

1 ENGROSSED SENATE
2 BILL NO. 2330

By: Ford of the Senate

3 and

4 Denney of the House

5
6 [schools - Empowered Schools and School Districts

7 Act - codification - effective date -

8 emergency]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-129.1 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

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

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3-129.2 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 As used in the Empowered Schools and School Districts Act:

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

23 2. "Empowered school zone" means a group of schools of a school
24 district that share common interests, such as geographical location

1 or educational focus, or that sequentially serve classes of students
2 as they progress through elementary and secondary education and in
3 which a district school board implements an empowerment plan
4 pursuant to Section 3 of this act;

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

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

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3-129.3 of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

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

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

21 3. If the district school board rejects the plan, it shall
22 provide to the public school, zone, or district that submitted the
23 plan a written explanation of the basis for its decision. A public
24

1 school, zone, or district may resubmit an amended empowerment plan
2 at any time after denial.

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

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

13 C. Each empowerment plan shall include the following
14 information:

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

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

24

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

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

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

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

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

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

4 8. Evidence that a majority of the administrators employed at
5 the school, zone, or district and a majority of the teachers
6 employed at the school, zone, or district consent to designation as
7 an empowered school, zone, or district;

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

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

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

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

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

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-129.4 of Title 70, unless
6 there is created a duplication in numbering, reads as follows:

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

- 10 1. Curriculum and academic standards and assessments;
- 11 2. Accountability measures, including, but not limited to,
12 expanding the use of a variety of accountability measures to more
13 accurately present a complete measure of student learning and
14 accomplishment. The accountability measures adopted may include,
15 but not be limited to:
 - 16 a. use of graduation or exit examinations,
 - 17 b. use of end-of-course examinations,
 - 18 c. use of formative assessments which measure student
19 growth over time,
 - 20 d. use of the Explore and Plan assessments,
 - 21 e. measuring the percentage of students continuing into
22 higher education, and
 - 23 f. measuring the percentage of students simultaneously
24 obtaining a high school diploma and an associate's

1 degree or a career and technical education

2 certificate;

3 3. Provision of services, including, but not limited to,
4 special education services, services for gifted and talented
5 students, services for limited English proficient students,
6 educational services for students at risk of academic failure,
7 expulsion, or dropping out; and support services provided by the
8 Department of Human Services or county social services agencies;

9 4. Teacher recruitment, training, preparation, and professional
10 development;

11 5. Teacher employment;

12 6. Performance expectations and evaluation procedures for
13 teachers and principals;

14 7. Compensation for teachers, principals, and other school
15 building personnel, including, but not limited to, performance pay
16 plans, total compensation plans, and other innovations with regard
17 to retirement and other benefits;

18 8. School governance and the roles, responsibilities, and
19 expectations of principals in empowered schools or schools within an
20 empowered school zone; and

21 9. Preparation and counseling of students for transition to
22 postsecondary education or the workforce.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-129.5 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 Each public school and each district school board may seek and
5 accept public and private gifts, grants, and donations to offset the
6 costs of developing and implementing empowerment plans.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3-129.6 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

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

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

16 a. is likely to result in a decrease in academic
17 achievement in the empowered school, zone, or
18 district, or

19 b. is not fiscally feasible.

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

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-129.7 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

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

9 1. School district employee participation in the Teachers'
10 Retirement System of Oklahoma;

11 2. The Oklahoma School Testing Program Act;

12 3. The requirement for students enrolled in the school district
13 to demonstrate mastery of the state academic content standards as
14 set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes;

15 4. The accountability system as set forth in Section 1210.541
16 of Title 70 of the Oklahoma Statutes; and

17 5. The federal "No Child Left Behind Act of 2001", 20 U.S.C.,
18 Section 6301 et seq.

19 B. Designation as an empowered school, zone, or district shall
20 not affect a school district's:

21 1. Total program funding; or

22 2. Eligibility for funding.

23 C. 1. If the district school board for an empowered school,
24 zone, or district revises an empowerment plan as provided in Section

1 9 of this act, the district school board may request, and the State
2 Board shall grant, additional waivers or changes to existing waivers
3 as necessary to accommodate the revisions to the empowerment plan
4 unless the State Board concludes that the waivers or changes to
5 existing waivers would:

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

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

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

20 SECTION 8. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-129.8 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. 1. On and after the date on which the State Board of
24 Education approves a school, zone, or district as an empowered

1 school, zone, or district, any collective bargaining agreement
2 initially entered into or renewed by the district school board of
3 the empowered school, zone, or district shall include a term that
4 allows each empowered school, zone, or district to waive any
5 provisions of the collective bargaining agreement identified in the
6 empowerment plan as needing to be waived for the empowered school,
7 zone, or district to implement its identified innovations.

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

13 3. For an empowered school zone or district, waiver of one or
14 more of the provisions of the collective bargaining agreement shall
15 be based on obtaining, at each school included in the empowered
16 school zone or district, the approval, by means of a secret ballot
17 vote, of at least sixty percent (60%) of the members of the
18 collective bargaining unit who are employed in the zone or district.
19 The district school board for the empowered zone or district may
20 choose to revise the plan for creating an empowered zone or district
21 to remove from the zone or district any school in which at least
22 sixty percent (60%) of the members of the collective bargaining unit
23 employed at the school do not vote to waive the identified
24 provisions of the collective bargaining agreement.

1 4. If a district school board, in collaboration with the
2 empowered school, zone, or district, revises the empowerment plan,
3 as provided in Section 9 of this act, and the revisions include
4 changes to the identified provisions of the collective bargaining
5 agreement that need to be waived to implement the innovations that
6 are included in the empowerment plan, the district school board
7 shall seek such additional waivers or revision or revocation of the
8 existing waivers of provisions of the collective bargaining
9 agreement as are necessary to implement the revised empowerment
10 plan. Any changes to waivers, or additional waivers, of the
11 identified provisions of the collective bargaining agreement shall
12 be subject to approval in the same manner as provided in paragraphs
13 2 and 3 of this subsection for the initial approval of waivers of
14 provisions of the collective bargaining agreement.

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

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

6 SECTION 9. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-129.9 of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Three (3) years after the State Board of Education approves
10 an empowerment plan for a school, zone, or district, and every three
11 (3) years thereafter, the district school board shall review the
12 level of performance of the empowered school, zone, or district and
13 determine whether the empowered school, zone, or district is
14 achieving or making adequate progress toward achieving the academic
15 performance results identified in the empowerment plan of the
16 school, zone, or district. The district school board, in
17 collaboration with the empowered school, zone, or district, may
18 revise the empowerment plan as necessary to improve or continue to
19 improve academic performance at the empowered school, zone, or
20 district. Any revisions to the empowerment plan shall require the
21 consent of a majority of the teachers and a majority of the
22 administrators employed at each affected public school.

23 B. 1. Following review of an empowered school's performance,
24 if a district school board finds that the academic performance of

1 students enrolled in the empowered school is not improving at a
2 sufficient rate, the district school board may revoke the empowered
3 status of the school.

4 2. Following review of the performance of an empowered school
5 zone or district, if a district school board finds that the academic
6 performance of students enrolled in one or more of the public
7 schools included in the empowered school zone or district is not
8 improving at a sufficient rate, the district school board may remove
9 the under-performing public school or schools from the empowered
10 school zone or district or may revoke the designation of the
11 empowered school zone or district.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3-129.10 of Title 70, unless
14 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

18 B. The State Superintendent of Public Instruction shall ensure
19 that the annual report submitted pursuant to this section is
20 promptly posted on the State Department of Education website.

21 SECTION 11. This act shall become effective July 1, 2010.

22 SECTION 12. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 24th day of February, 2010.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,

8 2010.

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Presiding Officer of the House
of Representatives

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