

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2330 By: Ford of the Senate
3 and
4 Denney of the House
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8 (schools - Empowered Schools and School Districts
9 Act - codification - effective date -
10 emergency)
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13 AUTHORS: Add the following House Coauthors: Kern, Sullivan and
14 Tibbs

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
16 entire bill and insert

17 "An Act relating to schools; creating the Empowered
18 Schools and School Districts Act; providing short
19 title; providing definitions; authorizing submission
20 of empowerment plan to a school district board of
21 education; providing deadline for board to approve
22 or disapprove plan; authorizing submission of
23 amended plan; requiring certain participation in
24 creation of certain plans; specifying contents of
plan; prohibiting discrimination against a school
employee under certain circumstances; prohibiting
certain persons from taking certain actions against
a school employee; encouraging boards to consider
innovations in certain areas; authorizing schools
and boards to accept gifts or donations for certain
purpose; requiring submission of empowerment plans

1 to the State Board of Education; providing deadline
2 for State Board to take certain action unless
3 certain conclusion reached; authorizing amendment
4 and resubmission of plan by a board; directing State
5 Board to waive certain statutes or rules upon
6 certain approval; providing certain exceptions;
7 prohibiting the State Board from waiving certain
8 statutes or rules if the school district is
9 receiving certain funding; limiting impact of
10 certain designation on State Aid funding; directing
11 State Board to grant certain additional waivers if
12 an empowerment plan is revised; providing certain
13 conditions; providing for continuation of a waiver;
14 requiring inclusion of certain provision in certain
15 collective bargaining agreements; requiring approval
16 of a majority of certain members to waive certain
17 provisions; providing for removal of schools from
18 empowerment plan if approval of waiver is not
19 obtained; providing for additional waivers or
20 revision of existing waivers; providing for
21 continuation of certain waivers; authorizing
22 employee to request transfer in certain
23 circumstance; providing for review of certain plans
24 and determination of progress by the board;
requiring majority vote for revision of plan;
authorizing revocation of or removal from certain
status under certain circumstances; requiring State
Board to submit certain annual report to certain
authorities and post on certain website; and
providing for codification.

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 3-129.1 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 "Empowered
Schools and School Districts Act".

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

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

5 1. "Empowered school" means a school in which a school district
6 board of education implements an empowerment plan pursuant to
7 Section 3 of this act;

8 2. "Empowered school zone" means a group of schools of a school
9 district that share common interests, such as geographical location
10 or educational focus, or that sequentially serve classes of students
11 as they progress through elementary and secondary education and in
12 which a school district board of education implements an empowerment
13 plan pursuant to Section 3 of this act;

14 3. "Empowered district" means a school district in which all
15 schools of a school district are included in an empowerment plan
16 implemented by the school district board of education pursuant to
17 Section 3 of this act; and

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

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

22 A. 1. A public school, zone, or district may submit to its
23 school district board of education an empowerment plan as described
24 in subsection C of this section.

1 2. A school district board of education shall receive and
2 review each empowerment plan submitted pursuant to paragraph 1 of
3 this subsection. The school district board of education shall
4 either approve or disapprove the empowerment plan within sixty (60)
5 days after receiving the plan.

6 3. If the school district board of education rejects the plan,
7 it shall provide to the public school, zone, or district that
8 submitted the plan a written explanation of the basis for its
9 decision. A public school, zone, or district may resubmit an
10 amended empowerment plan at any time after denial.

11 4. If the school district board of education approves the plan,
12 it shall proceed to seek approval of the school, zone, or district
13 as an empowered school, zone, or district pursuant to Section 6 of
14 this act.

15 B. A school district board of education may initiate and
16 collaborate with one or more public schools of the school district
17 to create one or more empowerment plans, as described in subsection
18 C of this section. In creating an empowerment plan the school
19 district board of education shall ensure that each public school
20 that would be affected by the plan has the opportunity to
21 participate in the creation of the plan.

22 C. Each empowerment plan shall include the following
23 information:
24

1 1. A statement of the mission of the school, zone, or district
2 and why designation as an empowered school, zone, or district would
3 enhance the ability of the school, zone, or district to achieve its
4 mission;

5 2. A description of the innovations the school, zone, or
6 district would implement, which may include, but not be limited to,
7 innovations in school staffing, curriculum and assessment, class
8 scheduling, use of financial and other resources, and faculty
9 recruitment, employment, evaluation, and compensation;

10 3. A listing of the programs, policies, or operational
11 documents within the school, zone, or district that would be
12 affected by the innovations identified by the school, zone, or
13 district and the manner in which they would be affected. The
14 programs, policies, or operational documents may include, but not be
15 limited to:

- 16 a. the research-based educational program to be
17 implemented,
- 18 b. the length of school day and school year,
- 19 c. the student promotion and graduation policies to be
20 implemented,
- 21 d. the assessment plan,
- 22 e. the proposed budget, and
- 23 f. the proposed staffing plan;

24

1 4. A description of any statutory, regulatory, or district
2 policy requirements that would need to be waived for the school,
3 zone, or district to implement the identified innovations;

4 5. A description of any provision of the collective bargaining
5 agreement in effect for the personnel at the school, zone, or
6 district that would need to be waived for the school, zone, or
7 district to implement its identified innovation;

8 6. An identification of the improvements in academic
9 performance that the school, zone, or district expects to achieve in
10 implementing the innovations;

11 7. An estimate of the cost savings and increased efficiencies,
12 if any, the school, zone, or district expects to achieve in
13 implementing the identified innovations;

14 8. Evidence that both a majority of the administrators and a
15 majority of the teachers employed at the school, zone, or district
16 approve the empowerment plan and consent to the designation as an
17 empowered school, zone, or district. The determination of approval
18 and consent of the plan shall be obtained by means of a secret
19 ballot vote;

20 9. A statement of the level of support for designation as an
21 empowered school, zone, or district demonstrated by the other
22 persons employed at the school, zone, or district, the students and
23 parents of students enrolled in the school, zone, or district, and
24 the community surrounding the school, zone, or district; and

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

4 D. Each plan for creating an empowered school zone or district
5 whether submitted by a group of public schools or created by a
6 school district board of education through collaboration with a
7 group of public schools, shall also include the following additional
8 information:

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

13 2. An estimate of any economies of scale that would be achieved
14 by innovations implemented jointly by the schools within the
15 empowered school zone or district.

16 E. No employee of a school, zone, or district shall be
17 discriminated against by the school district board of education, the
18 superintendent of the school district, or any other administrative
19 officer of the school district or by any employee organization, an
20 officer of the organization, or a member of the organization for
21 exercising or not exercising the rights provided for under the
22 Empowered Schools and School Districts Act. An employee of a school
23 district or an officer or member of an employee organization shall
24 be prohibited from impeding, restraining or coercing an employee of

1 a school, zone or district from exercising the rights provided for
2 under the act or causing an employer to impede, restrain or coerce
3 an employee from exercising the rights provided for under the act.

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

7 In considering or creating an empowerment plan each school
8 district board of education is encouraged to consider innovations in
9 the following areas:

- 10 1. Curriculum and academic standards and assessments;
- 11 2. Accountability measures, including, but not limited to,
12 expanding the use of a variety of accountability measures to more
13 accurately present a complete measure of student learning and
14 accomplishment. The accountability measures adopted may include,
15 but not be limited to:
 - 16 a. use of graduation or exit examinations,
 - 17 b. use of end-of-course examinations,
 - 18 c. use of formative assessments which measure student
19 growth over time,
 - 20 d. use of the Explore and Plan assessments,
 - 21 e. measuring the percentage of students continuing into
22 higher education, and
 - 23 f. measuring the percentage of students simultaneously
24 obtaining a high school diploma and an associate's

1 degree or a career and technical education

2 certificate;

3 3. Provision of services, including, but not limited to,
4 special education services, services for gifted and talented
5 students, services for limited English proficient students,
6 educational services for students at risk of academic failure,
7 expulsion, or dropping out; and support services provided by the
8 Department of Human Services or county social services agencies;

9 4. Teacher recruitment, training, preparation, and professional
10 development;

11 5. Teacher employment;

12 6. Performance expectations and evaluation procedures for
13 teachers and principals;

14 7. Compensation for teachers, principals, and other school
15 building personnel, including, but not limited to, performance pay
16 plans, total compensation plans, and other innovations with regard
17 to retirement and other benefits;

18 8. School governance and the roles, responsibilities, and
19 expectations of principals in empowered schools or schools within an
20 empowered school zone; and

21 9. Preparation and counseling of students for transition to
22 postsecondary education or the workforce.

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

4 Each public school and each school district board of education
5 may seek and accept public and private gifts, grants, and donations
6 to offset the costs of developing and implementing empowerment
7 plans.

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

11 A. Each school district board of education shall submit
12 approved school, zone, or district empowerment plans to the State
13 Board of Education.

14 B. 1. Within sixty (60) days after receiving an empowerment
15 plan for a school, zone, or district, the State Board shall approve
16 the empowerment plan unless the State Board concludes that the
17 submitted plan:

18 a. is likely to result in a decrease in academic
19 achievement in the empowered school, zone, or
20 district, or

21 b. is not fiscally feasible.

22 2. If the State Board does not approve the empowerment plan, it
23 shall provide to the school district board of education a written
24 explanation of the basis for its decision. The school district

1 board of education may resubmit an amended empowerment plan and seek
2 approval of the empowerment plan at any time after denial.

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

6 A. Upon approval of an empowerment plan for a school, zone, or
7 district, the State Board of Education shall waive any statutes or
8 rules specified in the approved empowerment plan as they pertain to
9 the empowered school, zone, or district; except that the State Board
10 shall not waive requirements for the following:

11 1. School district employee participation in the Teachers'
12 Retirement System of Oklahoma;

13 2. The Oklahoma School Testing Program Act;

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

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

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

21 B. Except as otherwise provided in this subsection, the State
22 Board of Education shall not waive any statute or rules specified in
23 the approved empowerment plan for an empowered school, zone or
24 district if the statute or rule relates to the implementation of or

1 requirements for any program or grant for which the school district
2 is receiving funds appropriated for the support of public school
3 activities. The State Board of Education may waive any statute or
4 rule that relates to the implementation of or requirements for any
5 program or grant only if the funding for the program or grant is no
6 longer allocated to the school district.

7 C. Designation as an empowered school, zone, or district shall
8 not affect the allocation of State Aid funding for the school
9 district as calculated pursuant to Section 18-200.1 of Title 70 of
10 the Oklahoma Statutes.

11 D. 1. If the school district board of education for an
12 empowered school, zone, or district revises an empowerment plan as
13 provided in Section 9 of this act, the school district board of
14 education may request, and the State Board shall grant, additional
15 waivers or changes to existing waivers as necessary to accommodate
16 the revisions to the empowerment plan unless the State Board
17 concludes that the waivers or changes to existing waivers would:

18 a. be likely to result in a decrease in academic
19 achievement in the empowered school, zone, or
20 district, or

21 b. not be fiscally feasible.

22 In requesting a new waiver or a change to an existing waiver,
23 the school district board of education shall demonstrate the consent
24 of a majority of the teachers and a majority of the administrators

1 employed at each school that is affected by the new or changed
2 waiver.

3 2. Except as otherwise provided in paragraph 1 of this
4 subsection, a waiver that is granted pursuant to this section shall
5 continue to apply to a school, zone, or district as long as the
6 school, zone, or district continues to be designated as an empowered
7 school, zone, or district.

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

11 A. 1. On and after the date on which the State Board of
12 Education approves a school, zone, or district as an empowered
13 school, zone, or district, any collective bargaining agreement of
14 the empowered school, zone, or district shall include a provision
15 that allows each empowered school, zone, or district to waive any
16 provisions of the collective bargaining agreement identified in the
17 empowerment plan as needing to be waived for the empowered school,
18 zone, or district to implement its identified innovations.

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

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1 3. For an empowered school zone or district, waiver of one or
2 more of the provisions of the collective bargaining agreement shall
3 be based on obtaining, at each school included in the empowered
4 school zone or district, the approval, by means of a secret ballot
5 vote, of at least sixty percent (60%) of the members of the
6 collective bargaining unit who are employed in the zone or district.
7 The school district board of education for the empowered zone or
8 district may choose to revise the plan for creating an empowered
9 zone or district to remove from the zone or district any school in
10 which at least sixty percent (60%) of the members of the collective
11 bargaining unit employed at the school do not vote to waive the
12 identified provisions of the collective bargaining agreement.

13 4. If a school district board of education, in collaboration
14 with the empowered school, zone, or district, revises the
15 empowerment plan, as provided in Section 9 of this act, and the
16 revisions include changes to the identified provisions of the
17 collective bargaining agreement that need to be waived to implement
18 the innovations that are included in the empowerment plan, the
19 school district board of education shall seek such additional
20 waivers or revision or revocation of the existing waivers of
21 provisions of the collective bargaining agreement as are necessary
22 to implement the revised empowerment plan. Any changes to waivers,
23 or additional waivers, of the identified provisions of the
24 collective bargaining agreement shall be subject to approval in the

1 same manner as provided in paragraphs 2 and 3 of this subsection for
2 the initial approval of waivers of provisions of the collective
3 bargaining agreement.

4 5. Except as otherwise provided in paragraph 4 of this
5 subsection, waiver of identified provisions of a collective
6 bargaining agreement for an empowered school, zone, or district
7 pursuant to this subsection shall continue as long as the school,
8 zone, or district remains an empowered school, zone, or district. A
9 waiver approved pursuant to this subsection shall continue to apply
10 to any substantially similar provision that is included in a new or
11 renewed collective bargaining agreement for the schools of the
12 empowered school, zone, or district.

13 B. A person who is a member of the collective bargaining unit
14 and is employed at an empowered school or zone may request a
15 transfer to another public school in the district. The school
16 district board of education shall make every reasonable effort to
17 accommodate the request of the person.

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

21 A. Three (3) years after the State Board of Education approves
22 an empowerment plan for a school, zone, or district, and every three
23 (3) years thereafter, the school district board of education shall
24 review the level of performance of the empowered school, zone, or

1 district and determine whether the empowered school, zone, or
2 district is achieving or making adequate progress toward achieving
3 the academic performance results identified in the empowerment plan
4 of the school, zone, or district. The school district board of
5 education, in collaboration with the empowered school, zone, or
6 district, may revise the empowerment plan as necessary to improve or
7 continue to improve academic performance at the empowered school,
8 zone, or district. Any revisions to the empowerment plan shall
9 require the consent of a majority of the teachers and a majority of
10 the administrators employed at each affected public school.

11 B. 1. Following review of an empowered school's performance,
12 if a school district board of education finds that the academic
13 performance of students enrolled in the empowered school is not
14 improving at a sufficient rate, the district school board may revoke
15 the empowered status of the school.

16 2. Following review of the performance of an empowered school
17 zone or district, if a school district board of education finds that
18 the academic performance of students enrolled in one or more of the
19 public schools included in the empowered school zone or district is
20 not improving at a sufficient rate, the school district board of
21 education may remove the underperforming public school or schools
22 from the empowered school zone or district or may revoke the
23 designation of the empowered school zone or district.

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

4 A. By March 1, 2011, and each year thereafter, the State Board
5 of Education shall submit to the Governor, the President Pro Tempore
6 of the State Senate, the Speaker of the House of Representatives,
7 and to the members of the education committees of the Senate and the
8 House of Representatives, or any successor committees, a report
9 concerning the empowered districts. At a minimum, the report shall
10 include:

11 1. The number of school districts designated as empowered
12 districts in the preceding academic year and the total number of
13 empowered districts in the state;

14 2. The number of empowered schools and the number of empowered
15 school zones, including the number of schools in the zone, in each
16 empowered district and the number of students served in the
17 empowered schools and empowered school zones, expressed as a total
18 number and as a percentage of the students enrolled in the empowered
19 district;

20 3. An overview of the innovations implemented in each empowered
21 school, zone, and district;

22 4. An overview of the academic performance of the students
23 served in empowered schools, zones, and districts, including a
24

1 comparison between the academic performance of the students before
2 and since implementation of the innovations;

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

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

8 B. The State Superintendent of Public Instruction shall ensure
9 that the annual report submitted pursuant to this section is
10 promptly posted on the State Department of Education website."

11 Passed the House of Representatives the 20th day of April, 2010.

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Presiding Officer of the House of
Representatives

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16 Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate

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