have the potential for nationally or internationally recognized research or scholarship.

C. It is the intent of the Legislature to raise faculty salaries to a nationally competitive level. Institutions which are currently farthest from the national average shall be the first to participate in such increases in salary.

Added by Laws 1987, c. 227, § 12, operative July 1, 1987.

§70-4710. Technology transfer systems.

The Oklahoma Legislature believes that one key to excellence in higher education is having an exceptional technology transfer system in place. This encourages an influx of excellent researchers who see the potential for marketing the products of their research. This benefits the state in several ways:

1. It allows the students the opportunity to work and study with the most brilliant minds in the research field;
2. It allows industries in this state a chance to utilize the discoveries made; and
3. It encourages the growth of new industries.

It is therefore the intent of the Legislature that the State Regents for Higher Education encourage individual institutions within The Oklahoma State System of Higher Education to devise and implement a plan to improve the technology transfer system within this state. It is further the intention of the Legislature that individual researchers be given a significant percentage of all monies generated by the successful marketing of their inventions.

Added by Laws 1987, c. 227, § 13, operative July 1, 1987.

§70-4711. Business assistance liaison officer.

It is the intent of the Legislature that the State Regents for Higher Education designate an individual, within their office, who shall serve as a business assistance liaison to the Department of Commerce and individual institutions of higher education within The Oklahoma State System of Higher Education. This individual shall provide up-to-date information on higher education opportunities and developments to the Department of Commerce, serve as a referral resource for current information on technology transfer projects and research developments which may impact on economic development, and serve in any other related capacities which the State Regents for Higher Education deem necessary.

Added by Laws 1987, c. 227, § 14, operative July 1, 1987.

§70-4712. Funds for Excellence Program.

There is hereby created, in the Office of the State Regents for Higher Education, a Funds for Excellence Program. The purpose of this program shall be to encourage the various institutions of Higher Education within The State System of Higher Education to compete for grants to be awarded to institutions with innovative programs aimed at improving the overall quality of higher education.

Added by Laws 1987, c. 227, § 16, operative July 1, 1987.

§70-4713. Funds for Excellence Fund.

There is hereby created in the State Treasury a revolving fund for the Office of the State Regents for Higher Education to be designated the "Funds for Excellence Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all monies received by the Office of the State Regents for Higher Education from all funds appropriated for that purpose by the Legislature and allocated thereto by the State Regents and all private contributions, grants, and donations of monies made for the purposes of Sections 4712 through 4715 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Office of the State Regents for Higher Education for the purposes specified in Sections 4712 through 4715 of this title and for administering the provisions of Sections 4712 through 4715 of this title; however, such monies expended for such administrative costs shall not exceed five percent (5%) of the total amount of monies in said fund. Expenditures from said 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.

Added by Laws 1987, c. 227, § 17, operative July 1, 1987. Amended by Laws 2012, c. 304, § 642.

§70-4714. Grant competitions - Rules and procedures - Funding.

A. If funds are available in the Funds for Excellence Fund, created pursuant to Section 4713 of this title, the State Regents for Higher Education shall develop and conduct a series of grant competitions for the various institutions of higher education within The Oklahoma State System of Higher Education.

B. The State Regents for Higher Education shall devise the rules and procedures to be used in the grant competition within the following broad outlines set forth by the Legislature:

1. The State Regents for Higher Education shall set forth the theme of the competition. The general theme shall always relate to improving some aspect of higher education, however the specific theme could include, but not be limited to, any one or combination of the following:

- a. improving general or core curricular studies for undergraduates. Projects, for example, could involve a revision by the College Arts and Sciences of course requirements with special emphasis on interdisciplinary approaches, or those integrating geography with core requirements,
- b. strengthening core arts and sciences curricular requirements for preprofessional students,
- c. effectively applying assessment in student admission, placement, retention, advancement and graduation,
- d. strengthening the economic development outreach activities of higher education institutions,
- e. strengthening academic alliances between high schools and higher education institutions, and
- f. improving academic cooperation between two-year colleges and technology center schools;

2. Each institution of higher education interested in participating in the competition shall conduct an internal competition, with internal peer review, to select three proposals. These three proposals shall be submitted to the State Regents for Higher Education and shall compete against the top three proposals from all other participating institutions of higher education. All projects offered must be collaborative efforts by departments or colleges. Projects offered by individuals shall not be considered; and

3. The State Regents for Higher Education shall conduct an external peer review of the top three proposals submitted by each institution and may select one or more for funding.

C. Funding shall be from the Funds for Excellence Fund, created pursuant to Section 4713 of this title.

Added by Laws 1987, c. 227, § 18, operative July 1, 1987. Amended by Laws 2001, c. 33, § 160, eff. July 1, 2001.

§70-4715. Disbursement from Funds for Excellence Fund.

Disbursements may be made from the Funds for Excellence Fund beginning July 1, 1989, if monies are available in said fund. Disbursements shall be made to the appropriate institutions of higher education for the purposes specified in the winning grant proposals. Added by Laws 1987, c. 227, § 19, operative July 1, 1987.

§70-4801. Short title.

This act shall be known and may be cited as the "Oklahoma Center for Rural Development Act".

Added by Laws 2002, c. 167, § 1, eff. July 1, 2002.

§70-4802. Legislative intent.

The Legislature recognizes that rural Oklahoma must have expert assistance if the communities, organizations, and citizens of this state are to effectively compete for resources to grow, retain, and attract value-added jobs in the twenty-first century. The citizens of rural Oklahoma seek a coordinated and collaborative system that is readily accessible and responsive to the needs of cities, counties, schools, trust authorities, and other development organizations to plan, develop, and implement programs and related services that allow for growth in the economy. It is the intent of the Legislature to create the Oklahoma Center for Rural Development which shall directly assist rural constituencies to meet the challenges necessary to improve the standard of living in rural Oklahoma. The Center shall also ensure compliance with the mandate issued by the Oklahoma State Regents for Higher Education that institutions contribute to workforce development, business-needs research, and technology transfer in their region.

Added by Laws 2002, c. 167, § 2, eff. July 1, 2002.

§70-4803. Oklahoma Center for Rural Development - Strategic partnership with Northeastern State University - Spending and operational authority.

A. There is hereby created the Oklahoma Center for Rural Development. The Center shall be located at Northeastern State University. The Center shall be a strategic partnership between Northeastern State University and the State of Oklahoma.

B. Northeastern State University shall have the authority to expend funds to administer and operate the programs of the Oklahoma Center for Rural Development.

Added by Laws 2002, c. 167, § 3, eff. July 1, 2002.

§70-4804. Mission of Center.

The mission of the Oklahoma Center for Rural Development at Northeastern State University shall be to improve the effectiveness

of citizens, enterprises, and communities in rural Oklahoma to better meet the quality of life challenges in the new century.
Added by Laws 2002, c. 167, § 4, eff. July 1, 2002.

§70-4805. Board of Advisors - Membership - Meetings - Duties and responsibilities.

A. The Oklahoma Center for Rural Development shall be governed by a Board of Advisors. The Board of Advisors shall consist of nine (9) members appointed by the President of Northeastern State University. Members of the Board of Advisors shall represent the State of Oklahoma, Northeastern State University, the Cherokee Nation, and appropriate rural communities.

B. The Board of Advisors shall meet at least once each calendar year and at such other times as is necessary.

C. The duties and responsibilities of the Board of Advisors shall include but not be limited to:

1. Providing a strategic direction to ensure the mission of the Oklahoma Center for Rural Development is implemented; and
2. Serving as a liaison between the Center and Northeastern State University, and tribal and rural communities.

Added by Laws 2002, c. 167, § 5, eff. July 1, 2002.

§70-4806. Coordinator for Center.

A. The Oklahoma Center for Rural Development may employ as staff a Coordinator for the Center. The Coordinator shall be an employee of Northeastern State University.

B. The Coordinator for the Center shall:

1. Coordinate the establishment of the Center office;
2. Develop an agenda in consultation with the Board of Advisors and the leadership of the Center institutes;
3. Coordinate activities as required in order to meet the agenda of the Center;
4. Secure resources for the Center; and
5. Pursue formal relationships with other rural advisory and advocacy groups as is appropriate.

Added by Laws 2002, c. 167, § 6, eff. July 1, 2002.

§70-4807. Powers and duties of Center.

The Oklahoma Center for Rural Development shall have the power and duty to:

1. Mobilize and enhance the appropriate resources of the colleges of Northeastern State University and focus the resources toward a single entity that shall be readily accessible to assist communities, organizations, and people to effectively address health, education, economic development, applied technology, community infrastructure, and entrepreneurial issues that challenge the improvement of the standard of living in rural Oklahoma;

2. Afford grant writing capabilities and other direct assistance to political subdivisions of Oklahoma, tribal governments, and public, private, educational, and faith-based organizations in the procurement of resources, to plan, develop and implement programs and services that improve the general well-being of persons residing in rural areas;

3. Develop a mechanism for transferring technology from Northeastern State University and other universities to support economic and community development throughout rural Oklahoma;

4. Develop a coordinated mechanism for collection and analysis of needs for workforce development that is consistent with the plans of local communities to develop economic and community bases for the future;

5. Develop an alliance among development organizations for the purpose of addressing the needs of community leaders from a common perspective, which shall be designed to serve as an engine of growth by utilizing targeted resources and capabilities existing within the northeastern portion of Oklahoma;

6. Develop and support long-term partnerships with rural communities, enterprises, families, citizens, institutions, and local, regional and tribal governments with the goal of strengthening commitment and collaboration to a community-based approach for expanding economic, social, and cultural opportunities in rural Oklahoma;

7. Evolve and implement a rural research and education agenda that enhances the use of state-of-the-art information to support policy decisions and program delivery to rural Oklahoma;

8. Create and support an enhanced rural policy analysis consortium to integrate, coordinate, and evaluate relevant programs and program delivery opportunities within a collaborative commitment to locally determined, sustainable development;

9. Coordinate and support a shared education and professional development program to address the needs of rural Oklahoma;

10. Create a shared system for resource acquisition, needs assessment, and problem resolution designed to meet individual community needs as well as common needs of other communities;

11. Develop and support methodologies for evaluating the social and economic impact and economy of scales of alternative public investments upon the quality of life in rural Oklahoma; and

12. Establish and implement an integrated program and performance evaluation system that will enable the partners to determine whether the Center mission is being fulfilled.

Added by Laws 2002, c. 167, § 7, eff. July 1, 2002.

§70-4808. Institutes to be established.

The duties of the Oklahoma Center for Rural Development shall be conducted by institutes organized to address specific needs. The Center shall establish, at a minimum, the following institutes:

1. The Rural Health Institute;
2. The Rural Education Institute;
3. The Economic Development Institute;
4. The Applied Technology Institute;
5. The Community Development Institute; and
6. The Entrepreneurial Institute.

Added by Laws 2002, c. 167, § 8, eff. July 1, 2002.

§70-4809. Funding authority.

A. The Oklahoma Center for Rural Development is authorized to receive funding for support of the Center from state, local, federal and other governmental entities, tribal, and private sources.

B. Management of funding received by the Center shall be pursuant to guidelines established by Northeastern State University and shall adhere to appropriate state and federal regulations.

Added by Laws 2002, c. 167, § 9, eff. July 1, 2002.

§70-4810. Center for Rural Development Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Center for Rural Development to be designated the "Center for Rural Development Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Center for Rural Development from state appropriations or governmental, tribal, or private sources. Notwithstanding other provisions of law, any interest income or investment return on monies credited to the Center for Rural Development Revolving Fund shall accrue to the fund for use by the Oklahoma Center for Rural Development. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Center for Rural Development for the purpose of fulfilling the mission of the Center. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law.

Added by Laws 2002, c. 167, § 10, eff. July 1, 2002.

§70-5001. Repealed by Laws 2014, c. 52, § 1 and by Laws 2014, c. 89, § 1, eff. July 1, 2014.

§70-6000. Short title.

Sections 1 through 15 of this act shall be known and may be cited as the "Oklahoma Tuition Trust Act".

Added by Laws 1988, c. 261, § 1, emerg. eff. June 29, 1988.

§70-6001. Legislative intent.

A. The Legislature finds and declares the following:

1. It is an essential function of state government to forever encourage schools and the means of education;
2. It is a responsibility of state government to maintain state institutions of higher education;
3. It is an essential function of state government to encourage attendance at state institutions of higher education;
4. Tuition costs at public institutions of higher education are difficult for many to afford and are difficult to predict in order to enable individuals and families to plan;
5. It is in the best interest of the people of this state to foster public higher education in order to provide well-educated citizens;
6. It is in the best interest of the people of this state to encourage state residents desiring higher education to enroll in state institutions of higher learning;
7. Students in elementary and secondary schools tend to achieve a higher standard of performance when the payment of tuition for their higher education is secured; and
8. Providing assistance to assure the higher education of the citizens of this state is necessary and desirable for the public health, safety and welfare.

B. It is therefore the intention of the Legislature that the purposes of the Oklahoma Tuition Trust Act and of the Oklahoma Tuition Trust Fund created by the Oklahoma Tuition Trust Act shall be to:

1. encourage education and the means of education;
2. maintain state institutions of higher education by helping to provide a stable financial base to these institutions;
3. provide wide and affordable access to state institutions of higher education for the residents of this state;
4. encourage attendance at state institutions of higher education;
5. provide students and their parents economic protection against rising tuition costs;
6. provide students and their parents assistance in financing postsecondary education;
7. help provide the benefits of higher education to the people of this state; and
8. encourage elementary and secondary students in this state to achieve high standards of performance.

Added by Laws 1988, c. 261, § 2, emerg. eff. June 29, 1988.

§70-6002. Definitions.

As used in the Oklahoma Tuition Trust Act:

1. "Advance tuition payment contract" means a contract entered into by the Trust and a purchaser to provide for the higher education of a qualified beneficiary;

2. "Regents" means the Oklahoma State Regents for Higher Education;

3. "Purchaser" means a person who makes or is obligated to make advance tuition payments pursuant to an advance tuition payment contract;

4. "Qualified beneficiary" means any resident of this state, eligible and entitled to attend a state institution of higher education without further in-state tuition payment pursuant to an advance tuition payment contract;

5. "Institution of higher education" means a state-supported institution of higher education within this state, which is designated by the Regents as an institution of higher education for purposes of the Oklahoma Tuition Trust Act;

6. "Trust" means the Oklahoma Tuition Trust;

7. "Tuition" means the general enrollment fees imposed each semester upon residents of this state to attend a state institution of higher education including all mandatory special fees required as a condition of enrollment as determined by the State Regents for Higher Education;

8. "Nonresident tuition" means the semester charges imposed upon nonresidents of this state to attend a state institution of higher education including all general enrollment fees, nonresident tuition payments and mandatory special fees as determined by the State Regents for Higher Education; and

9. "Eligibility period" means the period of time in which a qualified beneficiary may exercise the rights granted in an advance payment contract.

Added by Laws 1988, c. 261, § 3, emerg. eff. June 29, 1988.

§70-6003. Creation of Oklahoma Tuition Trust - Investment advisory committee.

A. There is hereby created the "Oklahoma Tuition Trust". The purposes, powers, and duties of the Oklahoma Tuition Trust are vested in and shall be exercised by the Oklahoma State Regents for Higher Education.

B. The Regents may delegate to its chairperson or any other person such functions and authority as the Regents consider necessary or appropriate. These functions may include, but are not limited to, the oversight and supervision of employees of the Regents which implement the Oklahoma Tuition Trust Act.

C. The Regents may create an investment advisory committee. The committee shall be composed of five (5) members appointed by the Regents. The members shall have skill and experience in the business and financial fields. The members shall serve at the pleasure of the

Regents. The committee shall make recommendations to the Regents concerning the investment of the monies of the Trust.

Added by Laws 1988, c. 261, § 4, emerg. eff. June 29, 1988.

§70-6004. Powers and duties of Regents - Contracts for services.

A. For the purpose of implementing and administering the Oklahoma Tuition Trust Act, the Regents shall have the power and duty to:

1. invest any money of the Trust, at the discretion of the Regents, in any instruments, obligations, securities or property deemed proper by the Regents, and name and use depositories for its money;
2. pay money to state institutions of higher education from the fund;
3. impose reasonable residency requirements for qualified beneficiaries consistent with the policies of the institution of higher education which the qualified beneficiary attends;
4. impose reasonable limits on the number of participants in the Trust if necessary to maintain the financial and actuarial soundness of the Trust. Any refused purchaser shall receive a priority over prospective new purchasers when additional contracts are let;
5. contract for goods and services and engage personnel as is necessary and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for rendering professional management, and technical assistance and advice;
6. solicit and accept gifts, donations, grants, loans, and other aids from any person, firm or corporation or the federal, state, or local government or any agency of the federal, state, or a local government, or to participate in any other way in any federal, state, or local government program;
7. charge, impose, and collect administrative fees and charges in connection with any transaction and provide for reasonable penalties, including default, for delinquent payment of fees or charges or for fraud;
8. procure insurance against any loss in connection with the Trust's property, assets, or activities;
9. make, execute, and deliver contracts, conveyances, and other instruments necessary or convenient to the exercise of its powers;
10. enter into contracts on behalf of the state;
11. invest, manage and administer the assets of the Trust;
12. indemnify or procure insurance indemnifying the Regents from personal loss or accountability from liability resulting from a member's action or inaction as a member of the Regents;
13. impose reasonable time limits on use of the tuition benefits provided by the Trust, if the limits are made a part of the contract;
14. provide for receiving contributions in lump sums or periodic sums; and

15. promulgate reasonable rules and regulations and establish policies, procedures, and eligibility criteria to implement the Oklahoma Tuition Trust Act pursuant to the Administrative Procedures Act.

B. The Regents shall make any arrangements that are necessary or appropriate with institutions of higher education in order to fulfill its obligations under advance tuition payment contracts, which arrangements may include, but need not be limited to, the payment by the Regents of the then actual tuition cost on behalf of a qualified beneficiary to the institution of higher education.

C. The Trust may contract with others, public or private, for the provision of all or a portion of the services necessary for the management and operation of the Trust.

Added by Laws 1988, c. 261, § 5, emerg. eff. June 29, 1988.

§70-6005. Advance tuition payment contracts - Required provisions - Termination of rights of beneficiary.

A. The Trust, on behalf of itself and the state, may contract with a purchaser for the advance payment of tuition by the purchaser for a qualified beneficiary to attend any of the institutions of higher education to which the qualified beneficiary is admitted, without further fees to the qualified beneficiary. In addition, an advance tuition payment contract shall set forth in a clear, understandable manner all of the following:

1. The amount of the payment or payments required from the purchaser on behalf of the qualified beneficiary;

2. The terms and conditions for making the payment, including, but not limited to, the date or dates upon which the payment, or portions of the payment, shall be due;

3. Provisions for late payment charges and for default;

4. The name and age of the qualified beneficiary under the contract. The purchaser, with the approval of and on conditions determined by the Trust, may subsequently substitute another person for the qualified beneficiary originally named;

5. The number of credit hours covered by the contract, but the credit hours shall not exceed the number of credit hours required for the granting of a bachelor's degree in the applicable degree program at any institution of higher education to which the qualified beneficiary is admitted;

6. The name of the person entitled to terminate the contract, which, as provided by the contract, may be the purchaser, the qualified beneficiary, or a person acting on behalf of the purchaser or qualified beneficiary, or any combination of these persons;

7. The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person terminating the contract, or the purchaser or designated qualified

beneficiary if the contract so provides, shall be entitled upon termination;

8. The assumption of a contractual obligation by the Trust to the qualified beneficiary on its own behalf and on behalf of the state to provide for a specified number of credit hours of higher education, not to exceed the number of credit hours required for the granting of a bachelor's degree, at any institution of higher education to which the qualified beneficiary is admitted. The contract shall require that a named beneficiary who is not an Oklahoma resident at the time the beneficiary is enrolled in a state institution of higher education shall pay all applicable nonresident tuition or fees imposed on nonresident students at the university or college at which the beneficiary is enrolled;

9. The eligibility period;

10. That a qualified beneficiary may attend a community junior college in this state before entering another institution of higher education for the purpose of completing a bachelor's degree if the beneficiary so chooses, and that the contract may be terminated pursuant to the provisions of Section 9 of this act after completing the requirements for a degree or certificate at the community junior college in this state or before entering the other institution of higher education;

11. All other rights and obligations of the purchaser and the Trust; and

12. Other terms, conditions, and provisions as the Trust considers in its sole discretion to be necessary or appropriate.

B. The Trust shall make any arrangements that are necessary or appropriate with institutions of higher education in order to fulfill its obligations under advance tuition payment contracts. Arrangements may include, but need not be limited to, the payment by the Trust of the then actual in-state tuition cost on behalf of a qualified beneficiary to the institution of higher education.

C. An advance tuition payment contract may provide that, if after a number of years specified in the contract the contract has not been terminated or the qualified beneficiary's rights under the contract have not been exercised, the Trust, after making a reasonable effort to locate the purchaser and qualified beneficiary or the agent of either, shall retain the amounts otherwise payable and the rights of the qualified beneficiary, the purchaser or the agent of either shall be considered terminated.

Added by Laws 1988, c. 261, § 6, emerg. eff. June 29, 1988.

§70-6006. Types of advance tuition payment contracts.

A. At a minimum, the Trust shall offer advance tuition payment contracts of the two types set forth in paragraphs 1 and 2 of this subsection to be known as Plan A and Plan B, respectively.

1. Under Plan A:

a. a payment or series of payments shall be required from the purchaser on behalf of a qualified beneficiary,

b. if an advance tuition payment contract is terminated before a qualified beneficiary earns a high school diploma or reaches the age of majority, or pursuant to Section 9 of this act, the Trust shall refund the face amount of the payment or payments in accordance with the terms of the contract, less any administrative fee specified in the contract, but shall not refund any investment income attributable to the payments,

c. except as provided in subparagraph d of this paragraph, the Trust shall provide for the qualified beneficiary to attend an institution of higher education which the qualified beneficiary may attend for the number of credit hours required by the institution for the awarding of a bachelor's degree, without further tuition cost to the qualified beneficiary, except as provided in Section 6 of this act for a qualified beneficiary who is required to pay nonresident tuition rates,

d. as an alternative to subparagraph c of this paragraph, the Trust shall provide for the qualified beneficiary to attend an institution of higher education which the qualified beneficiary may attend for a fixed number of credit hours, as permitted by the Trust, less than the total number of credit hours required by the institution for the awarding of a bachelor's degree, without further tuition cost to the qualified beneficiary for that fixed number of credit hours, except as provided in Section 6 of this act for a qualified beneficiary who is required to pay nonresident tuition rates.

2. Under Plan B:

a. a payment or series of payments shall be required on behalf of a qualified beneficiary,

b. if an advance tuition payment contract is terminated before a qualified beneficiary earns a high school diploma or reaches the age of majority, or pursuant to Section 9 of this act, the Trust shall refund the face amount of the payment or payments in accordance with the terms of the contract, less any administrative fee specified in the contract, together with all or a specified portion of accrued investment income attributable to the payment or payments as may be agreed to in the contract,

c. except as provided in subparagraph d of this paragraph, the Trust shall provide for the qualified beneficiary to attend an institution of higher education which the qualified beneficiary may attend for the number of credit hours required by the institution for the awarding of a bachelor's degree, without further tuition cost to the qualified beneficiary, except as provided in Section 6 of this act for a qualified beneficiary who is required to pay nonresident tuition rates, and

d. as an alternative to subparagraph c of this paragraph, the Trust shall provide for the qualified beneficiary to attend an institution of higher education which the qualified beneficiary may attend for a fixed number of credit hours, as permitted by the Trust, less than the total number of credit hours required by the institution for the awarding of a bachelor's degree, without further tuition cost to the qualified beneficiary for that fixed number of credit hours, except as provided in Section 6 of this act for a qualified beneficiary who is required to pay nonresident tuition rates.

B. Contracts required to be offered by this section may require that payment or payments from a purchaser, on behalf of a qualified beneficiary who may attend a state institution of higher education in less than four (4) years after the date the contract is entered into by the purchaser, be based upon attendance at a certain institution of higher education or at that institution of higher education with the highest prevailing tuition cost for the number of credit hours covered by the contract.

Added by Laws 1988, c. 261, § 7, emerg. eff. June 29, 1988.

§70-6007. Payments on behalf of beneficiaries - Scholarship refunds.

A. Within thirty (30) days of written notice to the Regents that a qualified beneficiary is enrolled in and attending classes for a given semester, quarter, term, or session, the Regents shall pay to the appropriate institution of higher education the then actual in-state fees on behalf of the qualified beneficiary.

B. If a qualified beneficiary or a nonresident beneficiary receives a scholarship which reduces the cost of tuition at the institution of higher education which such beneficiary attends, then the institution of higher education shall notify the Regents of the scholarship and its amount. The Regents shall refund the amount of the scholarship to the person designated in the contract as the appropriate person to receive a refund. The Regents shall pay to the institution of higher education the tuition amount less the scholarship amount. The refund amount shall be treated by the recipient of the refund as ordinary income for the year in which it is received.

Added by Laws 1988, c. 261, § 8, emerg. eff. June 29, 1988.

§70-6008. Termination of advance tuition payment contracts - Refunds.

A. An advance tuition payment contract shall authorize a termination of the contract when any one of the following occurs:

1. The qualified beneficiary dies;
2. The qualified beneficiary is not admitted to a state institution of higher education after making proper application;

3. The qualified beneficiary certifies to the Regents, after attaining the age of eighteen (18), that such qualified beneficiary has decided not to attend a state institution of higher education and requests, in writing, that the advance tuition payment contract be terminated; or

4. Other circumstances, determined by the Trust and set forth in the advance tuition payment contract, occur.

B. An advance tuition payment contract shall provide for a refund pursuant to this section to a person to whom the refund is payable under the contract upon termination of the contract. If the qualified beneficiary has a high school diploma or has reached the age of majority, and attends an institution of higher education, the amount of a refund shall be the lesser of the average tuition cost of all state institutions of higher education on the date of termination of the contract, or the face amount of the payment or payments and any accrued investment income attributable to the payment or payments, or the lowest tuition cost of all state institutions of higher education on the date of termination of the contract depending upon the terms of the contract. The amount of a refund shall be reduced by an appropriate percentage if the purchaser entered into an advance tuition payment contract that provided for a fixed number of credit hours less than the total number of credit hours required by a state institution of higher education for the awarding of a bachelor's degree, by the amount transferred to a community or junior college on behalf of a qualified beneficiary when the contract is terminated as provided in Section 6 of this act and by the amount transferred to an institution of higher education on behalf of a qualified beneficiary. Termination of a contract and the right to receive a refund shall not be authorized under the contract if the qualified beneficiary has completed more than one-half (1/2) of the credit hours required by the institution of higher education for the awarding of a bachelor's degree. However, this provision shall not affect the termination and refund rights of a graduate of a community or junior college. Pursuant to this subsection and except as provided by subsection C of this section, the Trust shall make refund payments in equal installments over four (4) years and not later than August 15 of the year due.

C. An advance tuition payment shall authorize a person, who is entitled under the advance tuition payment contract to terminate the contract, to direct payment of the refund to a community or junior college located in this state. If directed to make payments pursuant to this subsection, the Trust shall transfer to the designated institution an amount equal to the tuition due for the qualified beneficiary, but the Trust shall not transfer a cumulative amount greater than the refund to which the person is entitled. If the refund exceeds the total amount of transfers directed to the

designated institution, the excess shall be returned to the person to whom the refund is otherwise payable.

Added by Laws 1988, c. 261, § 9, emerg. eff. June 29, 1989.

§70-6009. Oklahoma College Tuition Trust Fund - Creation - Accountings - Expenditure and investment of assets.

A. There is hereby created in the State Treasury an "Oklahoma College Tuition Trust Fund" into which shall be deposited all assets accruing to the Trust including payments received by the Trust from purchasers on behalf of qualified beneficiaries, and from which, upon appropriation, shall be paid all expenditures of the Trust. The fund may be divided into separate accounts. Any unexpended balance in the fund at the end of any fiscal year shall not be transferred into the General Revenue Fund. All interest or other increase earned from the investment of money in the Oklahoma Tuition Trust Fund shall be credited to and deposited to the fund. Monies in the fund shall not be commingled with any other monies of the Regents.

B. The Regents shall annually prepare or cause to be prepared an accounting of the Trust and shall transmit a copy of the accounting to the Governor and to each house of the Legislature. The accounts of the Regents shall be subject to annual audits by the State Auditor and Inspector.

C. 1. The fund shall be administered by the Regents in a manner reasonably designed to be actuarially sound such that the assets of the fund will be sufficient to defray the obligations of the fund. The actuarial assumptions shall take into consideration the age of each qualified beneficiary, the projected earnings of the fund investments and the estimated cost of tuition payments for qualified beneficiaries to institutions of higher education; and

2. In the accounting of the Trust made pursuant to this section, the Regents shall annually evaluate or cause to be evaluated the actual soundness of the Trust and determine the additional assets needed, if any, to defray the obligations of the Trust. If there are not sufficient funds to ensure the actual soundness of the Trust, the Regents shall adjust payments of subsequent purchases to ensure its actuarial soundness. In no case shall there be an appropriation of monies from general revenue to the Regents for purposes of the Oklahoma Tuition Trust Act; however, nothing in this subsection shall prevent state agencies from providing assistance to the Regents. The assets and earnings of the Trust shall be the sole source for payment of the liabilities incurred by the Trust pursuant to the Oklahoma Tuition Trust Act.

D. Unless otherwise provided by resolution of the Regents, assets of the Trust shall be expended in the following order of priority:

1. to make payments to institutions of higher education on behalf of qualified beneficiaries;

2. to make refunds upon termination of an advance tuition payment contract; and 3. to pay the costs of administration and organization of the Trust and the fund.

E. Assets of the Trust may be invested in any instrument, obligation, security, or property considered appropriate by the Trust and may be pooled for investment purposes with investments of the state, including, but not limited to, state pension funds, on such terms and conditions as are agreeable to the Trust.
Added by Laws 1988, c. 261, § 10, emerg. eff. June 29, 1988.

§70-6010. Ruling requests - United States Internal Revenue Service and Securities and Exchange Commission.

A. The Regents shall solicit answers to appropriate ruling requests from the United States Internal Revenue Service regarding the tax status of the value received under the contract to the purchaser or qualified beneficiary. The Regents shall attempt to ensure that purchasers and qualified beneficiaries receive the maximum federal and state tax benefits under this program. No contracts shall be entered into with any purchaser prior to June 1, 1990 or until receipt of an Internal Revenue Service private letter ruling determining that:

1. the income of the Trust is excludable from gross income as income earned by an integral part of the state or as income derived from the exercise of an essential governmental function that accrues to the state under Section 115 of the Internal Revenue Code; and

2. the purchase price of such a contract either is excludable from the application of the federal gift tax or qualifies as a gift of a present interest in property eligible for the ten-thousand-dollar annual exclusion, whichever occurs later.

B. The Regents may solicit answers to appropriate ruling requests from the United States Securities and Exchange Commission regarding the application of federal security laws to the fund.
Added by Laws 1988, c. 261, § 11, emerg. eff. June 29, 1988.

§70-6011. Enforcement of act and contracts pursuant thereto.

State institutions of higher education, purchasers and qualified beneficiaries may enforce the Oklahoma Tuition Trust Act and any contract entered into pursuant to the Oklahoma Tuition Trust Act in the district court for Oklahoma County.

Added by Laws 1988, c. 261, § 12, emerg. eff. June 29, 1988.

§70-6012. Unauthorized loans and other transfers - Ceiling on tuition aid grants.

A. Except as provided in subsection B of this section, the assets of the Trust shall be preserved, invested, and expended solely pursuant to and for the purposes set forth in the Oklahoma Tuition

Trust Act and shall not be loaned or otherwise transferred or used by the state for any purpose other than the purposes of the Oklahoma Tuition Trust Act. This section shall not be construed to prohibit the Trust from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state, an agency of the state, or an instrumentality of the state.

B. Not less than three percent (3%) nor more than ten percent (10%), as determined by the Regents, of the interest income generated by the investment of the assets of the Oklahoma College Tuition Trust Fund shall be used for the purpose of making tuition aid grants pursuant to the Oklahoma Higher Education Tuition Aid Act. Added by Laws 1988, c. 261, § 13, emerg. eff. June 29, 1988.

§70-6013. Construction of act and contracts entered into pursuant thereto.

Nothing in the Oklahoma Tuition Trust Act or in an advance tuition payment contract entered into pursuant to the Oklahoma Tuition Trust Act shall be construed as a promise or guarantee by the Trust or the state that a person will be admitted to an institution of higher education or to a particular institution of higher education, will be allowed to continue to attend an institution of higher education after having been admitted, or will be graduated from an institution of higher education.

Added by Laws 1988, c. 261, § 14, emerg. eff. June 29, 1988.

§70-6014. Tax exemptions and deductions - Sale or transfer of advance tuition contracts.

A. The property of the Trust and its income and operation shall be exempt from all taxation by this state or any of its political subdivisions.

B. The purchaser may deduct from taxable income the amount of payment made under an advance tuition payment contract during the tax year.

C. An advance tuition payment contract is not a security subject to regulation by the state. An advance tuition contract may not be sold or otherwise transferred by the purchaser or qualified beneficiary without the prior approval of the Regents.

Added by Laws 1988, c. 261, § 15, emerg. eff. June 29, 1988.

§70-7001. Dyslexia teacher training pilot program.

A. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education enter into a contract with a nonprofit education center which is certified as a multisensory structured language training institute for the purpose of establishing a comprehensive dyslexia teacher training pilot program.

Implementation of the pilot program shall be contingent upon the pilot program contractor securing grant funding for the purpose of

implementing a higher education multisensory structured reading instruction training project. The Regents shall oversee the pilot program and, working with the pilot program contractor, shall select not more than two institutions within The Oklahoma State System of Higher Education to participate in the pilot program. The pilot program contractor, using grant funding, shall implement and coordinate the pilot program, provide the salary of pilot program coordinators, and provide the training, resources and curriculum materials for the pilot program. If other funds are available, the Regents may provide additional support and resources to the pilot program.

B. The goal of the pilot program shall be to train higher education faculty to teach multisensory structured reading education for students with dyslexia to teacher candidates enrolled in the elementary, early elementary and special education programs, to demonstrate and evaluate the effectiveness of having trained teachers who can provide early reading assistance programs for children with risk factors for dyslexia and to evaluate whether the early assistance programs can reduce future special education costs. In addition the goal of the pilot program shall be to create a replicable model which can be followed by other higher education institutions.

C. The Regents and the pilot program contractor shall form an advisory committee to design and plan for the implementation of the pilot program.

D. The dyslexia teacher training pilot program shall provide to higher education faculty at participating institutions training on how to teach to teacher candidates the indicators of dyslexia and the type of instruction that children with dyslexia need in order to learn, read, write and spell, including multisensory structured language programs. In addition the pilot program shall provide instruction to teacher candidates enrolled in the elementary, early childhood education or special education program at the institution which is designed to train the teacher candidates on the indicators of dyslexia and the type of instruction that children with dyslexia need in order to learn, read, write and spell, including multisensory structured language programs.

E. Contingent upon the availability of additional public or private funding, the Regents may work with the pilot program contractor to expand the pilot program to provide professional development to teachers of kindergarten through fourth grade which is designed to train teachers on the indicators of dyslexia and the types of instruction that children with dyslexia need in order to learn, read, write and spell, including multisensory structured language programs.

F. The State Regents shall promulgate rules and establish guidelines and procedures for the pilot program. The pilot program shall be established for a minimum term of three (3) years.

G. The pilot program contractor shall report annually to the State Regents about the operation and results of the pilot program. Not later than June 30 of the third year in which the pilot program is operating, the State Regents shall submit a report to the Governor, the Speaker of the House of Representatives and President Pro Tempore of the Senate containing an evaluation of the results of the pilot program and legislative recommendations.

H. As used in this section, "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the intelligence, motivation and sensory capabilities of the person, which difficulties typically result from a deficit in the phonological component of language.

Added by Laws 2012, c. 237, § 1, eff. July 1, 2012.

§70-8001. Repealed by Laws 2000, c. 19, § 1, eff. July 1, 2000.

§70-8002. Repealed by Laws 2000, c. 296, § 5, emerg. eff. June 5, 2000.

§70-8003. Center for the Study of Literacy - Responsibilities.

It is the intent of the Legislature that the Center for the Study of Literacy located at Northeastern State University be responsible for:

1. Establishment of a clearinghouse for the exchange of information and sharing of ideas regarding successful literacy programs and opportunities for funding;

2. In cooperation with the Department of Education and the Department of Libraries, provision of assistance for the writing of applications for grants related to literacy;

3. Establishment of a statewide directory of literacy programs and related services, sorted by county and cross-referenced with support services, with the Clearinghouse for Literacy responsible for gathering, maintaining and disseminating the referral directory; and

4. Establishment and operation of a toll-free statewide literacy services referral system, as funds become available.

Added by Laws 1992, c. 393, § 1, eff. July 1, 1992. Amended by Laws 2000, c. 296, § 1, emerg. eff. June 5, 2000.

§70-8004. Repealed by Laws 2014, c. 9, § 1, eff. Nov. 1, 2014.

§70-8005. Adult Literacy Services Advisory Committee - Members.

A. The Adult Literacy Services Advisory Committee shall be composed of fifteen (15) members:

1. The Governor shall appoint two members who are executives of business or industry;

2. The Speaker of the House of Representatives shall appoint one member to serve as cochair of the Committee who is a member of the House of Representatives and one member who is a volunteer of a local literacy program;

3. The President Pro Tempore of the Senate shall appoint one member to serve as cochair of the Committee who is a member of the Senate and one member who is a volunteer of a local literacy program;

4. The State Superintendent of Public Instruction shall appoint two members who work with a local adult basic education program and one member who is employed in the Lifelong Learning Section of the State Department of Education;

5. The Director of the Oklahoma Department of Libraries shall appoint one member who is employed in the Literacy Resource Office of the Department of Libraries;

6. The Executive Director of the Oklahoma Educational Television Authority shall appoint one member;

7. The Director of the Center for the Study of Literacy at Northeastern State University shall appoint one member;

8. The Director of the Oklahoma Department of Career and Technology Education shall appoint one member who is employed by the Oklahoma Department of Career and Technology Education and who works in adult education;

9. The Director of the Oklahoma Department of Human Services shall appoint one member who is employed by the Department and is knowledgeable about adult literacy and education needs; and

10. One member who serves as President of the Oklahoma Literacy Coalition, Incorporated.

B. The Committee cochairs shall convene an organizational meeting no later than August 31, 2000, at which time the Committee may adopt rules governing its operation and elect other officers to serve the Committee. The presence of seven members of the Committee shall constitute a quorum.

C. Appointed members shall serve at the pleasure of the appointing authority.

D. Nonlegislative members of the Committee shall be reimbursed by the appointing authority for travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act.

E. Legislative members of the Committee shall be reimbursed by their appointing authorities for necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes.

Added by Laws 2000, c. 296, § 3, emerg. eff. June 5, 2000. Amended
by Laws 2001, c. 33, § 162, eff. July 1, 2001.