

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 981

By: Loveless

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.544, as amended by Section 17, Chapter
9 83, O.S.L. 2013 (70 O.S. Supp. 2015, Section
10 1210.544), which relates to alternative governance
11 arrangements; updating reference; directing the State
12 Board of Education to assume control of certain
13 schools; removing language requiring the State Board
14 of Education to assume control of a school if certain
15 progress is not met; providing for schools that
16 remain under certain control; providing an effective
17 date; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.544, as
20 amended by Section 17, Chapter 83, O.S.L. 2013 (70 O.S. Supp. 2015,
21 Section 1210.544), is amended to read as follows:

22 Section 1210.544. A. 1. The State Board of Education shall
23 establish a process to identify schools in the state that are
24 consistently listed as in need of improvement 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

1 among the schools in the state that are persistently in need of
2 improvement shall implement one of the following four intervention
3 models for the school:

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

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

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

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

24 (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 schools that are identified for school improvement by the State Board of Education for four (4) consecutive years, the ~~district board of education~~ State Board of Education shall assume control of the school and 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,~~ remains under the control and operation of the
8 State Board of Education ~~shall assume control of the management and~~
9 ~~operations of the school, including control of the staff assigned to~~
10 ~~the school.~~ The, the Board shall retain all funds that otherwise
11 would have been allocated to the school district based on the
12 average daily membership of the school which shall be used to
13 operate the school.

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

- 20 a. any teacher not retained at the school site shall be
21 given status as a full-time substitute teacher within
22 the school district for a period of not to exceed two
23 (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. Each school district subject to the provisions of
20 subsection B of this section shall submit a plan for compliance with
21 this section to the State Department of Education, in a manner
22 prescribed by the Department.

23 2. Beginning December 31, 2010, and annually each year
24 thereafter, the State Department of Education shall submit a report

1 of the district plans received as provided in paragraph 1 of this
2 subsection to the members of the Senate and House Education
3 Committees.

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

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

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