

THE HOUSE OF REPRESENTATIVES
Tuesday, April 13, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 509

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 509 - By: FORD,
CORN, MARLATT AND RICE of the Senate and COODY of the House.

An Act relating to schools; amending Section 1, Chapter 195, O.S.L. 2009 (70
O.S. Supp. 2009, Section 1210.544), which relates to alternative governance
arrangements; modifying provisions related to alternative governance
procedures; and declaring an emergency.

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

1 SECTION 1. AMENDATORY Section 1, Chapter 195, O.S.L. 2009 (70 O.S.
2 Supp. 2009, Section 1210.544), is amended to read as follows:

3 Section 1210.544 A. Notwithstanding any other provision of state law, for schools
4 that are identified for school improvement by the State Board of Education for four (4)
5 consecutive years, the district board of education shall implement one of the following
6 alternative governance arrangements for the school in accordance with subparagraph (B)
7 of subsection (b)(8) of Section 1116 of Public Law No. 107-110:

8 1. Reopening the school as a public charter school;

9 2. Replacing all or most of the school staff assigned to the school, which may
10 include the principal, who are relevant to the failure to make adequate yearly progress

1 and by transferring the replaced staff to another school or by dismissing or not
2 reemploying the replaced staff in accordance with the provisions of the Teacher Due
3 Process Act of 1990 or in accordance with subsection C of this section, if applicable;

4 3. Entering into a contract with an entity, such as a private management company,
5 with a demonstrated record of effectiveness, to operate the public school;

6 4. Turning the operation of the school over to the State Board of Education; or

7 5. Any other major restructuring of the governance arrangement of the school that
8 makes fundamental reforms, such as significant changes in the staffing and governance
9 of the school, to improve student academic achievement in the school and that has
10 substantial promise of enabling the school to make adequate yearly progress. If the
11 chosen governance arrangement does not produce adequate yearly progress within two
12 (2) years from the date of implementation of the restructured governance arrangement,
13 the State Board of Education shall assume control of the school as provided for in
14 subsection B of this section.

15 B. For any school that fails to comply with the provisions of subsection A of this
16 section by the end of the school year following its identification for school improvement
17 for four (4) consecutive years, the State Board of Education shall assume control of the
18 management and operations of the school, including control of the staff assigned to the
19 school. The Board shall retain all funds that otherwise would have been allocated to the
20 school district based on the average daily membership of the school which shall be used
21 to operate the school.

1 C. 1. A district board of education for a district with an average daily membership
2 of more than 30,000 which implements an alternative governance arrangement as
3 provided in paragraph 2 of subsection A of this section may utilize the following
4 procedures, upon approval of the district board and concurrence of the executive
5 committee of the appropriate local bargaining unit:

6 a. any teacher not retained at the school site shall be given status as a
7 full-time substitute teacher within the school district for a period of not
8 to exceed two (2) years.

9 b. if the teacher is not offered a contract teaching position at a school in
10 the district within the two-year period specified in subparagraph a of
11 this paragraph, the district board shall be authorized to not reemploy
12 the teacher, and

13 c. the district board shall designate trained, certified, instructional staff
14 to provide teacher support, development and evaluation, which may
15 include certified personnel other than administrators.

16 2. Any actions taken pursuant to this subsection shall not be subject to the Teacher
17 Due Process Act of 1990. The decision by the district board for renewal or nonrenewal
18 shall be final.

19 3. For purposes of this subsection, a full-time substitute teacher shall perform the
20 duties assigned by the district superintendent and shall continue to receive the same
21 salary, benefits and step increases that the teacher would otherwise be entitled to for the
22 time period the teacher serves as a full-time substitute.

1 SECTION 2. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 04-12-10 - DO PASS, As Amended and Coauthored.