

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1731

By: Hall and Kern

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5
6 AS INTRODUCED

7 An Act relating to schools; amending Section 1,
8 Chapter 195, O.S.L. 2009, as last amended by Section
9 16, Chapter 291, O.S.L. 2010 (70 O.S. Supp. 2010,
10 Section 1210.544), which relates to the
11 identification of low-achieving schools; providing
12 for implementation of certain school intervention
13 upon petition by parents; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 195, O.S.L
17 2009, as last amended by Section 16, Chapter 291, O.S.L. 2010 (70
18 O.S. Supp. 2010, Section 1210.544), is amended to read as follows:

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

1 shall implement one of the following four intervention models for
2 the school:

3 a. turnaround model - replacing the principal and
4 rehiring not more than fifty percent (50%) of the
5 staff and granting to the principal sufficient
6 operational flexibility to fully implement a
7 comprehensive approach to substantially improve
8 student outcomes,

9 b. restart model - converting or closing the school and
10 reopening it as a charter school under an operator or
11 an education management organization that has been
12 selected through a rigorous review process. Except
13 for the average daily membership and county population
14 limitations specified in subsection A of Section 3-132
15 of this title, any charter school created pursuant to
16 this subparagraph shall be subject to the provisions
17 of the Oklahoma Charter Schools Act,

18 c. school closure - closing the school and enrolling the
19 students who attended that school in other schools in
20 the school district that are higher-achieving, or

21 d. transformation model - implementing each of the
22 following strategies:

23 (1) replace the principal,

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- (2) develop and increase teacher and school-leader effectiveness,
- (3) institute comprehensive instructional reform,
- (4) increase learning time and create community-oriented schools, and
- (5) provide operational flexibility and sustained support.

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

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

- a. reopening the school as a public charter school.
Except for the average daily membership and county population limitations specified in subsection A of Section 3-132 of this title, any charter school

- 1 created pursuant to this subparagraph shall be subject
2 to the provisions of the Oklahoma Charter Schools Act,
3 b. replacing all or most of the school staff assigned to
4 the school, which may include the principal, who are
5 relevant to the failure to make adequate yearly
6 progress and by transferring the replaced staff to
7 another school or by dismissing or not reemploying the
8 replaced staff in accordance with the provisions of
9 the Teacher Due Process Act of 1990 or in accordance
10 with subsection C of this section, if applicable,
11 c. entering into a contract with an entity, such as a
12 private management company, with a demonstrated record
13 of effectiveness, to operate the public school,
14 d. turning the operation of the school over to the State
15 Board of Education, or
16 e. any other major restructuring of the governance
17 arrangement of the school that makes fundamental
18 reforms, such as significant changes in the staffing
19 and governance of the school, to improve student
20 academic achievement in the school and that has
21 substantial promise of enabling the school to make
22 adequate yearly progress. If the chosen governance
23 arrangement does not produce adequate yearly progress
24 within two (2) years from the date of implementation

1 of the restructured governance arrangement, the State
2 Board of Education shall assume control of the school
3 as provided for in paragraph 2 of this subsection.

4 2. For any school that fails to comply with the provisions of
5 paragraph 1 of this subsection by the end of the school year
6 following its identification for school improvement for four (4)
7 consecutive years, the State Board of Education shall assume control
8 of the management and operations of the school, including control of
9 the staff assigned to the school. The Board shall retain all funds
10 that otherwise would have been allocated to the school district
11 based on the average daily membership of the school which shall be
12 used to operate the school.

13 3. For any school that is identified for school improvement by
14 the State Board of Education for four (4) consecutive years, and if
15 at least one-half (1/2) of the parents or legal guardians of
16 students attending the school sign a petition requesting the
17 district board of education to implement one or more of the
18 interventions identified in subparagraphs a through e of paragraph 1
19 of this subsection, the district board of education shall implement
20 the option or options requested by the parents or legal guardians.

21 C. 1. A district board of education for a district with an
22 average daily membership of more than 30,000 which implements an
23 alternative governance arrangement as provided in paragraph 2 of
24 subsection A of this section may utilize the following procedures,

1 upon approval of the district board and concurrence of the executive
2 committee of the appropriate local bargaining unit:

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

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

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

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

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

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SECTION 2. This act shall become effective November 1, 2011.

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