

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3156

By: Hickman, Fisher and Strohm
of the House

and

Jolley of the Senate

8 An Act relating to schools; amending Section 1,
Chapter 312, O.S.L. 2013, as amended by Section 3,
9 Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section
3-129.11), which relates to the School District
10 Empowerment Program; modifying application process
for school districts to become exempt from certain
11 statutory and regulatory requirements; adding process
for certain school districts; providing for adoption
12 of a resolution for exemption by the board of
education; requiring certain notification; providing
13 for continuation of exemption; requiring automatic
revocation of exemption under certain circumstances;
14 making certain exemption procedures apply to certain
school districts; updating statutory citation;
15 providing an effective date; and declaring an
emergency.

18 AUTHOR: Add the following Senate Coauthor: Loveless

19 AMENDMENT NO. 1. Page 1, line 19, insert a new Section 1 to read as
follows

20 "SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-129.3, is
21 amended to read as follows:
22
23
24

1 Section 3-129.3. A. 1. A public school, zone~~7~~ or district may
2 submit to its school district board of education an empowerment plan
3 as described in subsection C of this section.

4 2. A school district board of education shall receive and
5 review each empowerment plan submitted pursuant to paragraph 1 of
6 this subsection. The school district board of education shall
7 either approve or disapprove the empowerment plan within sixty (60)
8 days after receiving the plan.

9 3. If the school district board of education rejects the plan,
10 it shall provide to the public school, zone~~7~~ or district that
11 submitted the plan a written explanation of the basis for its
12 decision. A public school, zone~~7~~ or district may resubmit an
13 amended empowerment plan at any time after denial.

14 4. If the school district board of education approves the plan,
15 it shall proceed to seek approval of the school, zone~~7~~ or district
16 as an empowered school, zone~~7~~ or district pursuant to ~~Section 6~~
17 Section 3-129.6 of this ~~act~~ title.

18 B. A school district board of education may initiate and
19 collaborate with one or more public schools of the school district
20 to create one or more empowerment plans, as described in subsection
21 C of this section. In creating an empowerment plan the school
22 district board of education shall ensure that each public school
23 that would be affected by the plan has the opportunity to
24 participate in the creation of the plan.

1 C. Each empowerment plan shall include the following
2 information:

3 1. A statement of the mission of the school, zone or district
4 and why designation as an empowered school, zone or district would
5 enhance the ability of the school, zone or district to achieve its
6 mission;

7 2. A description of the innovations the school, zone or
8 district would implement, which may include, but not be limited to,
9 innovations in school staffing, curriculum and assessment, class
10 scheduling, use of financial and other resources and faculty
11 recruitment, employment, evaluation and compensation;

12 3. A listing of the programs, policies or operational
13 documents within the school, zone or district that would be
14 affected by the innovations identified by the school, zone or
15 district and the manner in which they would be affected. The
16 programs, policies or operational documents may include, but not be
17 limited to:

- 18 a. the research-based educational program to be
19 implemented,
- 20 b. the length of school day and school year,
- 21 c. the student promotion and graduation policies to be
22 implemented,
- 23 d. the assessment plan,
- 24 e. the proposed budget, and

1 f. the proposed staffing plan;

2 4. A description of any statutory, regulatory, or district
3 policy requirements that would need to be waived for the school,
4 zone, or district to implement the identified innovations;

5 5. A description of any provision of the collective bargaining
6 agreement in effect for the personnel at the school, zone, or
7 district that would need to be waived for the school, zone, or
8 district to implement its identified innovation;

9 6. An identification of the improvements in academic
10 performance that the school, zone, or district expects to achieve in
11 implementing the innovations;

12 7. An estimate of the cost savings and increased efficiencies,
13 if any, the school, zone, or district expects to achieve in
14 implementing the identified innovations;

15 8. Evidence that both a majority of the administrators and a
16 majority of the teachers employed at the school, zone, or district
17 approve the empowerment plan and consent to the designation as an
18 empowered school, zone, or district. The determination of approval
19 and consent of the plan shall be obtained by means of a secret
20 ballot vote pursuant to subsection E of this section;

21 9. A statement of the level of support for designation as an
22 empowered school, zone, or district demonstrated by the other
23 persons employed at the school, zone, or district, the students and
24

1 parents of students enrolled in the school, zone~~7~~ or district~~7~~ and
2 the community surrounding the school, zone~~7~~ or district; and

3 10. Any additional information required by the school district
4 board of education of the school district in which the empowerment
5 plan would be implemented.

6 D. Each plan for creating an empowered school zone or district
7 whether submitted by a group of public schools or created by a
8 school district board of education through collaboration with a
9 group of public schools, shall also include the following additional
10 information:

11 1. A description of how innovations in the schools in the
12 empowered school zone or district would be integrated to achieve
13 results that would be less likely to be accomplished by each school
14 working alone; and

15 2. An estimate of any economies of scale that would be achieved
16 by innovations implemented jointly by the schools within the
17 empowered school zone or district.

18 E. An empowerment plan approved by a school district board of
19 education pursuant to this section shall be submitted to the
20 teachers employed by each school included in the empowered zone or
21 district for their approval or disapproval. Approval, by means of a
22 secret ballot vote, shall be based on obtaining at each school
23 included in the empowered school zone or district at least a sixty
24

1 percent (60%) supermajority vote of the teachers employed by the
2 school.

3 F. No employee of a school, zone, or district shall be
4 discriminated against by the school district board of education, the
5 superintendent of the school district, or any other administrative
6 officer of the school district or by any employee organization, an
7 officer of the organization, or a member of the organization for
8 exercising or not exercising the rights provided for under the
9 Empowered Schools and School Districts Act. An employee of a school
10 district or an officer or member of an employee organization shall
11 be prohibited from impeding, restraining or coercing an employee of
12 a school, zone or district from exercising the rights provided for
13 under the act or causing an employer to impede, restrain or coerce
14 an employee from exercising the rights provided for under the act."

15 and renumber subsequent sections

16 and amend the title to conform

17

18

19

20

21

22

23

24

1 ENGROSSED HOUSE
2 BILL NO. 3156

By: Hickman, Fisher and Strohm
of the House

3 and

4 Jolley of the Senate
5
6
7

8 An Act relating to schools; amending Section 1,
9 Chapter 312, O.S.L. 2013, as amended by Section 3,
10 Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section
11 3-129.11), which relates to the School District
12 Empowerment Program; modifying application process
13 for school districts to become exempt from certain
14 statutory and regulatory requirements; adding process
15 for certain school districts; providing for adoption
16 of a resolution for exemption by the board of
17 education; requiring certain notification; providing
18 for continuation of exemption; requiring automatic
19 revocation of exemption under certain circumstances;
20 making certain exemption procedures apply to certain
21 school districts; updating statutory citation;
22 providing an effective date; and declaring an
23 emergency.
24

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

19 SECTION 1. AMENDATORY Section 1, Chapter 312, O.S.L.
20 2013, as amended by Section 3, Chapter 124, O.S.L. 2014 (70 O.S.
21 Supp. 2015, Section 3-129.11), is amended to read as follows:

22 Section 3-129.11 A. There is hereby established the School
23 District Empowerment Program which shall be administered by the
24 State Board of Education. The purpose of the program is to empower

1 locally elected school board members to govern school districts and
2 make decisions based on the needs of their students and
3 circumstances.

4 B. ~~1.~~ Subject to the provisions of this section, a school
5 district shall be allowed to ~~submit a request to the State Board of~~
6 ~~Education for an exemption~~ become exempt from all statutory
7 requirements and State Board of Education rules from which charter
8 schools are exempt, as provided for in the Oklahoma Charter Schools
9 Act, through the procedures set forth in subsection C or D of this
10 section.

11 C. 1. A school district that has received an average grade of
12 C or above on the annual school reports prepared by the State Board
13 pursuant to Section 1210.545 of this title may elect to be exempt as
14 provided for in subsection B of this section by adoption of a
15 resolution by the board of education of the school district. Prior
16 to adoption of a resolution, the board shall give notice of the
17 proposed action which includes a list of the statutory requirements
18 or mandates and State Board rules from which the board is proposing
19 to be exempt and shall provide for a period of public review and
20 comment.

21 2. The board shall notify the State Department of Education
22 upon adoption of a resolution approving the exemption.

23
24

1 3. The adopted exemption shall continue until the board votes
2 to revoke the exemption and comply with or implement the statutory
3 requirements or mandates and State Board rules.

4 4. If a school district that has adopted an exemption as
5 provided for in this subsection receives an average grade of D or
6 lower on the annual school reports prepared by the State Board
7 pursuant to Section 1210.545 of this title for two (2) consecutive
8 years, the exemption shall be automatically revoked. Thereafter the
9 school district shall only be allowed to apply for an exemption as
10 provided for in subsection D of this section.

11 D. 1. A school district that has received an average grade of
12 D or lower on the annual school reports prepared by the State Board
13 pursuant to Section 1210.545 of this title may submit a request to
14 the State Board for an exemption from all statutory requirements and
15 State Board rules from which charter schools are exempt, as provided
16 for in the Oklahoma Charter Schools Act. Any request for exemption
17 shall include a plan which outlines the goals sought to be achieved
18 at a minimum, include including the educational and fiscal benefits
19 and the anticipated impacts or outcomes the plan will have in the
20 district.

21 2. Within ninety (90) days after receiving the request and
22 plan, the State Board shall approve or disapprove the request. If
23 the State Board does not approve the request, it shall provide to
24 the school district a written explanation of the basis for its

1 decision. The school district may resubmit an amended request at
2 any time after the denial. The request shall be approved by the
3 State Board before implementation by the school district. An
4 approved request and plan shall be for no longer than three (3)
5 years. Prior to the beginning of the third year, the school
6 district may apply for renewal of the approved request and plan.
7 The school district shall be required to submit an annual report and
8 the State Board shall annually assess the academic achievement and
9 fiscal status of the school district.

10 ~~C.~~ E. Nothing in this section shall prevent a school district
11 board of education from choosing to follow any or all state laws,
12 rules or regulations from which a charter school is exempt. A
13 school district which has ~~been granted approval by the State Board~~
14 ~~for an~~ an exemption as set forth in subsection ~~B C~~ C or D of this section
15 shall have the option to adopt policies to implement any requirement
16 for the school district that is consistent with any statutory
17 requirement or mandate or State Board rule, but a participating
18 school shall comply with the following requirements:

19 1. Students who reside in the school district shall be entitled
20 to attend school in the district as set forth in Section 1-114 of
21 this title;

22 2. School districts shall comply with the requirements of the
23 minimum salary schedule for teachers as set forth in Section ~~18-~~
24 ~~114.12~~ 18-114.14 of this title;

1 3. Employees of school districts shall continue to participate
2 as members of the Teachers' Retirement System of Oklahoma as set
3 forth in Section 17-101 et seq. of this title;

4 4. School districts shall comply with the requirement to
5 provide a health insurance plan for school district employees as set
6 forth in Section 5-117.5 of this title and to establish or make
7 available to school district employees a cafeteria plan as set forth
8 in Section 26-104 of this title;

9 5. School districts shall require any person employed by the
10 school district to file with the district board a current Oklahoma
11 criminal history record check from the Oklahoma State Bureau of
12 Investigation as well as a national criminal history record check as
13 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each
14 district shall adopt a policy regarding criminal history record
15 checks as set forth in Section 5-142 of this title;

16 6. School districts shall comply with the requirement to
17 evaluate teachers and to train personnel designated to conduct
18 personnel evaluations as set forth in Sections 6-101.10 and 6-101.11
19 of this title, the dismissal and due process procedures for
20 administrators as set forth in Sections 6-101.13 through 6-101.15 of
21 this title and the due process procedures for teachers as set forth
22 in Sections 6-101.21 through 6-101.26 of this title;

23 7. School districts shall comply with the requirement to make
24 payroll deductions for either or both professional organization dues

1 and political contributions upon the request of an employee as set
2 forth in Section 5-139 of this title;

3 8. School districts shall comply with the dismissal and due
4 process procedures for education support employees as set forth in
5 Sections 6-101.40 through 6-101.47 of this title;

6 9. School districts shall employ as teachers, counselors,
7 librarians, school nurses, superintendents, principals, supervisors
8 or any other instructional, supervisory or administrative employee
9 only those persons who are certified by the State Board of Education
10 in accordance with the Oklahoma Teacher Preparation Act, except for
11 persons exempt from the certification requirements as otherwise
12 provided by law;

13 10. School districts shall provide for negotiations between
14 school employees and school districts as set forth in Sections 509.1
15 through 509.11 of this title;

16 11. School districts shall be required to offer and students
17 enrolled in the school district shall be required to complete the
18 curriculum requirements as set forth in Section 11-103.6 of this
19 title;

20 12. Students enrolled in the school district shall be required
21 to demonstrate mastery of the state academic content standards as
22 set forth in Section 1210.523 of this title; and

23 13. Members of the school district board of education shall be
24 required to satisfy the instruction and continuing education

1 requirements as set forth in Sections 5-110, 5-110.1 and 5-110.2 of
2 this title.

3 SECTION 2. This act shall become effective July 1, 2016.

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.

8 Passed the House of Representatives the 8th day of March, 2016.

9

10

Presiding Officer of the House
of Representatives

11

12

Passed the Senate the ___ day of _____, 2016.

13

14

15

Presiding Officer of the Senate

16

17

18

19

20

21

22

23

24