STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1431 By: Smalley

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 1210.544, as amended by Section 17, Chapter 83, O.S.L. 2013 (70 O.S. Supp. 2015, Section 1210.544), which relates to alternative governance of schools; modifying terms by which schools are to be identified; updating reference; allowing certain identified schools to implement certain models; removing language regarding certain intervention models; directing certain identified schools to seek certain support; removing language regarding certain alternative governance arrangements; providing guidelines for support to be provided by the State Department of Education; updating reference; allowing the State Board of Education to assume control of certain identified schools; modifying frequency of certain report; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.544, as amended by Section 17, Chapter 83, O.S.L. 2013 (70 O.S. Supp. 2015, 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~~ persistently listed as ~~in need of improvement~~ low performing in accordance with ~~subsection (g)(6) of Section 1003 of~~

~~Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended~~ federal law. A school district board of education with a school identified as being among the schools in the state that are persistently ~~in need of improvement~~ low performing shall implement ~~one of the following four~~ a locally developed, evidence-based intervention ~~models~~ model for the school~~:~~ site determined to be persistently low performing

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

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

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

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

~~(1) replace the principal,~~

~~(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 that has been identified as being among the schools in the state that are persistently in need of improvement 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~~ 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 created pursuant to this subparagraph shall be subject to the provisions of the Oklahoma Charter Schools Act,~~

~~b. replacing all or most of the school staff assigned to the school, which may include the principal, who are relevant to the failure to make adequate yearly progress and by transferring the replaced staff to another school or by dismissing or not reemploying the replaced staff in accordance with the provisions of the Teacher Due Process Act of 1990 or in accordance with subsection C of this section, if applicable,~~

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

~~d. turning the operation of the school over to the State Board of Education, or~~ seek support from the State Department of Education.

~~e. any other major~~ Such support may include academic intervention, professional development, restructuring

of the governance arrangement of the school ~~that makes fundamental reforms, such as significant changes in the staffing and governance of the school,~~ or any other plan that is reasonably calculated to improve student academic achievement in the school ~~and that has substantial promise of enabling the school to make adequate yearly progress. If the chosen governance arrangement does not produce adequate yearly progress within two (2) years from the date of implementation of the restructured governance arrangement, the State Board of Education shall assume control of the school as provided for in paragraph 2 of this subsection~~. State support shall be approved by both the local school district board of education and the State Board of Education. State support plans shall be designed to provide a substantial assurance of enabling the school to appropriately serve all students. If after two (2) years of implementing the state support plan, improvements to student achievement remain insufficient and the school remains listed as persistently low performing, the State Board of Education may assume control of the school as provided for in paragraph 2 of this subsection.

2. For any school that fails to comply with the provisions of paragraph 1 of this subsection by the end of the school year following its identification ~~for school improvement~~ as persistently low performing for four (4) consecutive years, the State Board of Education ~~shall~~ may assume control of the management and operations of the school, including control of the staff assigned to the school. ~~The~~ If the Board assumes control of a school, the Board shall retain all funds that otherwise would have been allocated to the school district based on the average daily membership of the school which shall be used to operate the school.

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

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

b. if the teacher is not offered a contract teaching position at a school in the district within the two-year period specified in subparagraph a of this

paragraph, the district board shall be authorized to not reemploy the teacher, and

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2016.

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