

ENROLLED HOUSE
BILL NO. 2193

By: Hager, Ross, Toure, Cox,
Boyd (Betty) and
Stottlemire of the House

and

Long (Ed) and Horner of
the Senate

An Act relating to schools; amending Section 3, Chapter 307, O.S.L. 1995, and Section 4, Chapter 307, O.S.L. 1995 (70 O.S. Supp. 1995, Sections 3-126 and 3-127), which relate to educational improvement plans; deleting required components of educational improvement plans; modifying statutory requirements and State Board of Education rules from which a school district may request exemption; deleting certain duplicative exemption; modifying State Board of Education approval process for requests for statute or rule exemption; deleting requirement for certain public notice and hearings; requiring establishment of certain pilot project for academic improvement at certain schools; requiring consideration of certain methods of improvement; requiring monitoring of compliance and progress by the State Board of Education; providing for measurement of progress and reporting; specifying certain actions in the event of lack of satisfactory progress; specifying funding; providing penalties for lack of compliance and satisfactory academic improvement; specifying purpose for and use of funds; prohibiting certain use of funds; requiring certain personnel action under certain condition; amending 70 O.S. 1991, Section 1210.541, as last amended by Section 13, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1995, Section 1210.541), which relates to low-achieving and high challenge schools; requiring the State Board of Education to submit proposal for expansion of certain criteria; listing suggested criteria; describing low-performing schools; modifying standard for low-performing and high challenge schools; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 3, Chapter 307, O.S.L. 1995 (70 O.S. Supp. 1995, Section 3-126), is amended to read as follows:

Section 3-126. A. A school district may develop an educational improvement plan which includes exemption from the educational-

related statutory requirements set forth in subsection ~~D~~ C of ~~Section 3 of this act~~ 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. ~~The components of each~~ 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 approved by the State Board of Education shall include, when appropriate, the following components:~~

1. ~~An evaluation mechanism to evaluate the population served by the school district or site and the particular needs of the population;~~
2. ~~An outline of how the scheduled school day and year enhances student learning;~~
3. ~~A summary of how decision making would be shared;~~
4. ~~An outline of the staffing pattern and how that pattern enhances or supports the goals and objectives to increase student performance of the plan;~~
5. ~~An outline of how the curriculum design enhances or supports the goals and objectives of the plan;~~
6. ~~An indication of how funds will be utilized to meet special needs of the students; and~~
7. ~~An outline of how appropriate entities within and outside the school will be utilized.~~

~~D.~~ 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 ~~only from the following educational-related statutory requirements:~~

1. ~~The length of school year, number of days used for professional purposes, length of school day, length of school month and school taught on Saturday requirements set forth in Sections 1-109, 1-110, 1-111 and 1-112 of Title 70 of the Oklahoma Statutes;~~
2. ~~The textbook use requirements;~~
3. ~~The class size limitations set forth in Sections 18-113.1, 18-113.2 and 18-113.3 of Title 70 of the Oklahoma Statutes; and~~

~~4. Any staff development and entry year requirements 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, licensure, certification, residency and professional development system.~~

~~E. The State Board of Education may exempt the district from any State Board rule which is necessary to implement the plan, including any curricular requirements.~~

SECTION 2. AMENDATORY Section 4, Chapter 307, O.S.L. 1995 (70 O.S. Supp. 1995, Section 3-127), is amended to read as follows:

Section 3-127. A. Prior to the adoption of a resolution by the local board of education as required in subsection A of Section ~~3~~ 3-126 of this ~~act~~ 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 ~~prior to approval~~ of the plan.

B. Each educational improvement plan shall be approved by the State Board of Education before implementation. ~~When a plan is submitted, the Board shall give public notice and invite comment on the plan. The Board shall schedule a public hearing for discussion and action on approval of any plan to which an objection has been made during the period of time specified.~~

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 ~~this act~~ 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.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.542 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. For the 1996-97 school year, the State Board of Education shall notify any school district with an average daily membership of thirty thousand (30,000) or more with a school which was 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 three (3) school years prior to 1996-97, that it shall implement a pilot project at such school to address academic improvement. The school district shall adopt methods and policies to improve student academic achievement at the school which may include:

1. Concentration at the school of state funds generated by at-risk students in proportion to the membership of such students in the school;

2. Implementation of enhanced reading, art and music programs;

3. Establishment of early childhood programs at elementary schools;

4. Professional development programs based upon the concept of high expectations for students;

5. The use of site-based management and shared decision-making at the school;

6. Incentives for reassignment to the school for teachers with proven, effective teaching abilities; and

7. Increased parental contact and involvement.

B. The State Board of Education shall monitor compliance with the provisions of this section and progress in student academic achievement at the school. The State Department of Education may require such reports as it deems necessary from the school and school district. Progress shall be measured and reported on or before May 15, 1997, in terms of improvement in:

1. Student attendance, dropout and school completion rates;

2. Student grades, college entrance and preparatory test-taking rates and participation in the Oklahoma Higher Learning Access Program when applicable;

3. Teacher attendance rates;

4. Student suspension and disciplinary rates;

5. Parental involvement; and

6. Performance on the Oklahoma School Testing Program tests.

C. If the State Board of Education concludes that satisfactory progress has not been achieved in student academic performance according to the criteria provided in subsection B of this section for a school, the school district shall allocate to each such school for the 1997-98 and 1998-99 school years:

1. An amount of additional funding equalized to that received by magnet schools within that school district for the 1995-96 school year or the current school year, whichever is greater; and

2. An amount of funds equal to the proportional difference between the district average percent of economically disadvantaged students and the percent of economically disadvantaged students at the school in State Aid generated by the economically disadvantaged pupil category weight for the average daily membership for the prior school year. The State Department of Education shall calculate the amount of State Aid to be allocated to the school and shall audit the school district to verify that such allocation is in addition to the prior year's level of funding for that school plus any increased funding in proportion received by the school district each new fiscal year, and that such funding is not used to supplant other funds. The State Department of Education shall assess a penalty equal to the amount of any funds not allocated pursuant to the provisions of this paragraph.

The school shall use funds allocated pursuant to the provisions of this subsection for student academic improvement. With the exception of funds used for the reassignment incentives listed in paragraph 6 of subsection A of this section, no such funds shall be used to increase teachers' salaries.

If at the close of the 1998-99 school year the State Board of Education is unable to document satisfactory improvement pursuant to the criteria in subsection B of this section, the school district shall reassign all faculty and staff away from such school. On or before July 1, 1999, the State Board of Education shall assess any school district which has one or more schools subject to the

provisions of this section whose student academic performance has not improved as provided in subsection B of this section a financial penalty of Five Thousand Dollars (\$5,000.00) per school, to be paid during a regular State Board of Education meeting. All funds collected from the payment of the penalty shall be awarded as grants in amounts to be determined by the State Board of Education to school districts which have succeeded in improving student academic performance.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 1210.541, as last amended by Section 13, Chapter 257, O.S.L. 1993 (70 O.S. Supp. 1995, 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~~ On or before November 1, 1996, the State Board of Education shall ~~promulgate rules to identify high challenge schools on the basis of indicators~~ submit a proposal to the Legislature to expand the criteria by which the standard for low-performing and high challenge schools is determined. The criteria may include:

1. Performance on the norm-referenced and criterion-referenced tests administered pursuant to the Oklahoma School Testing Program Act, including delineation of the percentages of students tested and not tested;
2. High school graduation, student attendance and student dropout rates;
3. Teacher attendance rates;
4. Student suspensions and other disciplinary measures which can be quantified;
5. Secondary student participation in and completion of the Oklahoma Higher Learning Access Program when applicable;
6. Student vocational-technical program participation and completion rates;
7. Student college entrance and preparatory test-taking rates;
8. Parental involvement rates; and
9. Any indicators reported through the Oklahoma Educational Indicators Program.

Except as otherwise provided, until the 1997-98 school year, 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 low-performing school, if such standard is met for one (1) or two (2) consecutive years, and a high challenge school if such standard is met for three (3) consecutive years, 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. Beginning with the 1997-98 school year, additional criteria as described in this subsection shall constitute part of the standard by which a school is determined to be low-performing and high challenge. 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 low-performing or high challenge school. The annual report to the Legislature shall include test scores and other indicators for each school declared to be a low-performing or 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; 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 ~~4~~ 1210.571 through ~~9~~ 1210.579 of this ~~act~~ title 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 5. This act shall become effective July 1, 1996.

SECTION 6. 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 House of Representatives the 30th day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 30th day of May, 1996.

President of the Senate