

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2330

By: Ford of the Senate

4 and

5 Denney of the House

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7
8
9 AS INTRODUCED

10 An Act relating to schools; creating the Empowered
11 Schools and School Districts Act; providing short
12 title; providing definitions; authorizing submission
13 of empowerment plan to district board; providing
14 deadline for board to approve or disapprove plan;
15 authorizing submission of amended plan; specifying
16 contents of plan; encouraging district boards to
17 consider innovations in certain areas; authorizing
18 schools and district boards to accept donations for
19 certain purpose; authorizing submission of
20 empowerment plans by district board to State Board of
21 Education; providing deadline for State Board to make
22 certain designation unless certain conclusion
23 reached; authorizing amendment and resubmission of
24 plan by district board; directing State Board to
waive certain statutes or rules upon certain
designation; providing certain exceptions;
prohibiting impact on funding upon certain
designation; directing State Board to grant certain
additional waivers; providing certain conditions;
requiring inclusion of certain provisions in certain
collective bargaining agreements; requiring approval
of certain majority vote to waive certain provisions;
providing for continuation of certain waivers;
authorizing employee to request transfer in certain
circumstance; providing for review of certain plans
and determination of progress by district board;
requiring majority vote for revision of plan;
authorizing revocation of or removal from certain

1 status; requiring State Board to submit certain
2 annual report to certain authorities and post on
3 certain website; providing for codification;
4 providing an effective date; and declaring an
5 emergency.

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

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

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

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

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

17 1. "Empowered district" means a school district that is
18 designated as an empowered district pursuant to Section 6 of this
19 act;

20 2. "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 3. "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 a plan for creating an
4 empowered school zone pursuant to Section 3 of this act; and

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

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

9 A. 1. A public school or a school district may submit to its
10 district school board an empowerment plan as described in subsection
11 C of this section. A group of public schools of a school district
12 that share common interests, such as geographical location or
13 educational focus, or that sequentially serve classes of students as
14 they progress through elementary and secondary education may jointly
15 submit to their district school board a plan to create an empowered
16 school zone as described in subsection D of this section.

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

23 3. If the district school board rejects the plan, it shall
24 provide to the public school or group of public schools that

1 submitted the plan a written explanation of the basis for its
2 decision. A public school or group of public schools may resubmit
3 an amended empowerment plan or amended plan for creating an
4 empowered school zone at any time after denial.

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

9 B. A district school board may initiate and collaborate with
10 one or more public schools of the school district to create one or
11 more empowerment plans, as described in subsection C of this
12 section, or one or more plans to create empowered school zones, as
13 described in subsection D of this section. In creating an
14 empowerment plan or a plan to create an empowered school zone, the
15 district school board shall ensure that each public school that
16 would be affected by the plan has the opportunity to participate in
17 creation of the plan. A district school board may approve or create
18 a plan to create an empowered school zone that includes all of the
19 public schools of the school district. If the district school board
20 creates an empowerment plan or a plan for creating an empowered
21 school zone, the district school board may seek designation of the
22 school district as an empowerment district pursuant to Section 6 of
23 this act.

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1 C. Each empowerment plan, whether submitted by a public school
2 or created by a district school board through collaboration between
3 the district school board and a public school, shall include the
4 following information:

5 1. A statement of the public school's mission and why
6 designation as an empowered school would enhance the school's
7 ability to achieve its mission;

8 2. A description of the innovations the public school would
9 implement, which may include, but need not be limited to,
10 innovations in school staffing, curriculum and assessment, class
11 scheduling, use of financial and other resources, and faculty
12 recruitment, employment, evaluation, and compensation;

13 3. A listing of the programs, policies, or operational
14 documents within the public school that would be affected by the
15 public school's identified innovation and the manner in which they
16 would be affected. The programs, policies, or operational documents
17 may include, but need not be limited to:

18 a. the research-based educational program the public
19 school would implement,

20 b. the length of school day and school year at the public
21 school,

22 c. the student promotion and graduation policies to be
23 implemented at the public school,

24 d. the public school's assessment plan,

1 e. the proposed budget for the public school, and

2 f. the proposed staffing plan for the public school;

3 4. An identification of the improvements in academic
4 performance that the public school expects to achieve in
5 implementing the innovations;

6 5. An estimate of the cost savings and increased efficiencies,
7 if any, the public school expects to achieve in implementing its
8 identified innovations;

9 6. Evidence that a majority of the administrators employed at
10 the public school and a majority of the teachers employed at the
11 public school consent to designation as an empowered school;

12 7. A statement of the level of support for designation as an
13 empowered school demonstrated by the other persons employed at the
14 public school, the students and parents of students enrolled in the
15 public school, and the community surrounding the public school;

16 8. A description of any statutory citations or any regulatory
17 or district policy requirements that would need to be waived for the
18 public school to implement its identified innovations;

19 9. A description of any provision of the collective bargaining
20 agreement in effect for the personnel at the public school that
21 would need to be waived for the public school to implement its
22 identified innovation; and

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

4 D. Each plan for creating an empowered school zone, whether
5 submitted by a group of public schools or created by a district
6 school board through collaboration with a group of public schools,
7 shall include the information specified in subsection C of this
8 section for each public school that would be included in the
9 empowered school zone. A plan for creating an empowered school zone
10 shall also include the following additional information:

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

15 2. An estimate of any economies of scale that would be achieved
16 by innovations implemented jointly by the public schools within the
17 empowered school zone.

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

21 A. In considering or creating an empowerment plan or a plan for
22 creating an empowered school zone, each district school board is
23 strongly encouraged to consider innovations in the following areas:

24 1. Curriculum and academic standards and assessments;

1 2. Accountability measures, including, but not limited to,
2 expanding the use of a variety of accountability measures to more
3 accurately present a complete measure of student learning and
4 accomplishment. The accountability measures adopted by an empowered
5 school or an empowered school zone may include, but need not be
6 limited to:

- 7 a. use of graduation or exit examinations,
- 8 b. use of end-of-course examinations,
- 9 c. use of formative assessments which measure student
10 growth over time,
- 11 d. use of the Explore and Plan assessments,
- 12 e. measuring the percentage of students continuing into
13 higher education, and
- 14 f. measuring the percentage of students simultaneously
15 obtaining a high school diploma and an associate's
16 degree or a career and technical education
17 certificate;

18 3. Provision of services, including, but not limited to,
19 special education services, services for gifted and talented
20 students, services for limited English proficient students,
21 educational services for students at risk of academic failure,
22 expulsion, or dropping out; and support services provided by the
23 Department of Human Services or county social services agencies;

- 1 4. Teacher recruitment, training, preparation, and professional
2 development;
- 3 5. Teacher employment;
- 4 6. Performance expectations and evaluation procedures for
5 teachers and principals;
- 6 7. Compensation for teachers, principals, and other school
7 building personnel, including, but not limited to, performance pay
8 plans, total compensation plans, and other innovations with regard
9 to retirement and other benefits;
- 10 8. School governance and the roles, responsibilities, and
11 expectations of principals in empowered schools or schools within an
12 empowered school zone; and
- 13 9. Preparation and counseling of students for transition to
14 postsecondary education or the workforce.

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

18 Each public school and each district school board may seek and
19 accept public and private gifts, grants, and donations to offset the
20 costs of developing and implementing empowerment plans and plans for
21 creating empowered school zones.

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

1 A. Each district school board may seek for its school district
2 designation by the State Board as an empowered district. A district
3 school board may seek the designation on the basis of empowerment
4 plans or plans for creating empowered school zones approved or
5 collaboratively created by the district school board pursuant to
6 Section 3 of this act.

7 B. 1. Within sixty (60) days after receiving a district school
8 board's empowerment plan or plan for creating an empowered school
9 zone, the State Board shall designate the school district of the
10 school board as an empowered district unless the State Board
11 concludes that the submitted plan:

12 a. is likely to result in a decrease in academic
13 achievement in the empowered schools or empowered
14 school zones, or

15 b. is not fiscally feasible.

16 2. If the State Board does not designate a school district as
17 an empowered district, it shall provide to the district school board
18 a written explanation of the basis for its decision. The district
19 school board may resubmit an amended empowerment plan or plan for
20 creating an empowered school zone and seek designation of its school
21 district as a school empowered district at any time after denial.

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

1 A. Upon designation of an empowered district, the State Board
2 shall waive any statutes or rules specified in the school district's
3 empowerment plan as they pertain to the empowered schools or
4 empowered school zones of the empowered district; except that the
5 State Board shall not waive requirements for the following:

6 1. School district employee participation in the Teachers'
7 Retirement System of Oklahoma;

8 2. The Oklahoma School Testing Program Act;

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

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

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

16 C. Designation as an empowered district shall not affect a
17 school district's:

18 1. Total program funding; or

19 2. Eligibility for funding.

20 D. 1. If the district school board for an empowered district
21 revises an empowerment plan as provided in Section 9 of this act,
22 the district school board may request, and the State Board shall
23 grant, additional waivers or changes to existing waivers as
24 necessary to accommodate the revisions to the empowerment plan

1 unless the State Board concludes that the waivers or changes to
2 existing waivers would:

3 a. be likely to result in a decrease in academic
4 achievement in the empowered schools or empowered
5 school zones, or

6 b. not be fiscally feasible.

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

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

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

20 A. 1. On and after the date on which the State Board
21 designates a school district as an empowered district, any
22 collective bargaining agreement initially entered into or renewed by
23 the district school board of the empowered district shall include a
24 term that allows each empowered school and each empowered school

1 zone in the school district to waive any provisions of the
2 collective bargaining agreement identified in the empowerment plan
3 as needing to be waived for the empowered school or the empowered
4 school zone to implement its identified innovations.

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

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

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

16 5. Except as otherwise provided in paragraph 4 of this
17 subsection, waiver of identified provisions of a collective
18 bargaining agreement for an empowered school or the public schools
19 within an empowered school zone pursuant to this subsection shall
20 continue as long as the empowered school remains an empowered school
21 or the public school remains a part of the empowered school zone. A
22 waiver approved pursuant to this subsection shall continue to apply
23 to any substantially similar provision that is included in a new or
24

1 renewed collective bargaining agreement for the schools of the
2 empowered district.

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

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

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

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1 require the consent of a majority of the teachers and a majority of
2 the administrators employed at each affected public school.

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

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

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

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

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

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

10 3. An overview of the innovations implemented in the empowered
11 schools and the empowered school zones in the empowered districts;

12 4. An overview of the academic performance of the students
13 served in empowered schools and empowered school zones in each
14 empowered district, including a comparison between the students'
15 academic performance before and since implementation of the
16 innovations;

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

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

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

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

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

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