

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB2330 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Lee Denney

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 2330

By: Ford of the Senate

and

Denney of the House

7  
8  
9 PROPOSED COMMITTEE SUBSTITUTE

10 [ schools - Empowered Schools and School Districts

11 Act - codification - effective date -

12 emergency ]

13  
14  
15  
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3-129.1 of Title 70, unless  
19 there is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Empowered  
21 Schools and School Districts Act".

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

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

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

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

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

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

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

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

22 2. A school district board of education shall receive and  
23 review each empowerment plan submitted pursuant to paragraph 1 of  
24 this subsection. The school district board of education shall

1 either approve or disapprove the empowerment plan within sixty (60)  
2 days after receiving the plan.

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

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

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

19 C. Each empowerment plan shall include the following  
20 information:

21 1. A statement of the mission of the school, zone, or district  
22 and why designation as an empowered school, zone, or district would  
23 enhance the ability of the school, zone, or district to achieve its  
24 mission;

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

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

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

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

23           5. A description of any provision of the collective bargaining  
24 agreement in effect for the personnel at the school, zone, or

1 district that would need to be waived for the school, zone, or  
2 district to implement its identified innovation;

3 6. An identification of the improvements in academic  
4 performance that the school, zone, or district expects to achieve in  
5 implementing the innovations;

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

9 8. Evidence that a majority of the administrators and teachers  
10 employed at the school, zone, or district approve the empowerment  
11 plan and consent to the designation as an empowered school, zone, or  
12 district. The determination of approval and consent of the plan  
13 shall be obtained by means of a secret ballot vote;

14 9. A statement of the level of support for designation as an  
15 empowered school, zone, or district demonstrated by the other  
16 persons employed at the school, zone, or district, the students and  
17 parents of students enrolled in the school, zone, or district, and  
18 the community surrounding the school, zone, or district; and

19 10. Any additional information required by the school district  
20 board of education of the school district in which the empowerment  
21 plan would be implemented.

22 D. Each plan for creating an empowered school zone or district  
23 whether submitted by a group of public schools or created by a  
24 school district board of education through collaboration with a

1 group of public schools, shall also include the following additional  
2 information:

3 1. A description of how innovations in the schools in the  
4 empowered school zone or district would be integrated to achieve  
5 results that would be less likely to be accomplished by each school  
6 working alone; and

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

10 E. No employee of a school, zone, or district shall be  
11 discriminated against by the school district board of education, the  
12 superintendent of the school district, or any other administrative  
13 officer of the school district or by any employee organization, an  
14 officer of the organization, or a member of the organization for  
15 exercising or not exercising the rights provided for under the  
16 Empowered Schools and School Districts Act. An employee of a school  
17 district or for an officer or member of an employee organization  
18 shall be prohibited from impeding, restraining or coercing an  
19 employee of a school, zone or district from exercising the rights  
20 provided for under the act or causing an employer to impede,  
21 restrain or coerce an employee from exercising the rights provided  
22 for under the act.

23

24

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

4           In considering or creating an empowerment plan each school  
5 district board of education is encouraged to consider innovations in  
6 the following areas:

- 7           1. Curriculum and academic standards and assessments;
- 8           2. Accountability measures, including, but not limited to,  
9 expanding the use of a variety of accountability measures to more  
10 accurately present a complete measure of student learning and  
11 accomplishment. The accountability measures adopted may include,  
12 but not be limited to:

- 13           a. use of graduation or exit examinations,
- 14           b. use of end-of-course examinations,
- 15           c. use of formative assessments which measure student  
16 growth over time,
- 17           d. use of the Explore and Plan assessments,
- 18           e. measuring the percentage of students continuing into  
19 higher education, and
- 20           f. measuring the percentage of students simultaneously  
21 obtaining a high school diploma and an associate's  
22 degree or a career and technical education  
23 certificate;

24

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

7           4. Teacher recruitment, training, preparation, and professional  
8 development;

9           5. Teacher employment;

10          6. Performance expectations and evaluation procedures for  
11 teachers and principals;

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

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

19          9. Preparation and counseling of students for transition to  
20 postsecondary education or the workforce.

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

24

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

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

8 A. Each school district board of education shall submit  
9 approved school, zone, or district empowerment plans to the State  
10 Board of Education.

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

15 a. is likely to result in a decrease in academic  
16 achievement in the empowered school, zone, or  
17 district, or

18 b. is not fiscally feasible.

19 2. If the State Board does not approve the empowerment plan, it  
20 shall provide to the school district board of education a written  
21 explanation of the basis for its decision. The school district  
22 board of education may resubmit an amended empowerment plan and seek  
23 approval of the empowerment plan at any time after denial.

24

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

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

9 1. School district employee participation in the Teachers'  
10 Retirement System of Oklahoma;

11 2. The Oklahoma School Testing Program Act;

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

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

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

19 B. Designation as an empowered school, zone, or district shall  
20 not affect a school district's:

21 1. Total program funding; or

22 2. Eligibility for funding.

23 C. 1. If the school district board of education for an  
24 empowered school, zone, or district revises an empowerment plan as

1 provided in Section 9 of this act, the school district board of  
2 education may request, and the State Board shall grant, additional  
3 waivers or changes to existing waivers as necessary to accommodate  
4 the revisions to the empowerment plan unless the State Board  
5 concludes that the waivers or changes to existing waivers would:

- 6 a. be likely to result in a decrease in academic  
7 achievement in the empowered school, zone, or  
8 district, or
- 9 b. not be fiscally feasible.

10 In requesting a new waiver or a change to an existing waiver,  
11 the school district board of education shall demonstrate the consent  
12 of a majority of the teachers and a majority of the administrators  
13 employed at each school that is affected by the new or changed  
14 waiver.

15 2. Except as otherwise provided in paragraph 1 of this  
16 subsection, a waiver that is granted pursuant to this section shall  
17 continue to apply to a school, zone, or district as long as the  
18 school, zone, or district continues to be designated as an empowered  
19 school, zone, or district.

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

23 A. 1. On and after the date on which the State Board of  
24 Education approves a school, zone, or district as an empowered

1 school, zone, or district, any collective bargaining agreement of  
2 education of the empowered school, zone, or district shall include a  
3 term that allows each empowered school, zone, or district to waive  
4 any provisions of the collective bargaining agreement identified in  
5 the empowerment plan as needing to be waived for the empowered  
6 school, zone, or district to implement its identified innovations.

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

12 3. For an empowered school zone or district, waiver of one or  
13 more of the provisions of the collective bargaining agreement shall  
14 be based on obtaining, at each school included in the empowered  
15 school zone or district, the approval, by means of a secret ballot  
16 vote, of at least sixty percent (60%) of the members of the  
17 collective bargaining unit who are employed in the zone or district.  
18 The school district board of education for the empowered zone or  
19 district may choose to revise the plan for creating an empowered  
20 zone or district to remove from the zone or district any school in  
21 which at least sixty percent (60%) of the members of the collective  
22 bargaining unit employed at the school do not vote to waive the  
23 identified provisions of the collective bargaining agreement.

24

1       4. If a school district board of education, in collaboration  
2 with the empowered school, zone, or district, revises the  
3 empowerment plan, as provided in Section 9 of this act, and the  
4 revisions include changes to the identified provisions of the  
5 collective bargaining agreement that need to be waived to implement  
6 the innovations that are included in the empowerment plan, the  
7 school district board of education shall seek such additional  
8 waivers or revision or revocation of the existing waivers of  
9 provisions of the collective bargaining agreement as are necessary  
10 to implement the revised empowerment plan. Any changes to waivers,  
11 or additional waivers, of the identified provisions of the  
12 collective bargaining agreement shall be subject to approval in the  
13 same manner as provided in paragraphs 2 and 3 of this subsection for  
14 the initial approval of waivers of provisions of the collective  
15 bargaining agreement.

16       5. Except as otherwise provided in paragraph 4 of this  
17 subsection, waiver of identified provisions of a collective  
18 bargaining agreement for an empowered school, zone, or district  
19 pursuant to this subsection shall continue as long as the school,  
20 zone, or district remains an empowered school, zone, or district. A  
21 waiver approved pursuant to this subsection shall continue to apply  
22 to any substantially similar provision that is included in a new or  
23 renewed collective bargaining agreement for the schools of the  
24 empowered school, zone, or district.

1 B. A person who is a member of the collective bargaining unit  
2 and is employed at an empowered school or zone may request a  
3 transfer to another public school in the district. The school  
4 district board of education shall make every reasonable effort to  
5 accommodate the request of the person.

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

9 A. Three (3) years after the State Board of Education approves  
10 an empowerment plan for a school, zone, or district, and every three  
11 (3) years thereafter, the school district board of education shall  
12 review the level of performance of the empowered school, zone, or  
13 district and determine whether the empowered school, zone, or  
14 district is achieving or making adequate progress toward achieving  
15 the academic performance results identified in the empowerment plan  
16 of the school, zone, or district. The school district board of  
17 education, in collaboration with the empowered school, zone, or  
18 district, may revise the empowerment plan as necessary to improve or  
19 continue to improve academic performance at the empowered school,  
20 zone, or district. Any revisions to the empowerment plan shall  
21 require the consent of a majority of the teachers and a majority of  
22 the administrators employed at each affected public school.

23 B. 1. Following review of an empowered school's performance,  
24 if a school district board of education finds that the academic

1 performance of students enrolled in the empowered school is not  
2 improving at a sufficient rate, the district school board may revoke  
3 the empowered status of the school.

4 2. Following review of the performance of an empowered school  
5 zone or district, if a school district board of education finds that  
6 the academic performance of students enrolled in one or more of the  
7 public schools included in the empowered school zone or district is  
8 not improving at a sufficient rate, the school district board of  
9 education may remove the underperforming public school or schools  
10 from the empowered school zone or district or may revoke the  
11 designation of the empowered school zone or district.

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

15 A. By March 1, 2011, and each year thereafter, the State Board  
16 of Education shall submit to the Governor, the President Pro Tempore  
17 of the State Senate, the Speaker of the House of Representatives,  
18 and to the members of the education committees of the Senate and the  
19 House of Representatives, or any successor committees, a report  
20 concerning the empowered districts. At a minimum, the report shall  
21 include:

22 1. The number of school districts designated as empowered  
23 districts in the preceding academic year and the total number of  
24 empowered districts in the state;

1           2. The number of empowered schools and the number of empowered  
2 school zones, including the number of schools in the zone, in each  
3 empowered district and the number of students served in the  
4 empowered schools and empowered school zones, expressed as a total  
5 number and as a percentage of the students enrolled in the empowered  
6 district;

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

9           4. An overview of the academic performance of the students  
10 served in empowered schools, zones, and districts, including a  
11 comparison between the academic performance of the students before  
12 and since implementation of the innovations;

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

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

18           B. The State Superintendent of Public Instruction shall ensure  
19 that the annual report submitted pursuant to this section is  
20 promptly posted on the State Department of Education website.

21           SECTION 11. This act shall become effective July 1, 2010.

22           SECTION 12. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 52-2-10535 KB 04/05/10

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24