

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3119

By: Jones

4
5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Sections 3-125, 3-126 and 3-127, which relate to the
9 Educational Deregulation Act; changing the name of
10 the educational improvement plan; updating statutory
11 citations; modifying approval process of educational
12 deregulation plans; requiring plans to be approved by
13 a vote of the school district electors; deleting
14 specific contents of the plans; deleting specific
15 statutory provisions; describing laws and regulations
16 from which a school cannot deregulate; deleting
17 requirement for approval by the State Board of
18 Education; providing election process; providing
19 process to discontinue a plan; requiring a school
20 district to file an approved plan with the State
21 Board of Education; and declaring an emergency.

22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-125, is
amended to read as follows:

Section 3-125. The purpose of this act is to ensure that local
schools have the necessary freedom to innovate and improve education
systems in order to maximize student learning and performance.
Pursuant to this purpose, school districts shall be allowed to
develop, ~~make application for~~ and implement educational improvement

1 deregulation plans which would exempt the school district, a school
2 site or any program, grade level, consortium of schools or school
3 districts or other group within the district from ~~the~~ educational-
4 related statutory regulations ~~set forth~~ as described in ~~subsection D~~
5 ~~of~~ Section ~~3~~ 3-126 of this ~~act~~ title and ~~the~~ any applicable State
6 Board of Education rules. The plans ~~submitted~~ developed by school
7 districts and approved by ~~the State Board of Education~~ a vote of the
8 electors of the school district should emphasize innovation,
9 flexibility, and collaboration at the local school level,
10 accountability at the state and local level, dissemination of
11 results, and strict emphasis on improved student achievement.

12 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-126, is
13 amended to read as follows:

14 Section 3-126. A. A school district may develop an educational
15 ~~improvement~~ deregulation plan which includes exemption from ~~the~~
16 educational-related statutory requirements ~~set forth~~ as described in
17 subsection ~~C~~ B of this section and applicable State Board of
18 Education rules for the school district, a school site or any
19 program, grade level, consortium of schools or school districts or
20 other group within the school district. The board of education of
21 the school district shall, through adoption of a resolution, approve
22 the plan prior to ~~application being made to the State Board of~~
23 ~~Education~~ submitting the plan to a vote of the electors of the
24 school district.

1 B. ~~Each educational improvement plan approved by the State~~
2 ~~Board of Education shall include the following components:~~

3 ~~1. A description of the educational benefits to be derived;~~

4 ~~2. A definition of the standards of the plan;~~

5 ~~3. Development of definitive work products, such as site~~
6 ~~improvement plans and progress reports;~~

7 ~~4. Demonstration of collaboration by teachers, administrators,~~
8 ~~higher education representatives, students, parents/families, and~~
9 ~~the community;~~

10 ~~5. Development and the use of an assessment mechanism to~~
11 ~~determine progress in meeting the goals and objectives of the plan;~~

12 ~~6. Development of an in service training plan to be provided to~~
13 ~~personnel at the site who will participate in the project;~~

14 ~~7. Report on the results of the plan to the State Board of~~
15 ~~Education and provision of appropriate technical assistance to other~~
16 ~~school districts and the State Department of Education as required;~~
17 ~~and~~

18 ~~8. Explanation of how the plan will affect other schools,~~
19 ~~programs or sites in the district.~~

20 C. Each educational ~~improvement~~ deregulation plan shall include
21 a list of the specific educational-related statutory requirements
22 and State Board of Education rules the school district is requesting
23 an exemption from and why each exemption is necessary to success of
24 the plan. The school district shall not ~~be granted~~ request an

1 exemption from federal ~~educational-related requirements~~ laws and
2 regulations and any state and local rules and laws relating to
3 health, safety, civil rights, and insurance. The State Department
4 of Education shall annually prepare a list of rules, regulations and
5 laws which schools cannot be deregulated from. A school district
6 may request an exemption from any statutory requirement or State
7 Board of Education rule ~~not related to bilingual and special~~
8 ~~education programs, health and safety provisions, school finance,~~
9 ~~State Aid, pupil formula weights, teacher salary and teacher~~
10 ~~retirement, the Oklahoma School Testing Program, the Oklahoma~~
11 ~~Educational Indicators Program and the teacher preparation,~~
12 ~~examination, licensure, certification, residency and professional~~
13 ~~development system. The State Board of Education may grant~~
14 ~~district wide exemptions from certification requirements for Library~~
15 ~~Media Specialists to districts experiencing a shortage in this area.~~
16 ~~The State Board of Education may grant an exemption from~~
17 ~~certification requirements for superintendents to any district with~~
18 ~~an unweighted average daily membership over twenty five thousand~~
19 ~~(25,000) that is not specifically described in subsection C of this~~
20 section.

21 C. A school district shall not request an exemption from any
22 laws and regulations described as follows:
23
24

- 1 1. Testing as required by the Oklahoma School Testing Program
2 Act, including the Reading Sufficiency Act, and reporting test
3 results;
- 4 2. Providing necessary data to the Office of Accountability;
- 5 3. Using the Oklahoma Cost Accounting System and auditing
6 requirements;
- 7 4. Federal and state laws relating to the education of children
8 with disabilities;
- 9 5. Prohibiting the charging of tuition or fees;
- 10 6. Providing instruction for the minimum time required in
11 Section 1-109 of this title;
- 12 7. Suspension of students as required in Section 24-101.3 of
13 this title;
- 14 8. Participating in the Teacher's Retirement System of Oklahoma
15 and providing health insurance benefits to employees;
- 16 9. Complying with the Oklahoma Open Meeting Act and the
17 Oklahoma Open Records Act;
- 18 10. Provisions relating to conflict of interest for board of
19 education members;
- 20 11. Complying with the minimum teacher salary schedule as
21 required in Section 18-114.12 of this title;
- 22 12. The State Aid formula as set forth in Section 18-200.1 of
23 this title; and

24

1 13. Teacher licensure and certification, residency, and
2 professional development requirements as set forth in the Oklahoma
3 Teacher Preparation Act.

4 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-127, is
5 amended to read as follows:

6 Section 3-127. A. Prior to the adoption of a resolution by the
7 ~~local~~ board of education as required in subsection A of Section 3-
8 126 of this title, the ~~local~~ board of education shall provide for a
9 period of public review and comment on the proposed educational
10 ~~improvement~~ deregulation plan and shall notify and allow comment
11 from the district bargaining agent of the plan. If no bargaining
12 agent exists for that district, the teachers directly effected shall
13 be notified and allowed to make comments. All comments,
14 recommendations and objections made by the bargaining agent and
15 others to the ~~local~~ board of education shall be ~~forwarded to the~~
16 ~~State Board of Education for consideration prior to review of the~~
17 ~~plan~~ made available for public review.

18 B. Each educational ~~improvement~~ deregulation plan shall be
19 ~~approved by the State Board of Education before implementation.~~

20 C. ~~Approval of a plan shall be for no longer than three (3)~~
21 ~~years. If a plan is approved, the school district shall be required~~
22 ~~to submit an annual report and the Board shall provide for an annual~~
23 ~~assessment of the plan.~~

1 ~~D. The Board shall notify the Speaker of the House of~~
2 ~~Representatives and the President Pro Tempore of the Senate of the~~
3 ~~approval of plans on a quarterly basis and shall provide the Speaker~~
4 ~~and the President Pro Tempore with copies of the annual reports and~~
5 ~~assessments.~~

6 ~~E. If the Board determines through the annual assessment~~
7 ~~process that the school district is not complying with the~~
8 ~~requirements of the Educational Deregulation Act or is not meeting~~
9 ~~the goals of the plan, it shall first provide notice to the district~~
10 ~~of its findings. If the school district does not come into~~
11 ~~compliance or take action to meet the goals of the plan, the Board~~
12 ~~shall withdraw approval and terminate the plan submitted for~~
13 ~~approval to a vote of the electors of the school district at the~~
14 ~~next regular election for the school district. If a majority of~~
15 ~~electors approve the plan, the plan shall be implemented at the~~
16 ~~beginning of the next school year. The deregulation plan shall not~~
17 ~~be discontinued unless the law is changed to an extent to make the~~
18 ~~plan unnecessary or unless a majority of the electors of the school~~
19 ~~district vote to discontinue the plan at a special election called~~
20 ~~for that purpose. The question to discontinue a plan may be~~
21 ~~presented to a vote only upon a resolution adopted by a majority of~~
22 ~~the board of education or upon petition for an election on the~~
23 ~~question that complies with the requirements for petition and~~
24 ~~election set forth in Section 7-101 of this title.~~

1 C. A school district shall file a copy of an approved
2 educational deregulation plan with the State Board of Education.

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

7
8 51-2-9108 KB 01/16/08

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24