

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1385

By: Coody

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Sections 3-132, as amended by Section 1, Chapter 367, O.S.L. 2012 and 3-140, as amended by Section 2, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012, Sections 3-132 and 3-140), which relate to the Oklahoma Charter Schools Act; amending 70 O.S. 2011, Section 3-153, as amended by Section 2, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-153), which relates to reporting certain plans to the State Board of Education; amending 70 O.S. 2011, Section 5-141.4, which relates to incentive pay plans; amending 70 O.S. 2011, Section 6-194.2, which relates to scholarships for attending Great Expectations Summer Institutes for Teachers; amending 70 O.S. 2011, Section 6-200, as amended by Section 12, Chapter 223, O.S.L. 2012 (70 O.S. Supp. 2012, Section 6-200), which relates to professional development institutes; amending 70 O.S. 2011, Section 6-204.2, as amended by Section 2, Chapter 360, O.S.L. 2012 (70 O.S. Supp. 2012, Section 6-204.2), which relates to the Education Leadership Oklahoma program; amending 70 O.S. 2011, Section 6-210, which relates to the Inner City Schools Rescue program; amending 70 O.S. 2011, Section 11-109.1, which relates to awards of funds to nonprofit arts organizations; amending 70 O.S. 2011, Sections 1210.541, as amended by Section 15, Chapter 223, O.S.L. 2012 and 1210.544 (70 O.S. Supp. 2012, Section 1210.541), which relate to Oklahoma Educational Indicators Program; amending 70 O.S. 2011, Sections 1210.573, 1210.574 and 1210.575, which relate to the Developmental Research School Act; deleting references to the school improvement list; changing references from schools on the improvement list to schools in need of improvement; changing references from low performing schools to schools in need of improvement; changing references from high

1 challenge schools to schools in need of improvement;  
2 deleting references to Academic Performance Index and  
3 Adequate Yearly Progress; adding statutory reference;  
4 updating statutory references; repealing 70 O.S.  
5 2011, Section 3-150, which relates to the Academic  
6 Performance Index; providing an effective date; and  
7 declaring an emergency.

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

9 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as  
10 amended by Section 1, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,  
11 Section 3-132), is amended to read as follows:

12 Section 3-132. A. The Oklahoma Charter Schools Act shall apply  
13 only to charter schools formed and operated under the provisions of  
14 the act. Charter schools shall be sponsored only as follows:

15 1. By a school district with an average daily membership of  
16 five thousand (5,000) or more and which all or part of the school  
17 district is located in a county having more than five hundred  
18 thousand (500,000) population according to the latest Federal  
19 Decennial Census;

20 2. By a school district which has a school site ~~listed on the~~  
21 ~~school improvement list as determined~~ that has been identified as in  
22 need of improvement by the State Board of Education pursuant to the  
23 Elementary and Secondary Education Act of 1965, as amended or  
24 reauthorized;

1           3. By a technology center school district if the charter school  
2 is located in a school district served by the technology center  
3 school district and the school district has an average daily  
4 membership of five thousand (5,000) or more and which all or part of  
5 the school district is located in a county having more than five  
6 hundred thousand (500,000) population according to the latest  
7 Federal Decennial Census;

8           4. By a technology center school district if the charter school  
9 is located in a school district served by the technology center  
10 school district and the school district has a school site ~~listed on~~  
11 ~~the school improvement list as determined~~ that has been identified  
12 as in need of improvement by the State Board of Education pursuant  
13 to the Elementary and Secondary Education Act of 1965, as amended or  
14 reauthorized;

15           5. By a comprehensive or regional institution that is a member  
16 of The Oklahoma State System of Higher Education if the charter  
17 school is located in a school district that has an average daily  
18 membership of five thousand (5,000) or more and which all or part of  
19 the school district is located in a county having more than five  
20 hundred thousand (500,000) population according to the latest  
21 Federal Decennial Census. In addition, the institution shall have a  
22 teacher education program accredited by the Oklahoma Commission for  
23 Teacher Preparation and have a branch campus or constituent agency  
24

1 physically located within the school district in which the charter  
2 school is located;

3 6. By a comprehensive or regional institution that is a member  
4 of the Oklahoma State System of Higher Education if the charter  
5 school is located in a school district that has a school site ~~listed~~  
6 ~~on the school improvement list as determined~~ that has been  
7 identified as in need of improvement by the State Board of Education  
8 pursuant to the Elementary and Secondary Education Act of 1965, as  
9 amended or reauthorized. In addition, the institution shall have a  
10 teacher education program accredited by the Oklahoma Commission for  
11 Teacher Preparation and have a branch campus or constituent agency  
12 physically located within the school district in which the charter  
13 school is located;

14 7. By a federally recognized Indian tribe, operating a high  
15 school under the authority of the Bureau of Indian Affairs as of  
16 November 1, 2010, if the charter school is for the purpose of  
17 demonstrating native language immersion instruction, and is located  
18 within its former reservation or treaty area boundaries. For  
19 purposes of this paragraph, native language immersion instruction  
20 shall require that educational instruction and other activities  
21 conducted at the school site are primarily conducted in the native  
22 language;

23 8. By the State Board of Education when the applicant of the  
24 charter school is the Office of Juvenile Affairs or the applicant

1 has a contract with the Office of Juvenile Affairs to provide a  
2 fixed rate level E, D, or D+ group home service and the charter  
3 school is for the purpose of providing education services to youth  
4 in the custody or supervision of the state. Not more than two  
5 charter schools shall be sponsored by the Board as provided for in  
6 this paragraph during the period of time beginning July 1, 2010,  
7 through July 1, 2016; or

8 9. By the State Board of Education when the applicant of the  
9 charter school is the Statewide Virtual Charter School Board created  
10 in Section 3 of this act and the charter school is for the purpose  
11 of establishing a full-time statewide virtual charter school.

12 B. Any charter or enterprise school operating in the state  
13 pursuant to an agreement with the board of education of a school  
14 district on July 1, 1999, may continue to operate pursuant to that  
15 agreement or may contract with the board of education of the school  
16 district pursuant to the Oklahoma Charter Schools Act. Nothing in  
17 the Oklahoma Charter Schools Act shall prohibit a school district  
18 from applying for exemptions from certain education-related  
19 statutory requirements as provided for in the Educational  
20 Deregulation Act.

21 C. For purposes of the Oklahoma Charter Schools Act, "charter  
22 school" means a public school established by contract with a board  
23 of education of a school district, an area vocational-technical  
24 school district, a higher education institution, a federally

1 recognized Indian tribe, or the State Board of Education pursuant to  
2 the Oklahoma Charter Schools Act to provide learning that will  
3 improve student achievement and as defined in the Elementary and  
4 Secondary Education Act of 1965, 20 U.S.C. 8065.

5 D. A charter school may consist of a new school site, new  
6 school sites or all or any portion of an existing school site. An  
7 entire school district may not become a charter school site.

8 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-140, as  
9 amended by Section 2, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,  
10 Section 3-140), is amended to read as follows:

11 Section 3-140. A. Except for a charter school sponsored by the  
12 State Board of Education, a charter school shall enroll those  
13 students whose legal residence is within the boundaries of the  
14 school district in which the charter school is located and who  
15 submit a timely application, or those students who transfer to the  
16 district in which the charter school is located in accordance with  
17 Section 8-103 or 8-104 of this title, unless the number of  
18 applications exceeds the capacity of a program, class, grade level,  
19 or building. Students who reside in a school district where a  
20 charter school is located shall not be required to obtain a transfer  
21 in order to attend a charter school in the school district of  
22 residence. If capacity is insufficient to enroll all eligible  
23 students, the charter school shall select students through a lottery  
24 selection process. Except for a charter school sponsored by the

1 State Board of Education, a charter school shall give enrollment  
2 preference to eligible students who reside within the boundaries of  
3 the school district in which the charter school is located. Except  
4 for a charter school sponsored by the State Board of Education, a  
5 charter school created after the effective date of this act shall  
6 give enrollment preference to eligible students who reside within  
7 the boundaries of the school district in which the charter school is  
8 located and who attend a school site ~~listed on the school~~  
9 ~~improvement list as determined~~ that has been identified as in need  
10 of improvement by the State Board of Education pursuant to the  
11 Elementary and Secondary Education Act of 1965, as amended or  
12 reauthorized. A charter school may limit admission to students  
13 within a given age group or grade level. A charter school sponsored  
14 by the State Board of Education when the applicant of the charter  
15 school is the Office of Juvenile Affairs shall limit admission to  
16 youth that are in the custody or supervision of the Office of  
17 Juvenile Affairs. A charter school sponsored by the State Board of  
18 Education when the applicant of the charter school is the Statewide  
19 Virtual Charter School Board shall enroll those students who are  
20 legal residents of this state and who have been approved for a  
21 transfer pursuant to Section 8-103 or 8-104 of this title.

22 B. Except for a charter school sponsored by the State Board of  
23 Education, a charter school shall admit students who reside in the  
24 attendance area of a school or in a school district that is under a

1 court order of desegregation or that is a party to an agreement with  
2 the United States Department of Education Office for Civil Rights  
3 directed towards mediating alleged or proven racial discrimination  
4 unless notice is received from the resident school district that  
5 admission of the student would violate the court order or agreement.

6 C. A charter school may designate a specific geographic area  
7 within the school district in which the charter school is located as  
8 an academic enterprise zone and may limit admissions to students who  
9 reside within that area. An academic enterprise zone shall be a  
10 geographic area in which sixty percent (60%) or more of the children  
11 who reside in the area qualify for the free or reduced school lunch  
12 program.

13 D. Except as provided in subsections B and C of this section, a  
14 charter school shall not limit admission based on ethnicity,  
15 national origin, gender, income level, disabling condition,  
16 proficiency in the English language, measures of achievement,  
17 aptitude, or athletic ability.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-153, as  
19 amended by Section 2, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012,  
20 Section 3-153), is amended to read as follows:

21 Section 3-153. A. School districts with one or more school  
22 sites ~~which are~~ that have been identified ~~for school improvement as~~  
23 ~~determined~~ as in need of improvement by the State Board of Education  
24 pursuant to the requirements of the No Child Left Behind Act of

1 2001, P.L. No. 107-110, shall be required to electronically submit  
2 the following plans to the State Board of Education:

3 1. The school improvement plan as required in Section 5-117.4  
4 of this title; and

5 2. The capital improvement plan as required in Section 18-153  
6 of this title.

7 B. School districts that do not have any school sites which ~~are~~  
8 have been identified for school improvement as determined as in need  
9 of improvement by the State Board of Education, pursuant to the  
10 requirements of the No Child Left Behind Act of 2001, P.L. No. 107-  
11 110, shall not be required to submit the plans as set forth in  
12 subsection A of this section.

13 SECTION 4. AMENDATORY 70 O.S. 2011, Section 5-141.4, is  
14 amended to read as follows:

15 Section 5-141.4 A. 1. In addition to incentive pay plans  
16 authorized pursuant to Section 5-141.2 of ~~Title 70 of the Oklahoma~~  
17 ~~Statutes~~ this title, beginning with the 2012-13 school year, a  
18 school district may implement an incentive pay plan that rewards  
19 teachers who are increasing student and school growth in  
20 achievement.

21 2. Teacher performance shall be measured using the Oklahoma  
22 Teacher and Leader Effectiveness Evaluation System (TLE) as set  
23 forth in Section ~~6~~ 6-101.16 of this ~~act~~ title.

24 3. Individual teacher incentive pay awards shall be based upon:

- 1           a.    achieving either a "superior" or "highly effective"  
2                    rating under the TLE, and  
3           b.    grade level, subject area, or school level performance  
4                    success.

5           B.  1.  Beginning with the 2012-13 school year, a school  
6 district may implement an incentive pay plan as authorized pursuant  
7 to this section.

8           2.  For purposes of this section, "leader" means a principal,  
9 assistant principal or any other school administrator who is  
10 responsible for supervising classroom teachers.

11           3.  School leader effectiveness shall be measured using the  
12 Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) as  
13 set forth in Section ~~6~~ 6-101.16 of this ~~act~~ title.

14           4.  Individual school leader incentive pay awards shall be based  
15 upon:

- 16           a.    achieving either a "superior" or "highly effective"  
17                    rating under the TLE, and  
18           b.    grade level, subject area, or school level performance  
19                    success.

20           C.  Incentive pay plans implemented pursuant to subsections A  
21 and B of this section shall be developed through a collaborative  
22 planning process involving stakeholders, including teachers and  
23 school leaders.

1 D. In addition to individual teacher and leader incentive pay  
2 plans, as authorized pursuant to this section, districts may develop  
3 and implement incentive pay systems for:

4 1. Teaching in critical shortage subject areas including, but  
5 not limited to, foreign language;

6 2. Teachers and leaders who work in ~~low-performing~~ schools  
7 identified as in need of improvement as determined by the State  
8 Board of Education;

9 3. Teaching in the subject areas of Science, Technology,  
10 Engineering, and Math (STEM); or

11 4. Teachers and leaders who work in schools or school districts  
12 designated by the State Board of Education as hard-to-staff.

13 E. 1. Prior to implementation of any incentive pay plan  
14 developed pursuant to this section, the school district board of  
15 education shall place the plan on the agenda for public comment at a  
16 meeting of the district board of education.

17 2. After approval of the incentive pay plan, the school  
18 district board of education shall submit the plan to the State Board  
19 of Education for final approval. Within sixty (60) days of receipt  
20 of the plan, the State Board shall review and approve or reject the  
21 plan. If it is determined that the plan meets the requirements of  
22 this section, the State Board shall approve the plan. If the plan  
23 does not meet the requirements of this section, the State Board  
24

1 shall reject the plan and provide written notification to the school  
2 district board of education along with the grounds for rejection.

3 3. The district board of education shall comply with the  
4 provisions of this subsection for any year a plan is to be modified.

5 F. Any incentive pay award shall be an annual award and shall  
6 not be a part of a continuing contract for an employee. Any  
7 incentive pay award to any teacher or leader shall not exceed more  
8 than fifty percent (50%) of the regular salary of the teacher or  
9 leader, exclusive of fringe benefits or extra duty pay. Any  
10 incentive pay awards received shall be excluded from compensation  
11 for purposes of calculating retirement pursuant to the Teachers'  
12 Retirement System of Oklahoma and shall not be subject to taxes  
13 levied by the Federal Insurance Contributions Act (F.I.C.A.), to the  
14 extent such exemption is provided by federal law.

15 SECTION 5. AMENDATORY 70 O.S. 2011, Section 6-194.2, is  
16 amended to read as follows:

17 Section 6-194.2 A. Beginning with the 1997-98 school year, the  
18 State Board of Education shall award scholarships to public school  
19 districts who wish to have teachers and administrators from certain  
20 school sites attend the Great Expectations Summer Institutes for  
21 Teachers offered by an institution within The Oklahoma State System  
22 of Higher Education. Any school district applying for a scholarship  
23 for teachers and administrators from a school site which is  
24 currently, or has been ~~declared, a high challenge~~ identified as a

1 school in need of improvement pursuant to the provisions of  
2 ~~subsection C~~ of Section 1210.541 of this title for any of the  
3 previous three (3) school years, shall be given priority for receipt  
4 of such scholarship. Scholarships shall be awarded based on the  
5 amount of funds allocated to the State Department of Education for  
6 such purpose.

7 B. The State Board of Education shall develop criteria for  
8 scholarship awards and shall promulgate rules as necessary to  
9 implement the process by which the scholarships shall be awarded.

10 SECTION 6. AMENDATORY 70 O.S. 2011, Section 6-200, as  
11 amended by Section 12, Chapter 223, O.S.L. 2012 (70 O.S. Supp. 2012,  
12 Section 6-200), is amended to read as follows:

13 Section 6-200. A. Subject to the availability of funds, the  
14 State Board of Education shall have authority to develop and  
15 administer training for residency committees and training for  
16 professional development through professional development  
17 institutes. Included in the professional development institutes  
18 training shall be technology training. Professional development  
19 institutes shall be defined as continuing education experiences  
20 which consist of a minimum of thirty (30) clock hours. The  
21 institutes shall be competency-based, emphasize effective learning  
22 practices, require collaboration among participants, and require  
23 each participant to prepare a work product which can be utilized in  
24 the classroom by the participant. Any state professional

1 development institutes administered by the Board shall be chosen  
2 through a competitive bid process and if funds are available subject  
3 to peer review. The Board, prior to offering any professional  
4 development institute, shall promulgate rules related to  
5 administering state professional development institutes.

6 B. The State Board of Education shall develop, offer and  
7 administer professional development institutes to train elementary  
8 school teachers in reading education and if funds are available,  
9 which may include but not be limited to grant, foundation, or other  
10 funds, to train middle school teachers in reading education. Funds  
11 appropriated for this purpose shall be used for the cost of  
12 developing, administering and contracting for the professional  
13 development institutes. When possible, certified reading  
14 specialists shall be included as consultants. All costs of the  
15 institutes shall be included in the contract price and no tuition or  
16 registration fee shall be collected from teachers attending the  
17 institutes. The institutes shall be offered by or through the  
18 Commission. Working in conjunction with the State Department of  
19 Education, the Commission shall develop a state plan for  
20 administration of such institutes and shall report on or before  
21 November 1 of each year to the Governor and the Legislature on the  
22 format of and participation in the institutes. The State Department  
23 of Education shall cooperate with and provide any information  
24 requested, including data available through the state student record

1 system, to the State Board of Education as is necessary to carry out  
2 the provisions of this section.

3 C. Subject to the availability of funds, the State Board of  
4 Education shall:

5 1. Contract for an independent evaluation of the reading  
6 professional development institutes. The evaluation shall determine  
7 adherence to program requirements as provided in this section and  
8 the program's effectiveness in increasing teacher knowledge and  
9 student achievement; and

10 2. Provide continued support of the reading professional  
11 development institutes through ongoing teacher development at  
12 individual school sites. Funds may be used for the cost of mentor  
13 training, payment for substitute teachers, on-site facilitation, and  
14 any other costs necessary to ensure improved reading by students.

15 D. 1. For the purpose of implementing comprehensive reading  
16 reform and systemic change, the State Board of Education shall award  
17 one-year grants renewable for up to two (2) additional years to  
18 public schools that serve students in kindergarten through third  
19 grade. The grants will provide for:

20 a. a five-day initial professional development institute  
21 in elementary school reading for teachers of  
22 kindergarten through third grade, instructional  
23 leaders, and principals,

24

- 1           b. a three-day follow-up professional development  
2           institute in elementary school reading for teachers of  
3           kindergarten through third grade and instructional  
4           leaders, and
- 5           c. continued support through ongoing teacher development  
6           at school sites, including four (4) days of  
7           professional development for principals and literacy  
8           resource specialists, and six (6) days of on-site  
9           visits by a program consultant.

10           2. In order to qualify for a grant pursuant to this subsection,  
11 the following requirements shall be met:

- 12           a. at least eighty percent (80%) of the teachers of  
13           kindergarten through third grade at the school shall  
14           have demonstrated support for the training program  
15           provided pursuant to this subsection,
- 16           b. the principal shall ensure that all members of the  
17           leadership team and all teachers of kindergarten  
18           through third grade will participate in all phases of  
19           the training program,
- 20           c. the school district shall ensure that any new teacher  
21           of kindergarten through third grade or principal at  
22           the school will participate in all phases of the  
23           training program, and
- 24

1           d.    the school district shall employ a literacy resource  
2                   specialist for at least two (2) years after completion  
3                   of the training provided in this subsection. One or  
4                   more districts may share a literacy resource  
5                   specialist upon approval of the Board.

6           3.    Any school which has been determined by the State Board of  
7 Education to be a school in need of improvement ~~or a school that has~~  
8 ~~not made adequate yearly progress in reading~~ shall be given priority  
9 for receipt of a grant. Grants to local school districts may be  
10 awarded based on the amount of funds allocated to the State Board of  
11 Education for the purposes of this section. Funds may be used for  
12 payment for substitute teachers, program consultants, on-site  
13 facilitation, and literacy resource specialists.

14           4.    For program evaluation purposes, each school awarded a grant  
15 pursuant to this subsection shall provide to the Commission student-  
16 level data and results of the reading assessments administered  
17 pursuant to the Oklahoma School Testing Program Act for the year  
18 prior to the grant award, for each year a grant is received by the  
19 school, and for three (3) years after completion of the program. If  
20 funds are not sufficient to award grants to all eligible applicants,  
21 schools may be placed on a waiting list for priority consideration  
22 for the following year's round of grant awards which shall be  
23 superior to the priority given to schools as provided in paragraph 3  
24

1 of this subsection, if the school provides student data for the  
2 current year to the Board as provided in this paragraph.

3 5. The professional development institutes in elementary  
4 reading provided pursuant to this section shall incorporate the  
5 requirements of the Reading Sufficiency Act.

6 E. As additional funds become available for such purpose, the  
7 Board shall develop and offer professional development institutes  
8 in:

9 1. Mathematics for teachers in grades kindergarten through  
10 nine;

11 2. The use of technology in the classroom;

12 3. Training of residency committee members in teacher  
13 mentoring; and

14 4. Hands-on inquiry-based science for elementary teachers.

15 SECTION 7. AMENDATORY 70 O.S. 2011, Section 6-204.2, as  
16 amended by Section 2, Chapter 360, O.S.L. 2012 (70 O.S. Supp. 2012,  
17 Section 6-204.2), is amended to read as follows:

18 Section 6-204.2 A. Subject to the availability of funds, the  
19 Oklahoma Commission for Teacher Preparation and the State Board of  
20 Education are authorized to establish the Education Leadership  
21 Oklahoma program.

22 B. The purposes of the Education Leadership Oklahoma program  
23 are:

24

1 1. Provide teachers throughout the state information about  
2 National Board certification and the Education Leadership Oklahoma  
3 program scholarships and services;

4 2. Provide technical assistance and National Board certified  
5 mentors to all teachers seeking National Board certification upon  
6 request;

7 3. Provide scholarships, pursuant to the Education Leadership  
8 Oklahoma Act and Oklahoma Commission for Teacher Preparation rules,  
9 for teachers seeking National Board certification;

10 4. Provide a bonus to teachers who achieve National Board  
11 certification pursuant to the Education Leadership Oklahoma Act and  
12 State Board of Education rules;

13 5. Reward teachers who achieve National Board certification  
14 without the financial support of the Education Leadership Oklahoma  
15 program by awarding them the application fee and the amount of the  
16 scholarship given to Education Leadership Oklahoma participants  
17 pursuant to this section and commission rules; and

18 6. Provide recognition to National Board certified teachers.

19 C. Except as otherwise provided for in subsection P of this  
20 section, to fulfill the objectives of the Education Leadership  
21 Oklahoma Act, the Oklahoma Commission for Teacher Preparation shall:

22 1. Inform teachers of the Education Leadership Oklahoma program  
23 and the scholarships and services it provides to teachers seeking  
24 National Board certification, emphasizing recruiting efforts toward

1 teachers at high-poverty schools, ~~low-achieving~~ schools identified  
2 as in need of improvement and in counties with the lowest percentage  
3 of teachers who have achieved National Board certification;

4 2. Collect and review applications to the scholarship program  
5 from interested teachers;

6 3. Establish an applicant review committee for the purpose of  
7 identifying scholarship recipients pursuant to the Education  
8 Leadership Oklahoma Act for the Education Leadership Oklahoma  
9 program; and

10 4. Ensure that all scholarship recipients, alternates, and  
11 teachers seeking National Board certification independently receive  
12 adequate information regarding the level of commitment required to  
13 acquire National Board certification.

14 D. The applicant review committee shall:

15 1. Consist of:

16 a. five classroom teachers appointed by the State Board  
17 of Education, at least one of whom shall be a National  
18 Board certified teacher, if available,

19 b. five classroom teachers appointed by the Oklahoma  
20 Commission for Teacher Preparation, at least one of  
21 whom shall be a National Board certified teacher, if  
22 available,

23 c. three classroom teachers appointed by the Oklahoma  
24 State Regents for Higher Education, at least one of

1           whom shall be a National Board certified teacher, if  
2           available, and

- 3           d.    a chair to be designated by the Executive Director of  
4           the Oklahoma Commission for Teacher Preparation from  
5           among the appointed members; and

6           2.   Except as otherwise provided for in subsection P of this  
7           section, select up to four hundred teachers each year, of whom a  
8           minimum of twenty-five percent (25%) teach at schools ~~on the school~~  
9           identified as in need of improvement list as determined by the State  
10          Board of Education pursuant to the No Child Left Behind Act or  
11          schools with more than fifty percent (50%) of students who qualify  
12          for the free and reduced price lunch program, and the appropriate  
13          number of alternates, who:

- 14           a.   have demonstrated a commitment to excellence in  
15           teaching,  
16           b.   meet all eligibility requirements for potential  
17           certification as established by the National Board for  
18           Professional Teaching Standards,  
19           c.   are employed in an Oklahoma public school, and  
20           d.   meet other requirements of the Commission.

21          E.   Subject to the availability of funds appropriated by the  
22          Legislature for the purposes of this subsection and except as  
23          otherwise provided for in subsection P of this section, the  
24          application fee for National Board certification shall be paid for

1 scholarship recipients by the Commission, and scholarship recipients  
2 shall be provided a scholarship in the amount of Five Hundred  
3 Dollars (\$500.00) to cover other expenses associated with obtaining  
4 National Board certification.

5 F. It is the intent of the Legislature that the Oklahoma  
6 Commission for Teacher Preparation contract with Southeastern  
7 Oklahoma State University to establish Education Leadership Oklahoma  
8 program training in higher education teacher preparation programs in  
9 the state to assist teachers in meeting the requirements to obtain  
10 National Board certification.

11 G. Except as otherwise provided for in subsection P of this  
12 section, all teachers seeking National Board certification shall be  
13 eligible to participate in Education Leadership Oklahoma program  
14 training to assist them in meeting the requirements of the National  
15 Board certification process, free of charge.

16 H. The Oklahoma Commission for Teacher Preparation shall  
17 promulgate rules for the selection of scholarship recipients, the  
18 selection and utilization of alternates, the payment and  
19 reimbursement of application fees, and the issuance of scholarships.

20 I. Subject to district board of education policy or collective  
21 bargaining agreement, additional professional leave days may be  
22 granted to teachers seeking National Board certification for  
23 National Board certification portfolio development. During the two  
24 (2) days of the additional professional days granted to teachers for

1 National Board certification portfolio development, a substitute  
2 teacher shall be provided by the school district at no cost to the  
3 teacher.

4 J. Except as otherwise provided for in subsection P of this  
5 section, the State Board of Education shall provide all teachers who  
6 attain National Board certification a bonus in the amount of Five  
7 Thousand Dollars (\$5,000.00) annually no later than January 31 for  
8 as long as they maintain their National Board certification and are  
9 teaching in the classroom full-time in an Oklahoma public school.  
10 No school or school district shall be liable for payment of bonuses  
11 pursuant to this section.

12 K. The bonus shall not be included in the calculation of the  
13 teacher's salary for purposes of meeting the district or statutory  
14 minimum salary schedule or for purposes of compensating Oklahoma  
15 Teachers' Retirement System contributions or benefits.

16 L. The State Board of Education shall promulgate rules for the  
17 provision of the bonus pursuant to this section to include, but not  
18 be limited to, a process by which a National Board certified teacher  
19 will verify that:

- 20 1. The National Board certification has not lapsed; and
- 21 2. The teacher is still a full-time teacher.

22 M. It is the intent of the Legislature that the Oklahoma State  
23 Regents for Higher Education incorporate the National Board

24

1 certification portfolio development into all programs in education  
2 leading to a master's level degree.

3 N. Upon implementation of this subsection as provided for in  
4 subsection O of this section, the State Board of Education shall  
5 provide all teachers who attain National Board certification a bonus  
6 in the amount of Seven Thousand Dollars (\$7,000.00) annually no  
7 later than January 31 for as long as they maintain their National  
8 Board certification and are full-time teachers in an Oklahoma public  
9 school. No school or school district shall be liable for payment of  
10 bonuses pursuant to this section. Upon implementation, the bonus  
11 provided for in this subsection shall replace the bonus provided for  
12 in subsection J of this section.

13 O. Implementation of subsection N of this section shall be  
14 contingent upon the appropriation by the Legislature of state funds  
15 for the specific purpose of implementing subsection N of this  
16 section. Nothing in this section shall prevent the State Board of  
17 Education or a school district board of education from utilizing  
18 private, local, or federal funds to implement subsection N of this  
19 section.

20 P. 1. Except as otherwise provided, the Oklahoma Commission  
21 for Teacher Preparation shall not accept any applications for the  
22 Education Leadership Oklahoma program, award scholarships pursuant  
23 to the Education Leadership Oklahoma Act or pay the National Board  
24 certification application fee for scholarship recipients after June

1 30, 2010, through June 30, 2013. The Commission may pay any  
2 scholarship amounts or pay the National Board certification  
3 application fees incurred after June 30, 2010, for any teacher  
4 selected for the Education Leadership Oklahoma program before June  
5 30, 2010.

6 2. Except as otherwise provided, the State Board of Education  
7 shall not provide a bonus in the amount of Five Thousand Dollars  
8 (\$5,000.00) as authorized in subsection J of this section beginning  
9 June 30, 2010, through June 30, 2013, to any teacher who attains  
10 National Board certification after June 30, 2010, through June 30,  
11 2013. The Board shall provide a bonus to any teacher who attains  
12 National Board certification after June 30, 2010, if the teacher was  
13 selected for the Education Leadership Oklahoma program before June  
14 30, 2010, or the teacher has submitted an application for National  
15 Board certification to the National Board for Professional Teaching  
16 Standards before June 30, 2010.

17 SECTION 8. AMENDATORY 70 O.S. 2011, Section 6-210, is  
18 amended to read as follows:

19 Section 6-210. A. The Oklahoma Commission for Teacher  
20 Preparation is authorized to establish the Inner City Schools Rescue  
21 program. The purpose of the program shall be to recruit and train  
22 licensed or certified teachers to work in inner city schools and to  
23 provide technical assistance and support to those teachers who  
24

1 participate in the program and become employed in an inner city  
2 school.

3 B. For purposes of this section, an inner city school shall  
4 mean a school ~~that is on the school~~ identified as in need of  
5 improvement ~~list~~ as determined by the Commission pursuant to the No  
6 Child Left Behind Act or where ninety-five percent (95%) or more of  
7 the students enrolled in the school qualify for the free and reduced  
8 lunch program.

9 C. To fulfill the objectives of the Inner City Schools Rescue  
10 program the Commission shall:

- 11 1. Inform teachers of the program;
- 12 2. Collect and review applications for the program from  
13 interested teachers; and
- 14 3. Establish an applicant review committee to identify  
15 participants for the program.

16 D. Each year the Commission shall select a certain number of  
17 teachers, as determined by the Commission, who have demonstrated a  
18 commitment to excellence in teaching and to working with at-risk  
19 students in the inner city.

20 E. The Commission shall promulgate rules to implement the  
21 provisions of this section.

22 SECTION 9. AMENDATORY 70 O.S. 2011, Section 11-109.1, is  
23 amended to read as follows:

24

1       Section 11-109.1 Funds appropriated to the State Board of  
2 Education for the Arts-in-Education program shall be awarded on a  
3 competitive basis to nonprofit organizations for programs serving  
4 schools identified by the State Board of Education, pursuant to  
5 Section 1210.541 of this title, as ~~being high challenge schools in~~  
6 need of improvement.

7       SECTION 10.       AMENDATORY       70 O.S. 2011, Section 1210.541,  
8 as amended by Section 15, Chapter 223, O.S.L. 2012 (70 O.S. Supp.  
9 2012, Section 1210.541), is amended to read as follows:

10       Section 1210.541 A. The Commission for Educational Quality and  
11 Accountability shall determine and adopt a series of student  
12 performance levels and the corresponding cut scores pursuant to the  
13 Oklahoma School Testing Program Act.

14       B. The Commission for Educational Quality and Accountability  
15 shall have the authority to set cut scores using any method which  
16 the State Board of Education was authorized to use in setting cut  
17 scores prior to July 1, 2013.

18       C. The performance levels shall be set by a method that  
19 indicates students are ready for the next grade, course, or level of  
20 education, as applicable. The Commission for Educational Quality  
21 and Accountability shall establish panels to review and revise the  
22 performance level descriptors for each subject and grade level. The  
23 Commission shall ensure that the criterion-referenced tests  
24 developed and administered by the State Board of Education pursuant

1 to the Oklahoma School Testing Program Act in grades three through  
2 eight and the end-of-instruction tests administered at the secondary  
3 level are vertically aligned by content across grade levels to  
4 ensure consistency, continuity, alignment and clarity. The  
5 Commission shall adopt performance levels that are labeled and  
6 defined as follows:

7 1. Advanced, which shall indicate that students demonstrate  
8 superior performance on challenging subject matter;

9 2. Proficient, which shall indicate that students demonstrate  
10 mastery over appropriate grade-level subject matter and that  
11 students are ready for the next grade, course, or level of  
12 education, as applicable;

13 3. Limited knowledge, which shall indicate that students  
14 demonstrate partial mastery of the essential knowledge and skills  
15 appropriate to their grade level or course; and

16 4. Unsatisfactory, which shall indicate that students have not  
17 performed at least at the limited knowledge level.

18 D. The State Board of Education shall develop and implement in  
19 accordance with the Elementary and Secondary Education Act of 2001  
20 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act  
21 of 2001, an accountability system as provided for in 20 U.S.C., 6311  
22 and any related federal regulations. The accountability system  
23 shall be implemented beginning with the 2002-2003 school year and  
24 shall be based on the ~~Academic Performance Index~~ data as established

1 pursuant to Section 3-150 of this title and as modified to meet the  
2 mandates of the ESEA. For the 2002-2003 school year and every year  
3 thereafter the State Board of Education shall publish and ensure  
4 that each local education agency is provided with ~~Academic~~  
5 ~~Performance Index~~ data annually by site and by district so that the  
6 local education agency can make ~~Adequate Yearly Progress~~  
7 determinations to identify schools for rewards and sanctions. The  
8 State Board of Education shall establish a system of recognition,  
9 rewards, sanctions and technical assistance, as required by state  
10 law and the Elementary and Secondary Education Act of 2001 (ESEA).

11 E. A school that ~~does not make adequate yearly progress (AYP)~~  
12 ~~for two (2) consecutive years, as AYP is defined by the~~  
13 ~~accountability system developed~~ is identified as in need of  
14 improvement by the State Board of Education pursuant to this  
15 section, because of failure to meet either an academic performance  
16 target or an attendance or graduation performance target, or both,  
17 and is identified ~~for school~~ as in need of improvement pursuant to  
18 the Elementary and Secondary Education Act of 1965 (ESEA), as  
19 amended, shall utilize the assistance of a school support team or  
20 other similar team formed by the State Department of Education to  
21 provide support for schools in need of improvement, subject to  
22 school support team capacity. The school support team shall review  
23 and analyze all facets of operation of the school including the  
24

1 design and operation of the instructional program. The school  
2 support team shall assist the school in:

3 1. Incorporating strategies based on scientifically based  
4 research that will strengthen the core academic subjects in the  
5 school and address the specific academic issues that caused the  
6 school to be identified for school improvement;

7 2. Incorporating strategies to promote high quality  
8 professional development; and

9 3. Training teachers to analyze classroom and school-level data  
10 and use the data to inform instruction.

11 SECTION 11. AMENDATORY 70 O.S. 2011, Section 1210.544,  
12 is amended to read as follows:

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

23 a. turnaround model - replacing the principal and  
24 rehiring not more than fifty percent (50%) of the

1 staff and granting to the principal sufficient  
2 operational flexibility to fully implement a  
3 comprehensive approach to substantially improve  
4 student outcomes,

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

14 c. school closure - closing the school and enrolling the  
15 students who attended that school in other schools in  
16 the school district that are higher-achieving, or

17 d. transformation model - implementing each of the  
18 following strategies:

19 (1) replace the principal,

20 (2) develop and increase teacher and school-leader  
21 effectiveness,

22 (3) institute comprehensive instructional reform,

23 (4) increase learning time and create community-  
24 oriented schools, and

1 (5) provide operational flexibility and sustained  
2 support.

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

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

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

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

22 b. replacing all or most of the school staff assigned to  
23 the school, which may include the principal, who are  
24 relevant to the failure to make adequate yearly

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

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

9 d. turning the operation of the school over to the State  
10 Board of Education, or

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

23 2. For any school that fails to comply with the provisions of  
24 paragraph 1 of this subsection by the end of the school year

1 following its identification for school improvement for four (4)  
2 consecutive years, the State Board of Education shall assume control  
3 of the management and operations of the school, including control of  
4 the staff assigned to the school. The Board shall retain all funds  
5 that otherwise would have been allocated to the school district  
6 based on the average daily membership of the school which shall be  
7 used to operate the school.

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

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

18 b. if the teacher is not offered a contract teaching  
19 position at a school in the district within the two-  
20 year period specified in subparagraph a of this  
21 paragraph, the district board shall be authorized to  
22 not reemploy the teacher, and

23 c. the district board shall designate trained, certified,  
24 instructional staff to provide teacher support,

1 development and evaluation, which may include  
2 certified personnel other than administrators.

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

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

12 D. 1. Each school district subject to the provisions of  
13 subsection B of this section shall submit a plan for compliance with  
14 this section to the State Department of Education, in a manner  
15 prescribed by the Department.

16 2. Beginning December 31, 2010, and annually each year  
17 thereafter, the State Department of Education shall submit a report  
18 of the district plans received as provided in paragraph 1 of this  
19 subsection to the members of the Senate and House Education  
20 Committees.

21 SECTION 12. AMENDATORY 70 O.S. 2011, Section 1210.573,  
22 is amended to read as follows:

23 Section 1210.573 A developmental research school may be  
24 established by the State Board of Education only for purposes of

1 intervening to aid a ~~high challenge~~ school in need of improvement as  
2 defined in Section 1210.541 of ~~Title 70 of the Oklahoma Statutes~~  
3 this title. All developmental research schools shall be affiliated  
4 with a college of education within an institution of The Oklahoma  
5 State System of Higher Education and shall provide sequential  
6 instruction. Nothing in this act shall be construed to prohibit the  
7 establishment of a research and development school by an institution  
8 of higher education for voluntary and limited attendance.

9 SECTION 13. AMENDATORY 70 O.S. 2011, Section 1210.574,  
10 is amended to read as follows:

11 Section 1210.574 If the State Department of Education plans to  
12 recommend the establishment of a developmental research school as a  
13 means of intervention with a ~~high challenge~~ school identified as in  
14 need of improvement pursuant to Section 1210.541 of ~~Title 70 of the~~  
15 ~~Oklahoma Statutes~~ this title, the Department shall notify, in  
16 writing, the board of education of the district involved. Upon  
17 receipt of the notification, the district board shall have fifteen  
18 (15) days to request an opportunity to appear before the State Board  
19 of Education. If the district board fails to request an opportunity  
20 to appear, the State Board shall proceed without further notice or  
21 delay to conclude the matter. If an opportunity to appear is  
22 requested by the district board, the State Board shall decide the  
23 issues after hearing from representatives of the district and the  
24 Department.

1 SECTION 14. AMENDATORY 70 O.S. 2011, Section 1210.575,  
2 is amended to read as follows:

3 Section 1210.575 Upon intervention with a ~~high-challenge~~ school  
4 identified as in need of improvement and the subsequent  
5 establishment of a developmental research school by the State Board  
6 of Education, the board of education of the district in which the  
7 ~~high-challenge~~ school in need of improvement was located shall be  
8 declared abolished by the State Board of Education.

9 SECTION 15. REPEALER 70 O.S. 2011, Section 3-150, is  
10 hereby repealed.

11 SECTION 16. This act shall become effective July 1, 2013.

12 SECTION 17. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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