

ENROLLED SENATE
BILL NO. 528

By: Shedrick of the Senate

and

Ross of the House

An Act relating to schools; amending 70 O.S. 1991, Sections 5-106, 6-107, 6-108 and 1210.541, as amended by Section 2, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.541), which relate to school district boards of education, certificates of qualification, and high challenge schools; enacting the Public Developmental Research School Act; establishing certain category of schools; stating purpose; authorizing establishment of certain schools; stating requirements for establishment of certain schools; requiring certain schools to meet accreditation requirements; requiring certain review by State Board of Education; providing for notice and hearing upon certain recommendation of State Department of Education; abolishing district board of education under certain circumstances; designating board of education for district in which certain school is established; providing for membership, terms, officers, and chief executive officer of certain board; stating certain requirements for membership; establishing certain duties; providing for director of certain school; stating qualifications of director; stating certification requirements of certain teachers; providing exception to certain certification requirements; limiting application of exception; requiring certain revenues to be expended for certain school; authorizing State Board of Education to exercise certain means of intervention with high challenge schools; deleting obsolete language; requiring promulgation of rules; providing short title; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.571 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Developmental Research School Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.572 of Title 70, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.573 of Title 70, unless there is created a duplication in numbering, reads as follows:

A developmental research school may be established by the State Board of Education only for purposes of intervening to aid a high challenge school as defined in Section 1210.541 of Title 70 of the Oklahoma Statutes. 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.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.574 of Title 70, unless there is created a duplication in numbering, reads as follows:

If the State Department of Education plans to recommend the establishment of a developmental research school as a means of intervention with a high challenge school pursuant to Section 1210.541 of Title 70 of the Oklahoma Statutes, 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.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.575 of Title 70, unless there is created a duplication in numbering, reads as follows:

Upon intervention with a high challenge school 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 high challenge school was located shall be declared abolished by the State Board of Education.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.576 of Title 70, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.577 of Title 70, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.578 of Title 70, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.579 of Title 70, unless there is created a duplication in numbering, reads as follows:

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

SECTION 10. AMENDATORY 70 O.S. 1991, Section 5-106 is amended to read as follows:

Section 5-106. 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. ~~The~~ Except as otherwise provided in this section, the superintendent of schools appointed and employed by such board shall be the executive officer of said board and shall perform such duties as said board directs. 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. 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 7 of this act.

SECTION 11. AMENDATORY 70 O.S. 1991, Section 6-107, is amended to read as follows:

Section 6-107. ~~It~~ Except for employment of a director of a public developmental research school as authorized in this act, 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 such district unless the person employed holds a valid certificate of qualification issued in accordance with the rules ~~and regulations~~ of the State Board of Education to perform the services ~~he~~ the person is employed to perform.

SECTION 12. AMENDATORY 70 O.S. 1991, Section 6-108, is amended to read as follows:

Section 6-108. ~~It~~ 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, 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 such person holds a valid certificate of qualification issued in accordance with the rules ~~and regulations~~ of the State Board of Education to perform the services ~~he~~ the person performs or contracts or agrees to perform. The State Board of Education shall provide for the certification of elementary superintendents.

SECTION 13. AMENDATORY 70 O.S. 1991, Section 1210.541, as amended by Section 2, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.541), is amended to read as follows:

Section 1210.541 A. Except as otherwise provided, each school with a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score on any test administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall cooperate with the State Department of Education to develop a program of action to address such low achievement and shall implement such program by the beginning of the fall semester of the school year following the school year for which such low achievement is reported. For schools that test fewer than fifteen (15) pupils in any grade, the median or mean score may be used for purposes of this section.

B. Beginning with the 1993-94 school year, the State Board of Education shall promulgate rules to identify high challenge schools on the basis of indicators reported through the Oklahoma Educational Indicators Program. Except as otherwise provided, each school with a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score for three (3) consecutive years on any test of the Oklahoma School Testing Program shall be declared a high challenge school by the State Board of Education. For schools that test fewer than fifteen (15) pupils in any grade, the median or mean score may be used for purposes of this section. The State Board of Education shall report to the Legislature by November 1 all districts in which at least one school has been declared a high challenge school. The annual report to the Legislature shall include test scores and other indicators for each school declared to be a high challenge school for the prior three (3) years and shall include intervention actions that have been taken and are planned by the district board of education and the State Board of Education to ensure the proper education of the students of each such school. Means of intervention which may be exercised by the State Board of Education may include but are not necessarily limited to: provision of guidance and assistance to the school and school district; special funding; reassignment of district personnel; transfer of students; operation of the school by personnel employed by the State Department of Education; ~~and~~ mandatory annexation of all or part of the local school district; and placing operation of the school with an institution of higher education as a developmental research school pursuant to the provisions of Sections 1 through 9 of this act if the high challenge school is within a single-site district and is within ten (10) miles of a college of education within an institution of The Oklahoma State System of Higher Education.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 12th day of May, 1993.

President of the Senate

Passed the House of Representatives the 21st day of May, 1993.

Speaker of the House of Representatives