

1 ENGROSSED SENATE  
2 BILL NO. 1229

By: Ford of the Senate

3 and

4 Denney of the House

5  
6  
7 An Act relating to school improvement; amending 70  
8 O.S. 2011, Section 1210.544, which relates to  
9 alternative governance arrangements; modifying  
10 certain term; providing that certain report may be  
submitted electronically; allowing the State Board to  
implement certain provisions; providing an effective  
date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.544, is  
15 amended to read as follows:

16 Section 1210.544. A. 1. The State Board of Education shall  
17 establish a process to identify schools in the state that are  
18 consistently listed as a persistently low-achieving school in  
19 accordance with subsection (g) (6) of Section 1003 of Title I of the  
20 Elementary and Secondary Education Act of 1965 (ESEA), as amended.  
21 A school district board of education with a school identified as  
22 being among the persistently lowest-achieving schools in the state  
23 shall implement one of the following four intervention models for  
24 the school:

- 1 a. turnaround model - replacing the principal and  
2 rehiring not more than fifty percent (50%) of the  
3 staff and granting to the principal sufficient  
4 operational flexibility to fully implement a  
5 comprehensive approach to substantially improve  
6 student outcomes,
- 7 b. restart model - converting or closing the school and  
8 reopening it as a charter school under an operator or  
9 an education management organization that has been  
10 selected through a rigorous review process. Except  
11 for the average daily membership and county population  
12 limitations specified in subsection A of Section 3-132  
13 of this title, any charter school created pursuant to  
14 this subparagraph shall be subject to the provisions  
15 of the Oklahoma Charter Schools Act,
- 16 c. school closure - closing the school and enrolling the  
17 students who attended that school in other schools in  
18 the school district that are higher-achieving, or
- 19 d. transformation model - implementing each of the  
20 following strategies:
- 21 (1) replace the principal,  
22 (2) develop and increase teacher and school-leader  
23 effectiveness,  
24 (3) institute comprehensive instructional reform,

- 1 (4) increase learning time and create community-
- 2 oriented schools, and
- 3 (5) provide operational flexibility and sustained
- 4 support.

5 2. If a school identified as being among the persistently  
6 lowest-achieving schools in the state has already implemented an  
7 alternative governance arrangement within the last two (2) years  
8 prior to the identification, the school may continue implementation  
9 of the alternative governance arrangement.

10 B. 1. Notwithstanding any other provision of state law, for  
11 schools that are identified for school improvement by the State  
12 Board of Education for four (4) consecutive years, the district  
13 board of education shall implement one of the following alternative  
14 governance arrangements for the school in accordance with  
15 subparagraph (B) of subsection (b) (8) of Section 1116 of Title I of  
16 the Elementary and Secondary Education Act of 1965, as amended:

17 a. reopening the school as a public charter school.

18 Except for the average daily membership and county  
19 population limitations specified in subsection A of  
20 Section 3-132 of this title, any charter school  
21 created pursuant to this subparagraph shall be subject  
22 to the provisions of the Oklahoma Charter Schools Act,

23 b. replacing all or most of the school staff assigned to  
24 the school, which may include the principal, who are

1 relevant to the failure to make adequate yearly  
2 progress and by transferring the replaced staff to  
3 another school or by dismissing or not reemploying the  
4 replaced staff in accordance with the provisions of  
5 the Teacher Due Process Act of 1990 or in accordance  
6 with subsection C of this section, if applicable,

7 c. entering into a contract with an entity, such as a  
8 private management company, with a demonstrated record  
9 of effectiveness, to operate the public school,

10 d. turning the ~~operation~~ academic management of the  
11 school over to the State Board of Education, or

12 e. any other major restructuring of the governance  
13 arrangement of the school that makes fundamental  
14 reforms, such as significant changes in the staffing  
15 and governance of the school, to improve student  
16 academic achievement in the school and that has  
17 substantial promise of enabling the school to make  
18 adequate yearly progress. If the chosen governance  
19 arrangement does not produce adequate yearly progress  
20 within two (2) years from the date of implementation  
21 of the restructured governance arrangement, the State  
22 Board of Education shall assume control of the  
23 academic management of the school as provided for in  
24 paragraph 2 of this subsection.

1           2. For any school that fails to comply with the provisions of  
2 paragraph 1 of this subsection by the end of the school year  
3 following its identification for school improvement for four (4)  
4 consecutive years, the State Board of Education shall assume control  
5 of the academic management and operations of the school, ~~including~~  
6 ~~control of the staff assigned to the school.~~ Once control by the  
7 State Board of Education is assumed, the Board shall prescribe the  
8 method of assistance to be provided. The Board may choose to  
9 implement one of the intervention models listed in paragraph 1 of  
10 subsection A of this section or one of the alternative governance  
11 arrangements listed in paragraph 1 of subsection B of this section.

12 The Board shall retain all funds that otherwise would have been  
13 allocated to the school district based on the average daily  
14 membership of the school which shall be used to operate the school.

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

21           a. any teacher not retained at the school site shall be  
22                given status as a full-time substitute teacher within  
23                the school district for a period of not to exceed two  
24                (2) years,

1           b.    if the teacher is not offered a contract teaching  
2                    position at a school in the district within the two-  
3                    year period specified in subparagraph a of this  
4                    paragraph, the district board shall be authorized to  
5                    not reemploy the teacher, and

6           c.    the district board shall designate trained, certified,  
7                    instructional staff to provide teacher support,  
8                    development and evaluation, which may include  
9                    certified personnel other than administrators.

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

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

19          D.    1.   Each school district subject to the provisions of  
20                subsection B of this section shall submit a plan for compliance with  
21                this section to the State Department of Education, in a manner  
22                prescribed by the Department.

23          2.    Beginning December 31, 2010, and annually each year  
24                thereafter, the State Department of Education shall submit a report

1 electronically of the district plans received as provided in  
2 paragraph 1 of this subsection to the members of the Senate and  
3 House Education Committees.

4 SECTION 2. This act shall become effective July 1, 2012.

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

9 Passed the Senate the 13th day of March, 2012.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2012.

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17 Presiding Officer of the House  
18 of Representatives