

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1745

By: Nelson

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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 identifying low-  
11 achieving schools and alternative governing  
12 arrangements; providing for the operation of certain  
13 schools to be turned over to the State Board of  
14 Education upon petition of the parents; requiring a  
15 certain percentage of parent signatures; requiring  
16 filing of the petition; directing the board of  
17 education to notify the Board; establishing process  
18 for the Board to assume control; providing for  
19 retention of certain funds by the Board; allowing the  
20 Board to select certain operation options; providing  
21 for parental input; providing an effective date; and  
22 declaring an emergency.

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

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

Section 1210.544 A. 1. The State Board of Education shall  
establish a process to identify schools in the state that are  
consistently listed as a persistently low-achieving school in  
accordance with subsection (g)(6) of Section 1003 of Title I of the

1 Elementary and Secondary Education Act of 1965 (ESEA), as amended.  
2 A school district board of education with a school identified as  
3 being among the persistently lowest-achieving schools in the state  
4 shall implement one of the following four intervention models for  
5 the school:

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

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

21 c. school closure - closing the school and enrolling the  
22 students who attended that school in other schools in  
23 the school district that are higher-achieving, or  
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1 d. transformation model - implementing each of the  
2 following strategies:

- 3 (1) replace the principal,
- 4 (2) develop and increase teacher and school-leader  
5 effectiveness,
- 6 (3) institute comprehensive instructional reform,
- 7 (4) increase learning time and create community-  
8 oriented schools, and
- 9 (5) provide operational flexibility and sustained  
10 support.

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

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

- 23 a. reopening the school as a public charter school.

24 Except for the average daily membership and county

1 population limitations specified in subsection A of  
2 Section 3-132 of this title, any charter school  
3 created pursuant to this subparagraph shall be subject  
4 to the provisions of the Oklahoma Charter Schools Act,  
5 b. replacing all or most of the school staff assigned to  
6 the school, which may include the principal, who are  
7 relevant to the failure to make adequate yearly  
8 progress and by transferring the replaced staff to  
9 another school or by dismissing or not reemploying the  
10 replaced staff in accordance with the provisions of  
11 the Teacher Due Process Act of 1990 or in accordance  
12 with subsection C of this section, if applicable,  
13 c. entering into a contract with an entity, such as a  
14 private management company, with a demonstrated record  
15 of effectiveness, to operate the public school,  
16 d. turning the operation of the school over to the State  
17 Board of Education, or  
18 e. any other major restructuring of the governance  
19 arrangement of the school that makes fundamental  
20 reforms, such as significant changes in the staffing  
21 and governance of the school, to improve student  
22 academic achievement in the school and that has  
23 substantial promise of enabling the school to make  
24 adequate yearly progress. If the chosen governance

1 arrangement does not produce adequate yearly progress  
2 within two (2) years from the date of implementation  
3 of the restructured governance arrangement, the State  
4 Board of Education shall assume control of the school  
5 as provided for in paragraph 2 of this subsection.

6 2. For any school that fails to comply with the provisions of  
7 paragraph 1 of this subsection by the end of the school year  
8 following its identification for school improvement for four (4)  
9 consecutive years, the State Board of Education shall assume control  
10 of the management and operations of the school, including control of  
11 the staff assigned to the school. The Board shall retain all funds  
12 that otherwise would have been allocated to the school district  
13 based on the average daily membership of the school which shall be  
14 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. For any school that does not make adequate yearly  
20           progress (AYP) for one (1) or more years, as AYP is defined by the  
21           accountability system developed by the State Board of Education  
22           pursuant to this section, because of failure to meet either an  
23           academic performance target or an attendance or graduation  
24           performance target, or both, and is identified for school

1 improvement, the management and operation of the school shall be  
2 turned over to the State Board of Education if more than fifty  
3 percent (50%) of the parents or legal guardians of students  
4 attending the school, including the parents and legal guardians of  
5 students in elementary or middle schools that normally matriculate  
6 into a middle or high school, as applicable, sign a petition  
7 requesting the change in the operation of the school.

8       2. The petition shall be filed with the board of education of  
9 the school district in which the school is located. The board of  
10 education shall notify the State Board of Education upon receipt of  
11 the petition.

12       3. Upon verification of the petition, the State Board of  
13 Education shall assume control of the management and operation of  
14 the school, including control of the staff assigned to the school,  
15 at the end of the school year in which the petition is filed. The  
16 Board shall retain all funds that otherwise would have been  
17 allocated to the school district based on the average daily  
18 membership of the school which shall be used to operate the school.

19       4. The State Board of Education may elect to operate the school  
20 under the administrative control of the State Department of  
21 Education or may implement one of the alternative governance  
22 arrangements as set forth in paragraph 1 of subsection B of this  
23 section. The Board may seek input from the parents and legal  
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1 guardians of the students enrolled in school before deciding how to  
2 operate the school.

3 SECTION 2. This act shall become effective July 1, 2011.

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

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