

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 850

By: Pruitt

AS INTRODUCED

An Act relating to schools; creating the Teacher Retention Act; providing short title; amending 70 O.S. 2001, Sections 3-150 and 3-152, as amended by Section 20, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2004, Section 3-152), which relate to the Academic Performance Index; clarifying test results to be included in Academic Performance Index; removing certain implementation contingency provision; requiring State Board of Education to develop certain program; stating qualification criteria; stating certain benefits of program; providing certain exceptions; stating requirements for continuation in program; amending 70 O.S. 2001, Section 15-106.1, as amended by Section 22, Chapter 361, O.S.L. 2004 (70 O.S. Supp. 2004, Section 15-106.1), which relates to equipment purchases with bonds; authorizing classroom materials and computer equipment to be included in definition of equipment; amending 70 O.S. 2001, Section 509.6, which relates to good faith negotiations with bargaining unit; adding certain item to be negotiated; excluding certain items from negotiations; amending 70 O.S. 2001, Section 1210.531, as amended by Section 5, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2004, Section 1210.531), which relates to the Oklahoma Educational Indicators Program; requiring inclusion of Academic Performance Index in certain report; repealing 70 O.S. 2001, Sections 6-101.20, 6-101.21, 6-101.22, 6-101.23, 6-101.24, 6-101.25, 6-101.26, as amended by Section 9, Chapter 434, O.S.L. 2003, 6-101.27, 6-101.28, 6-101.29, and 6-101.30 (70 O.S. Supp. 2004, Section 6-101.26), which relate to the Teacher Due Process Act of 1990; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Teacher Retention Act".

SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-150, is amended to read as follows:

Section 3-150. A. The State Board of Education shall develop an Academic Performance Index (API) to be used to measure performance of schools, including the academic performance of students. The index shall consist of a variety of indicators including, but not limited to:

1. Attendance rates for students;
2. Dropout rates;
3. Results of ~~the~~ all assessments administered pursuant to the Oklahoma School Testing Program administered pursuant to Section 1210.508 of this title Act;
4. Advanced Placement participation;
5. Graduation rates for secondary school students;
6. Scores of the American College Test (ACT); and
7. College remediation rates.

B. The data collected for the API shall be disaggregated, when available, by socioeconomic status and ethnic group. Oklahoma School Testing Program results shall constitute no less than sixty percent (60%) of the value of the index.

C. Based on the API, the State Board of Education shall adopt expected annual percentage growth targets for the state level, school districts, and all school sites based on their API baseline score. The minimum percentage growth target shall be five percent (5%) annually. However, the State Board of Education may set differential growth targets based on grade level of instruction.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-152, as amended by Section 20, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2004, Section 3-152), is amended to read as follows:

Section 3-152. A. The State Board of Education shall develop an Academic Performance Award Program for school districts and individual school sites who meet or exceed the expected growth targets as established by the Board. Those districts or sites who have not met their expected growth targets, but demonstrate

significant growth as determined by the Board, shall be included in the performance award program, but receive a decreased award amount.

B. Implementation of subsection A of this section shall be contingent upon the appropriation of state funds by the Legislature for the specific purpose of implementing this section. Nothing in this section shall prevent the State Board of Education or a school district board of education from utilizing private, local, or federal funds to implement this section.

~~C. Implementation of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this section, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. This section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section~~ The State Board of Education shall develop a "District Freedom Reward" program designed to reward high-performing districts with freedom from laws and rules except as specified in this subsection.

1. Beginning with the 2005-06 school year, and through the 2009-10 school year, districts shall qualify for the District Freedom Reward program upon meeting the following criteria:

- a. the district has achieved an Academic Performance Index equal to or greater than one thousand two hundred for the previous school year, as determined by the State Board of Education, and
- b. neither the district, nor any school in the district is currently identified as in need of improvement pursuant to the No Child Left Behind Act, as determined by the State Board of Education.

2. Beginning with the 2010-11 school year, districts shall qualify for the District Freedom Reward program upon meeting the following criteria:

- a. the district has achieved an Academic Performance Index equal to or greater than one thousand three hundred for the previous school year, as determined by the State Board of Education, and
- b. neither the district, nor any school in the district is currently identified as in need of improvement pursuant to the No Child Left Behind Act, as determined by the State Board of Education.

3. A district that qualifies for the District Freedom Reward program pursuant to this subsection shall be exempt from all state laws and regulations, as determined by the State Department of Education, except those relating to:

- a. health and safety provisions,
- b. statutorily mandated flexible benefits allowances and retirement for teachers and support personnel,
- c. statutorily mandated teacher salary increases,

- d. the minimum salary schedules for teachers as enacted by Section 1 of Enrolled Senate Bill No. 1272 of the 2nd Session of the 49th Oklahoma Legislature,
- e. the Oklahoma Cost Accounting System (OCAS), and
- f. the Oklahoma School Testing Program Act;

4. Except for the line-item appropriations for teacher salary increases and employee flexible benefits allowances and retirement, a district that qualifies for the District Freedom Reward program and that qualifies for funding for a line-item appropriated program shall provide the program but shall not be required to expend funds received for the line-item-appropriated program directly for that program. The district may expend those funds as the district deems best and shall report such expenditures in accordance with the OCAS reporting requirements; and

5. In order to continue in the District Freedom Reward program, a district must continue to meet the initial eligibility criteria and meet or exceed its annual expected growth target as determined by the State Department of Education, utilizing the Academic Performance Index.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 15-106.1, as amended by Section 22, Chapter 361, O.S.L. 2004 (70 O.S. Supp. 2004, Section 15-106.1), is amended to read as follows:

Section 15-106.1 Any school district may become indebted for the purpose of purchasing equipment and may issue its bonds, as provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within the school district, as shown by the last incurring of indebtedness. The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution was intended to include: library books, textbooks, classroom materials, school-owned uniforms, computer

equipment and software, district software licenses and web-based software subscriptions with a term of more than one (1) year but not more than five (5) years, the acquisition of telecommunications devices and components to be used to enhance classroom instruction and maintenance/service contracts which are included as a part of the equipment purchase price. This provision shall not restrict a school district from issuing bonds with a maturity of greater than five (5) years for the purchase of equipment not listed in this section. If the maturity of the bond is greater than five (5) years, the maturity of the bond shall not exceed the effective life of any equipment purchased with the proceeds.

SECTION 5. AMENDATORY 70 O.S. 2001, Section 509.6, is amended to read as follows:

Section 509.6 Once an organization has been recognized, the board of education or its duly designated representative must meet with the duly designated representative of the organization and within sixty (60) days shall complete an agreement outlining negotiation procedures. The board of education and the representatives of the organization must negotiate in good faith on wages, hours, fringe benefits ~~and~~, other terms and conditions of employment, and due process rights, excluding differential pay, extra-duty pay, other forms of salary stipends, and class size. To negotiate in good faith shall mean both parties must be willing to consider proposals in an effort to find a mutually satisfactory basis for agreement and must be willing to discuss their respective contract proposals. If either party objects to the other's contract proposals, the objecting party must support its objections with rationale. Any allegation by either party that there has been a failure to comply with the provisions of this section shall be resolved through the dispute resolution procedure for resolving a unit determination dispute as set forth in subsection A of Section 509.2 of this title.

SECTION 6. AMENDATORY 70 O.S. 2001, Section 1210.531, as amended by Section 5, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2004, Section 1210.531), is amended to read as follows:

Section 1210.531 A. The Education Oversight Board shall establish an Oklahoma Educational Indicators Program. The purpose of the Program shall be to develop and implement a system of measures whereby the performance of public schools and school districts is assessed and reported without undue reliance upon any single type of indicator, and whereby the public, including students and parents, may be made aware of the proper meaning and use of any tests administered under the Oklahoma School Testing Program Act, relative accomplishments of the public schools, and of progress being achieved. The Board shall involve representatives of various organizations of school teachers and of school administrators in the development of the Program. The Program shall be so designed that use of standardized definitions and measures and opportunities for coordination with national reports, including those of the National Assessment of Educational Progress, are maximized.

B. The Oklahoma Educational Indicators Program shall present information for comparisons of graduation rates, dropout rates, pupil-teacher ratios, student enrollment gain and loss rates, and test results in the contexts of socioeconomic status and the finances of school districts. Information shall be provided individually for all public school sites and school districts in a format that facilitates comparisons. As necessary data become available, comparisons shall also be provided individually for all schools and school districts on a historical basis. Reports of all tests administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall be a part of the Oklahoma Educational Indicators Program and shall be provided for each grade and each test subject or set of competencies. Test results for students enrolled in Internet-based courses, including

regularly enrolled and alternative education students, shall be disaggregated and reported. The Academic Performance Index (API) shall be reported for each school district and school as provided for in Section 3-150 of this title. The Education Oversight Board shall seek to develop and incorporate additional indicators of comparative standing and accomplishment.

C. Additionally, the Education Oversight Board, with the cooperation of the State Department of Education, the Oklahoma State Regents for Higher Education, and the State Board of Career and Technology Education, shall develop procedures for obtaining and reporting data to the high schools and to the general public regarding the performance of each high school's graduates in Oklahoma's institutions of higher education and in postsecondary vocational-technical education. The Education Oversight Board shall include such data in the report of the Oklahoma Educational Indicators Program.

D. By February 1 of each year the Education Oversight Board shall publish:

1. A summary report to the people and Legislature of Oklahoma of the information provided by the Oklahoma Educational Indicators Program; and

2. State, district, and site level reports which shall include the percentage of students who perform at the various levels on the tests required by the Oklahoma State Testing Program.

Immediately following the publication of the reports required in this subsection each year, all data gathered pursuant to the Oklahoma Educational Indicators Program shall be made available for public inspection at the offices of the Education Oversight Board or the Office of Accountability; provided, confidentiality of individual student records shall be preserved as required by law.

SECTION 7. REPEALER 70 O.S. 2001, Sections 6-101.20, 6-101.21, 6-101.22, 6-101.23, 6-101.24, 6-101.25, 6-101.26, as amended

by Section 9, Chapter 434, O.S.L. 2003 , 6-101.27, 6-101.28, 6-101.29 and 6-101.30 (70 O.S. Supp. 2004, Section 6-101.26), are hereby repealed.

SECTION 8. This act shall become effective July 1, 2005.

SECTION 9. 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.

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