An Act

ENROLLED SENATE
BILL NO. 2330

By: Ford of the Senate

and

Denney, Kern, Sullivan and
Tibbs of the House

An Act relating to schools; creating the Empowered Schools and School Districts Act; providing short title; providing definitions; authorizing submission of empowerment plan to a school district board of education; providing deadline for board to approve or disapprove plan; authorizing submission of amended plan; requiring certain participation in creation of certain plans; specifying contents of plan; prohibiting discrimination against a school employee under certain circumstances; prohibiting certain persons from taking certain actions against a school employee; encouraging boards to consider innovations in certain areas; authorizing schools and boards to accept gifts or donations for certain purpose; requiring submission of empowerment plans to the State Board of Education; providing deadline for State Board to take certain action unless certain conclusion reached; authorizing amendment and resubmission of plan by a board; directing State Board to waive certain statutes or rules upon certain approval; providing certain exceptions; prohibiting the State Board from waiving certain statutes or rules if the school district is receiving certain funding; limiting impact of certain designation on State Aid funding; directing State Board to grant certain additional waivers if an empowerment plan is revised; providing certain conditions; providing for continuation of a waiver; requiring inclusion of certain provision in certain

collective bargaining agreements; requiring approval of a majority of certain members to waive certain provisions; providing for removal of schools from empowerment plan if approval of waiver is not obtained; providing for additional waivers or revision of existing waivers; providing for continuation of certain waivers; authorizing employee to request transfer in certain circumstance; providing for review of certain plans and determination of progress by the board; requiring majority vote for revision of plan; authorizing revocation of or removal from certain status under certain circumstances; requiring State Board to submit certain annual report to certain authorities and post on certain website; and providing for codification.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Empowered Schools and School Districts Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the Empowered Schools and School Districts Act:

1. "Empowered school" means a school in which a school district board of education implements an empowerment plan pursuant to Section 3 of this act;

2. "Empowered school zone" means a group of schools of a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students

as they progress through elementary and secondary education and in which a school district board of education implements an empowerment plan pursuant to Section 3 of this act;

3. "Empowered district" means a school district in which all schools of a school district are included in an empowerment plan implemented by the school district board of education pursuant to Section 3 of this act; and

4. "State Board" means the State Board of Education.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. 1. A public school, zone, or district may submit to its school district board of education an empowerment plan as described in subsection C of this section.

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

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

4. If the school district board of education approves the plan, it shall proceed to seek approval of the school, zone, or district as an empowered school, zone, or district pursuant to Section 6 of this act.

B. A school district board of education may initiate and collaborate with one or more public schools of the school district to create one or more empowerment plans, as described in subsection C of this section. In creating an empowerment plan the school district board of education shall ensure that each public school

that would be affected by the plan has the opportunity to participate in the creation of the plan.

C. Each empowerment plan shall include the following information:

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

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

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

a. the research-based educational program to be implemented,

b. the length of school day and school year,

c. the student promotion and graduation policies to be implemented,

d. the assessment plan,

e. the proposed budget, and

f. the proposed staffing plan;

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

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

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

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

8. Evidence that both a majority of the administrators and a majority of the teachers employed at the school, zone, or district approve the empowerment plan and consent to the designation as an empowered school, zone, or district. The determination of approval and consent of the plan shall be obtained by means of a secret ballot vote;

9. A statement of the level of support for designation as an empowered school, zone, or district demonstrated by the other persons employed at the school, zone, or district, the students and parents of students enrolled in the school, zone, or district, and the community surrounding the school, zone, or district; and

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

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

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

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

E. No employee of a school, zone, or district shall be discriminated against by the school district board of education, the superintendent of the school district, or any other administrative officer of the school district or by any employee organization, an officer of the organization, or a member of the organization for exercising or not exercising the rights provided for under the Empowered Schools and School Districts Act. An employee of a school district or an officer or member of an employee organization shall be prohibited from impeding, restraining or coercing an employee of a school, zone or district from exercising the rights provided for under the act or causing an employer to impede, restrain or coerce an employee from exercising the rights provided for under the act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.4 of Title 70, unless there is created a duplication in numbering, reads as follows:

In considering or creating an empowerment plan each school district board of education is encouraged to consider innovations in the following areas:

1. Curriculum and academic standards and assessments;

2. Accountability measures, including, but not limited to, expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted may include, but not be limited to:

a. use of graduation or exit examinations,

b. use of end-of-course examinations,

c. use of formative assessments which measure student growth over time,

d. use of the Explore and Plan assessments,

e. measuring the percentage of students continuing into higher education, and

f. measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate;

3. Provision of services, including, but not limited to, special education services, services for gifted and talented students, services for limited English proficient students, educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the Department of Human Services or county social services agencies;

4. Teacher recruitment, training, preparation, and professional development;

5. Teacher employment;

6. Performance expectations and evaluation procedures for teachers and principals;

7. Compensation for teachers, principals, and other school building personnel, including, but not limited to, performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits;

8. School governance and the roles, responsibilities, and expectations of principals in empowered schools or schools within an empowered school zone; and

9. Preparation and counseling of students for transition to postsecondary education or the workforce.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

Each public school and each school district board of education may seek and accept public and private gifts, grants, and donations

to offset the costs of developing and implementing empowerment plans.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school district board of education shall submit approved school, zone, or district empowerment plans to the State Board of Education.

B. 1. Within sixty (60) days after receiving an empowerment plan for a school, zone, or district, the State Board shall approve the empowerment plan unless the State Board concludes that the submitted plan:

a. is likely to result in a decrease in academic achievement in the empowered school, zone, or district, or

b. is not fiscally feasible.

2. If the State Board does not approve the empowerment plan, it shall provide to the school district board of education a written explanation of the basis for its decision. The school district board of education may resubmit an amended empowerment plan and seek approval of the empowerment plan at any time after denial.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Upon approval of an empowerment plan for a school, zone, or district, the State Board of Education shall waive any statutes or rules specified in the approved empowerment plan as they pertain to the empowered school, zone, or district; except that the State Board shall not waive requirements for the following:

1. School district employee participation in the Teachers' Retirement System of Oklahoma;

2. The Oklahoma School Testing Program Act;

3. The requirement for students enrolled in the school district to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes;

4. The accountability system as set forth in Section 1210.541 of Title 70 of the Oklahoma Statutes; and

5. The federal "No Child Left Behind Act of 2001", 20 U.S.C., Section 6301 et seq.

B. Except as otherwise provided in this subsection, the State Board of Education shall not waive any statute or rules specified in the approved empowerment plan for an empowered school, zone or district if the statute or rule relates to the implementation of or requirements for any program or grant for which the school district is receiving funds appropriated for the support of public school activities. The State Board of Education may waive any statute or rule that relates to the implementation of or requirements for any program or grant only if the funding for the program or grant is no longer allocated to the school district.

C. Designation as an empowered school, zone, or district shall not affect the allocation of State Aid funding for the school district as calculated pursuant to Section 18-200.1 of Title 70 of the Oklahoma Statutes.

D. 1. If the school district board of education for an empowered school, zone, or district revises an empowerment plan as provided in Section 9 of this act, the school district board of education may request, and the State Board shall grant, additional waivers or changes to existing waivers as necessary to accommodate the revisions to the empowerment plan unless the State Board concludes that the waivers or changes to existing waivers would:

a. be likely to result in a decrease in academic achievement in the empowered school, zone, or district, or

b. not be fiscally feasible.

In requesting a new waiver or a change to an existing waiver, the school district board of education shall demonstrate the consent of a majority of the teachers and a majority of the administrators employed at each school that is affected by the new or changed waiver.

2. Except as otherwise provided in paragraph 1 of this subsection, a waiver that is granted pursuant to this section shall continue to apply to a school, zone, or district as long as the school, zone, or district continues to be designated as an empowered school, zone, or district.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. 1. On and after the date on which the State Board of Education approves a school, zone, or district as an empowered school, zone, or district, any collective bargaining agreement of the empowered school, zone, or district shall include a provision that allows each empowered school, zone, or district to waive any provisions of the collective bargaining agreement identified in the empowerment plan as needing to be waived for the empowered school, zone, or district to implement its identified innovations.

2. For an empowered school, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining the approval, by means of a secret ballot vote, of at least sixty percent (60%) of the members of the collective bargaining unit who are employed at the empowered school.

3. For an empowered school zone or district, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining, at each school included in the empowered school zone or district, the approval, by means of a secret ballot vote, of at least sixty percent (60%) of the members of the collective bargaining unit who are employed in the zone or district. The school district board of education for the empowered zone or district may choose to revise the plan for creating an empowered zone or district to remove from the zone or district any school in which at least sixty percent (60%) of the members of the collective

bargaining unit employed at the school do not vote to waive the identified provisions of the collective bargaining agreement.

4. If a school district board of education, in collaboration with the empowered school, zone, or district, revises the empowerment plan, as provided in Section 9 of this act, and the revisions include changes to the identified provisions of the collective bargaining agreement that need to be waived to implement the innovations that are included in the empowerment plan, the school district board of education shall seek such additional waivers or revision or revocation of the existing waivers of provisions of the collective bargaining agreement as are necessary to implement the revised empowerment plan. Any changes to waivers, or additional waivers, of the identified provisions of the collective bargaining agreement shall be subject to approval in the same manner as provided in paragraphs 2 and 3 of this subsection for the initial approval of waivers of provisions of the collective bargaining agreement.

5. Except as otherwise provided in paragraph 4 of this subsection, waiver of identified provisions of a collective bargaining agreement for an empowered school, zone, or district pursuant to this subsection shall continue as long as the school, zone, or district remains an empowered school, zone, or district. A waiver approved pursuant to this subsection shall continue to apply to any substantially similar provision that is included in a new or renewed collective bargaining agreement for the schools of the empowered school, zone, or district.

B. A person who is a member of the collective bargaining unit and is employed at an empowered school or zone may request a transfer to another public school in the district. The school district board of education shall make every reasonable effort to accommodate the request of the person.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.9 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Three (3) years after the State Board of Education approves an empowerment plan for a school, zone, or district, and every three (3) years thereafter, the school district board of education shall

review the level of performance of the empowered school, zone, or district and determine whether the empowered school, zone, or district is achieving or making adequate progress toward achieving the academic performance results identified in the empowerment plan of the school, zone, or district. The school district board of education, in collaboration with the empowered school, zone, or district, may revise the empowerment plan as necessary to improve or continue to improve academic performance at the empowered school, zone, or district. Any revisions to the empowerment plan shall require the consent of a majority of the teachers and a majority of the administrators employed at each affected public school.

B. 1. Following review of an empowered school's performance, if a school district board of education finds that the academic performance of students enrolled in the empowered school is not improving at a sufficient rate, the district school board may revoke the empowered status of the school.

2. Following review of the performance of an empowered school zone or district, if a school district board of education finds that the academic performance of students enrolled in one or more of the public schools included in the empowered school zone or district is not improving at a sufficient rate, the school district board of education may remove the underperforming public school or schools from the empowered school zone or district or may revoke the designation of the empowered school zone or district.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-129.10 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. By March 1, 2011, and each year thereafter, the State Board of Education shall submit to the Governor, the President Pro Tempore of the State Senate, the Speaker of the House of Representatives, and to the members of the education committees of the Senate and the House of Representatives, or any successor committees, a report concerning the empowered districts. At a minimum, the report shall include:

1. The number of school districts designated as empowered districts in the preceding academic year and the total number of empowered districts in the state;

2. The number of empowered schools and the number of empowered school zones, including the number of schools in the zone, in each empowered district and the number of students served in the empowered schools and empowered school zones, expressed as a total number and as a percentage of the students enrolled in the empowered district;

3. An overview of the innovations implemented in each empowered school, zone, and district;

4. An overview of the academic performance of the students served in empowered schools, zones, and districts, including a comparison between the academic performance of the students before and since implementation of the innovations;

5. Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of school district boards of education to implement innovations; and

6. Any additional information requested by the Governor or a member of the Legislature.

B. The State Superintendent of Public Instruction shall ensure that the annual report submitted pursuant to this section is promptly posted on the State Department of Education website.

Passed the Senate the 21st day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2010.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 24th

day of May, 2010,

at 1:13 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 5th day of

June, 2010, at 12:45 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th day of June, 2010,

at 11:20 o'clock A M.

By: M. Susan Savage