

THE HOUSE OF REPRESENTATIVES
Monday, April 12, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2330

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2330 - By: FORD
of the Senate and DENNEY, KERN AND SULLIVAN of the House.

[schools - Empowered Schools and School Districts Act – codification - effective
date -
emergency]

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

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

4 This act shall be known and may be cited as the “Empowered Schools and School
5 Districts Act”.

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

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

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

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

6 3. “Empowered district” means a school district in which all schools of a school
7 district are included in an empowerment plan implemented by the school district board of
8 education pursuant to Section 3 of 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 in the Oklahoma
11 Statutes as Section 3-129.3 of Title 70, unless there is created a duplication in
12 numbering, reads as follows:

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

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

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

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

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

9 C. Each empowerment plan shall include the following information:

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

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

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

21 a. the research-based educational program to be implemented,

22 b. the length of school day and school year,

- 1 c. the student promotion and graduation policies to be implemented,
- 2 d. the assessment plan,
- 3 e. the proposed budget, and
- 4 f. the proposed staffing plan;

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

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

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

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

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

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

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

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

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

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

12 E. No employee of a school, zone, or district shall be discriminated against by the
13 school district board of education, the superintendent of the school district, or any other
14 administrative officer of the school district or by any employee organization, an officer of
15 the organization, or a member of the organization for exercising or not exercising the
16 rights provided for under the Empowered Schools and School Districts Act. An employee
17 of a school district or for an officer or member of an employee organization shall be
18 prohibited from impeding, restraining or coercing an employee of a school, zone or
19 district from exercising the rights provided for under the act or causing an employer to
20 impede, restrain or coerce an employee from exercising the rights provided for under the
21 act.

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

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

6 1. Curriculum and academic standards and assessments;

7 2. Accountability measures, including, but not limited to, expanding the use of a
8 variety of accountability measures to more accurately present a complete measure of
9 student learning and accomplishment. The accountability measures adopted may
10 include, but not be limited to:

11 a. use of graduation or exit examinations,

12 b. use of end-of-course examinations,

13 c. use of formative assessments which measure student growth over time,

14 d. use of the Explore and Plan assessments,

15 e. measuring the percentage of students continuing into higher
16 education, and

17 f. measuring the percentage of students simultaneously obtaining a high
18 school diploma and an associate's degree or a career and technical
19 education certificate;

20 3. Provision of services, including, but not limited to, special education services,
21 services for gifted and talented students, services for limited English proficient students,
22 educational services for students at risk of academic failure, expulsion, or dropping out;

1 and support services provided by the Department of Human Services or county social
2 services agencies;

3 4. Teacher recruitment, training, preparation, and professional development;

4 5. Teacher employment;

5 6. Performance expectations and evaluation procedures for teachers and principals;

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

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

11 9. Preparation and counseling of students for transition to postsecondary education
12 or the workforce.

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

16 Each public school and each school district board of education may seek and accept
17 public and private gifts, grants, and donations to offset the costs of developing and
18 implementing empowerment plans.

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

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

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

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

9 2. If the State Board does not approve the empowerment plan, it shall provide to
10 the school district board of education a written explanation of the basis for its decision.

11 The school district board of education may resubmit an amended empowerment plan and
12 seek approval of the empowerment plan at any time after denial.

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

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

20 1. School district employee participation in the Teachers' Retirement System of
21 Oklahoma;

22 2. The Oklahoma School Testing Program Act;

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

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

6 5. The federal “No Child Left Behind Act of 2001”, 20 U.S.C., Section 6301 et seq.

7 B. Designation as an empowered school, zone, or district shall not affect a school
8 district’s:

9 1. Total program funding; or

10 2. Eligibility for funding.

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

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

19 b. not be fiscally feasible.

20 In requesting a new waiver or a change to an existing waiver, the school district
21 board of education shall demonstrate the consent of a majority of the teachers and a

1 majority of the administrators employed at each school that is affected by the new or
2 changed waiver.

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

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

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

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

21 3. For an empowered school zone or district, waiver of one or more of the provisions
22 of the collective bargaining agreement shall be based on obtaining, at each school

1 included in the empowered school zone or district, the approval, by means of a secret
2 ballot vote, of at least sixty percent (60%) of the members of the collective bargaining
3 unit who are employed in the zone or district. The school district board of education for
4 the empowered zone or district may choose to revise the plan for creating an empowered
5 zone or district to remove from the zone or district any school in which at least sixty
6 percent (60%) of the members of the collective bargaining unit employed at the school do
7 not vote to waive the identified provisions of the collective bargaining agreement.

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

19 5. Except as otherwise provided in paragraph 4 of this subsection, waiver of
20 identified provisions of a collective bargaining agreement for an empowered school, zone,
21 or district pursuant to this subsection shall continue as long as the school, zone, or
22 district remains an empowered school, zone, or district. A waiver approved pursuant to

1 this subsection shall continue to apply to any substantially similar provision that is
2 included in a new or renewed collective bargaining agreement for the schools of the
3 empowered school, zone, or district.

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

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

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

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

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

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

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

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

21 2. The number of empowered schools and the number of empowered school zones,
22 including the number of schools in the zone, in each empowered district and the number

1 of students served in the empowered schools and empowered school zones, expressed as a
2 total number and as a percentage of the students enrolled in the empowered district;

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

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04-08-10
21 - DO PASS, As Amended and Coauthored.