An Act

ENROLLED HOUSE
BILL NO. 1385

By: Coody of the House

and

Holt of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1-109, which relates to the length of the school year; amending 70 O.S. 2011, Section 3-118.1, as amended by Section 7, Chapter 223, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-118.1), which relates to budget and operations performance reviews; 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 3-151.1, which relates to the adjusted cohort graduation rate; amending 70 O.S. 2011, Section 3-152.1, which relates to the Academic Achievement Award program; 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 3-161, which relates to the Student Tracking and Reporting (STAR) Pilot Program; amending 70 O.S. 2011, Section 5-141.4, which relates to incentive pay plans; amending 70 O.S. 2011, Section 6-194, which relates to district professional development programs; 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 Academic Performance Index; changing references from the Academic Performance Index to academic performance data; changing statutory references; modifying categories and awards provided under the Academic Achievement Award (AAA) program; authorizing the State Board of Education to establish certain categories and levels; 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 challenge schools to schools in need of improvement; deleting references to Academic Performance Index and Adequate Yearly Progress; adding statutory reference; updating statutory references; repealing 70 O.S. 2011, Sections 3-150 and 3-151, which relate to the Academic Performance Index; providing an effective date; and declaring an emergency.

SUBJECT: Education

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-109, is amended to read as follows:

Section 1-109. A. For all public schools in Oklahoma, school shall actually be in session and classroom instruction offered:

1. For not less than one hundred eighty (180) days; or

2. For not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to September 15 of the applicable school year.

B. Not more than thirty (30) hours each school year may be used for attendance of professional meetings and teachers may be paid for a length of term in excess thereof, under conditions hereinafter outlined. Subject to district board of education policy or collective bargaining agreement, additional professional leave days may be granted for individual teachers to attend or participate in professional meetings, staff development training, or National Board certification portfolio development as provided for in Section 6-204.2 of this title.

C. A school district may authorize parent-teacher conferences to be held during a regular school day. If authorized by the school district, parent-teacher conferences shall be counted as classroom instruction time for no more than six (6) hours per semester, for a total of twelve (12) hours per school year.

D. A school district may maintain school for less than a full school year only when conditions beyond the control of school authorities make the maintenance of the term impossible and the State Board of Education has been apprised and has expressed concurrence in writing.

E. The State Board of Education shall establish criteria for an extended-day schedule for schools subject to paragraph 1 of subsection A of this section. The criteria shall:

1. Prescribe a lengthened school day within limits determined not to be detrimental to quality instruction; and

2. Ensure that the schedule is equivalent in annual hours of instruction to the one-hundred-eighty-day school year specified in paragraph 1 of subsection A of this section; and

3. Be consistent with the provisions of this section and Sections 1-111 and 1-112 of this title, but may result in fewer annual days of instruction.

F. The State Board of Education may authorize school districts to implement an extended-day schedule for instruction pursuant to the criteria developed. The State Board of Education shall require

the participating school districts to prepare a report of the impact of the extended-day schedule.

G. Notwithstanding the provisions of subsections E and F of this section, a school district board of education subject to paragraph 1 of subsection A of this section may adopt and implement an extended-day schedule for grades nine through twelve subject to the following requirements:

1. The annual number of hours of instruction shall equal or exceed one thousand eighty (1,080) hours, which is the equivalent of one hundred eighty (180) days of instruction as specified in subsection A of this section for six (6) hours each day as specified in Section 1-111 of this title;

2. The annual number of days of instruction shall equal or exceed one hundred eighty (180) days as specified in subsection A of this section;

3. The schedule adopted shall be consistent with the provisions of Sections 1-111 and 1-112 of this title, except that for not more than one (1) day per week, a school day shall consist of not less than five (5) hours devoted to academic instruction in a regular classroom setting;

4. The district shall hold a public hearing prior to the adoption of an extended-day schedule authorized pursuant to this subsection; and

5. The district shall document the impact on student achievement as determined by the academic performance ~~index~~ data score and any other relevant factors that are a result of implementation of an extended-day schedule authorized pursuant to this subsection and provide an annual report to the State Board of Education of the results. If improvement in student achievement cannot be documented in the report, the district board of education shall revoke authorization as provided by this subsection. If the district does not revoke authorization after student achievement is not documented in the report, the State Board of Education may deny accreditation of any school in violation of this subsection.

H. If subject to paragraph 2 of subsection A of this section, a district board of education or designee may elect to close a school during the school day for inclement weather purposes. In such an event, the number of hours incurred in classroom instruction time

prior to school closure shall be counted toward the one thousand eighty (1,080) hours per year requirement.

I. Nothing in this section shall be construed to affect the Fair Labor Standards Act status of any school district employee.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-118.1, as amended by Section 7, Chapter 223, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-118.1), is amended to read as follows:

Section 3-118.1 A. The Office of Educational Quality and Accountability is hereby authorized to conduct a performance review program to determine the effectiveness and efficiency of the budget and operations of school districts that have:

1. Administrative service costs which are above the expenditure limits established for school districts in Section 18-124 of this title or have total expenditures in excess of the district's adopted budget;

2. A district ~~Academic Performance Index (API)~~ academic performance data score, calculated pursuant to ~~Section 3-150 of this title~~ the Elementary and Secondary Education Act of 1965, as amended or reauthorized, that is below the state average ~~API~~ academic performance data;

3. Had a request for a performance review submitted by the Governor or the State Superintendent of Public Instruction;

4. A district student eligibility rate for free or reduced-price meals under the National School Lunch Act that is above the state average; or

5. Submitted a request for a performance review subsequent to a majority vote of the district's board of education.

B. Funds appropriated by the Legislature to the Office of Educational Quality and Accountability may be expended to fulfill the provisions of this section. The Office of Educational Quality and Accountability may contract with an outside entity or hire personnel to assist in the development and design of the program. The Office of Educational Quality and Accountability may contract with outside entities to assist in conducting performance review programs. Such entities shall be chosen through a competitive bid process. Invitations to bid for the performance reviews shall be

open to any public or private entity. Contracts for performance reviews shall not be done on a sole source basis.

C. 1. If a performance review is conducted as authorized pursuant to paragraphs 1 through 4 of subsection A of this section, the entire cost of the review shall be borne by the Office of Educational Quality and Accountability.

2. If a school district requests a performance review, as authorized pursuant to paragraph 5 of subsection A of this section, twenty-five percent (25%) of the entire cost of the review shall be borne by the school district and seventy-five percent (75%) of the cost of the review shall be borne by the Office of Educational Quality and Accountability.

3. Districts shall be selected for review by the Commission for Educational Quality and Accountability contingent upon the availability of funding.

D. The Office of Educational Quality and Accountability shall engage in follow-up, outreach and technical assistance to help school districts and others understand, interpret, and apply the recommendations and best practices resulting from performance reviews conducted pursuant to this section.

E. After a performance review of a school district is completed by the Office of Educational Quality and Accountability, the school district may implement all or part of the recommendations contained in the review.

F. If a school district experiences a cost savings that is directly attributable to implementation of performance review recommendations, the cost savings shall be expended by the school district for classroom expenses. Classroom expenses shall include but are not limited to teacher salaries and purchasing textbooks, teaching material, technology and other classroom equipment. Classroom expenditures shall not include administrative services as defined in Section 18-124 of this title or for equipment or materials for administrative staff.

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

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

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

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

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

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

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

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

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

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

9. By the State Board of Education when the applicant of the charter school is the Statewide Virtual Charter School Board created in Section ~~3~~ 3-145.1 of this ~~act~~ title and the charter school is for the purpose of establishing a full-time statewide virtual charter school.

B. Any charter or enterprise school operating in the state pursuant to an agreement with the board of education of a school district on July 1, 1999, may continue to operate pursuant to that agreement or may contract with the board of education of the school district pursuant to the Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter Schools Act shall prohibit a school district from applying for exemptions from certain education-related

statutory requirements as provided for in the Educational Deregulation Act.

C. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district, an area vocational-technical school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

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

SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-140, as amended by Section 2, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-140), is amended to read as follows:

Section 3-140. A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after the effective date of this act shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site ~~listed on the school improvement list as determined~~ that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or

reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Statewide Virtual Charter School Board shall enroll those students who are legal residents of this state and who have been approved for a transfer pursuant to Section 8-103 or 8-104 of this title.

B. Except for a charter school sponsored by the State Board of Education, a charter school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

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

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

SECTION 5. AMENDATORY 70 O.S. 2011, Section 3-151.1, is amended to read as follows:

Section 3-151.1 A. For purposes of establishing a uniform and accurate definition of high school graduation rate for school districts and secondary schools in the state, the State Board of Education shall adopt and implement a four-year adjusted cohort graduation rate and an extended-year adjusted cohort graduation rate. The Board shall utilize and report the four-year adjusted cohort graduation rate and the extended-year adjusted cohort graduation rate at the secondary school site, the school district

and the state level, and the graduation rates shall be reported in the aggregate as well as disaggregated by subgroups as required in the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001.

B. The Board shall use the four-year adjusted cohort graduation rate for purposes of determining the high school graduation rate indicator for the ~~Academic Performance Index as established in Section 3-150 of Title 70 of the Oklahoma Statutes~~ academic performance data calculation beginning with state and district report cards providing results of assessments administered in the 2011-2012 school year. The Board shall use the four-year adjusted cohort graduation rate for establishing the high school graduation rate for measuring alternate year percentage growth targets as set forth in Section ~~2~~ 3-151.2 of this ~~act~~ title beginning with the 2012-2013 school year.

C. The four-year adjusted cohort graduation rate shall be defined as the number of students who graduate in four (4) years with a standard high school diploma divided by the number of students who entered high school four (4) years earlier, adjusted for transfers in and out of the school, émigrés and deceased students. Students who graduate in four (4) years shall include students who earn a standard high school diploma at the end of their fourth year, before the end of their fourth year, and during a summer session immediately following their fourth year. To remove a student from a cohort, a school district shall confirm in writing or by electronic means that a student has transferred out of the school site or school district, has emigrated to another country or is deceased. For a student who transfers out of a school site or school district, the written or electronic confirmation shall be official and document that the student has enrolled in another school site or school district or in an educational program that culminates in a standard high school diploma. Students who graduate with a credential other than a standard high school diploma or a higher diploma, including but not limited to a General Educational Development (GED) credential, certificate of attendance, or any alternative award, shall not be included in the graduation rate calculation as set forth in this subsection as a student who graduated in four (4) years with a standard high school diploma but shall be included in the number of students who entered high school four (4) years earlier.

D. The extended-year adjusted cohort graduation rate shall be defined as the number of students who graduate in four (4) years or

five (5) years with a standard high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate as calculated as provided for in subsection C of this section, provided that the adjustments add to the cohort all students who transfer into the cohort by the end of the year of graduation being considered and subtract students who transfer out, emigrate to another country or are deceased by the end of that year. The extended-year adjusted cohort graduation rate shall be reported separately from the four-year adjusted cohort graduation rate.

SECTION 6. AMENDATORY 70 O.S. 2011, Section 3-152.1, is amended to read as follows:

Section 3-152.1 A. The State Board of Education shall develop an Academic Achievement Award (AAA) program. The AAA program shall provide monetary awards to qualified employees at:

1. The top school site that attains the highest overall student achievement as measured by the average of the last three reported ~~Academic Performance Index (API)~~ academic performance data scores in each of the five groups based on average daily membership (ADM) as provided for in subsection D of this section;

2. The top school site that attains the highest annual improvement in student achievement as measured by the average of the last three reported ~~Academic Performance Index (API)~~ academic performance data scores in each of five groups based on average daily membership (ADM) as provided for in subsection D of this section; and

3. ~~All school sites that attain an average API score of one thousand five hundred (1,500) for the last three reported API scores for regular education students tested; and~~

~~4.~~ All school sites that attain the "Gold", "Silver", or "Bronze" levels as measured by ~~an average API~~ academic performance data score as established ~~in paragraph 6 of subsection B of this section for the last three reported API scores~~ by the State Board of Education.

B. 1. No later than March 31 of each year, the State Board of Education shall provide a monetary award to all qualified employees at school sites designated as recipients of the Academic Achievement Award as calculated pursuant to this section.

2. The Board shall determine the amount of funds available for the AAA program, which shall include funds appropriated for the AAA program and may include other funds identified by the Board, which may be used for this purpose. Each year, based on the amount of available funding, the Board shall provide awards to all qualified employees at school sites which have qualified for awards in each category in the following order, with awards being made for each subsequent category to as many school sites which have qualified for awards as can be funded with the remaining funds:

a. paragraph 3 of this subsection,

b. paragraph 4 of this subsection, and

c. paragraph 5 of this subsection~~,~~

~~d. subparagraph a of paragraph 6 of this subsection,~~

~~e. subparagraph b of paragraph 6 of this subsection, and~~

~~f. subparagraph c of paragraph 6 of this subsection~~.

3. The Board shall determine the top school site in each of the groups as designated in subsection D of this section that have achieved the highest overall student achievement as measured by the average of the last three reported ~~API~~ academic performance data scores ~~as calculated pursuant to Section 3-150 of this title~~.

4. The Board shall determine the top school site in each of the groups as designated in subsection D of this section that have achieved the highest annual average percentage improvement in student achievement as measured by the average of the last three reported ~~API~~ academic performance data scores ~~as compared to the previous three-year average of reported API scores~~.

5. ~~The Board shall determine the school sites that have an average API score of one thousand five hundred (1,500) for the last three reported API scores for regular education students tested.~~

~~6.~~ The Board shall determine the school sites that have ~~an average API score for the last three reported API scores that meet the following levels:~~

~~a. Gold level - an average API score between one thousand four hundred ninety-nine (1,499) and one thousand three hundred ninety-five (1,395),~~

~~b. Silver level - an average API score between one thousand three hundred ninety-four (1,394) and one thousand two hundred seventy-five (1,275), and~~

~~c. Bronze level - an average API score between one thousand two hundred seventy-four (1,274) and one thousand one hundred fifty-five (1,155)~~ attained the Gold, Silver, or Bronze levels based on the academic performance data score.

~~7.~~ 6. In the event of tie scores, the Board shall select the school site with the highest annual percentage improvement in student achievement as measured by the ~~API~~ academic performance data score as compared to the previous year. If a tie still exists, the Board shall select the school site with the highest annual percentage improvement in reading achievement as compared to the previous year as measured by the reading assessments administered pursuant to Section 1210.508 of this title.

~~8.~~ 7. Any school site that qualifies for more than one award as provided for in paragraphs 3, 4~~,~~ and 5 ~~and 6~~ of this subsection shall receive the award with the highest monetary amount the school site qualifies for as calculated pursuant to subsection C of this section, but in no case shall any school site receive more than one award.

C. 1. The amount of monetary award to be paid to each qualified employee at each school site identified as an award recipient as determined pursuant to paragraphs 3 and 4 of subsection B of this section shall be Two Thousand Dollars ($2,000.00).

2. ~~The amount of monetary award to be paid to each qualified employee at each school site identified as having an average API score of one thousand five hundred (1,500) for the last three reported API scores for regular education students tested as determined pursuant to paragraph 5 of subsection B of this section shall be Two Thousand Dollars ($2,000.00).~~

~~3.~~ The amount of monetary award to be paid to each qualified employee at each school site identified as having attained the Gold, Silver, or Bronze levels as determined ~~pursuant to paragraph 6 of~~

~~subsection B of this section~~ by the State Board of Education shall be as follows:

a. One Thousand Dollars ($1,000.00) for each Gold level school,

b. Five Hundred Dollars ($500.00) for each Silver level school, and

c. Two Hundred Fifty Dollars ($250.00) for each Bronze level school.

D. Groups shall be designated based on average daily membership (ADM) as follows:

1. Group 1 - 0 to 135 ADM;

2. Group 2 - 136 to 235 ADM;

3. Group 3 - 236 to 345 ADM;

4. Group 4 - 346 to 505 ADM; and

5. Group 5 - 506 or more ADM.

E. For purposes of this section, "qualified employees" means all certified personnel employed to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse at a school site which has been identified as a recipient of an Academic Achievement Award for at least eighty-five (85) days or equivalent hours of the school year which is the last school year used to calculate the three-year average ~~API~~ academic performance data score which is used to determine eligibility for an award. For charter schools formed and operated pursuant to the Oklahoma Charter School Act, qualified employees shall include all administrative and instructional personnel that meet the requirements of this subsection regardless of whether they are certified. Qualified employees shall not include certified personnel who are employed at the school site in a noncertified position and the superintendent of the school district. Qualified employees shall include the certified personnel employed at an elementary school site for at least eighty-five (85) days or equivalent hours of the school year if students who are enrolled at the elementary site were enrolled in an early elementary school site which contains only prekindergarten, kindergarten, first- or second-

grade levels that qualifies for an award. Qualified employees shall include the certified personnel employed at an early elementary school site which contains only prekindergarten, kindergarten, first- or second-grade levels for at least eighty-five (85) days or equivalent hours of the school year if students who were enrolled at the early elementary site are now enrolled at an elementary school site that qualifies for an award.

F. Qualified employees who are assigned to more than one school site which is identified as an award recipient shall qualify for only one award, which shall be the highest award the employee qualifies for. For qualified employees who are employed as less than a one full-time-equivalent employee (FTE) by a school district and are assigned to a school site identified as an award recipient or who are employed as one FTE by a school district but are assigned as less than one FTE at a school site identified as an award recipient, the amount of the monetary award paid to the qualified employee shall be prorated based on the prior year final certified personnel FTE reported on the certified personnel report for the school site for the qualified employee.

G. No school site or school district shall be liable for payment of awards pursuant to this section. Awards shall not be included in the calculation of the salary of the teacher for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

H. The State Board of Education shall promulgate rules necessary for the implementation of this section. The Board shall annually announce and recognize the school sites that have qualified for an award under the Academic Achievement Award program and shall post a list of the school sites on the Internet website for the State Department of Education.

SECTION 7. AMENDATORY 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), is amended to read as follows:

Section 3-153. A. School districts with one or more school sites ~~which are~~ that have been identified ~~for school improvement as determined~~ as in need of improvement by the State Board of Education pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110, shall be required to electronically submit the following plans to the State Board of Education:

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

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

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

SECTION 8. AMENDATORY 70 O.S. 2011, Section 3-161, is amended to read as follows:

Section 3-161. A. There is hereby created the Student Tracking and Reporting (STAR) Pilot Program. The purpose of the Pilot Program shall be to provide for the development and implementation of a horizontal school district and school site level student data management and reporting system based on the Schools Interoperability Framework (SIF) industry open-standard. The developed student data management and reporting system shall provide horizontal articulation of student academic data, student demographic data and other relevant student information. Horizontal articulation shall assimilate the data from the classroom level, to the school site level, and to the district level, with the capability to analyze and disseminate the data back to the school site and classroom level when required by teachers and administrators to support informed and improved classroom instruction. The student data management and reporting system shall vertically interoperate with the Oklahoma State Student Information System, referred to as the Wave Program. Vertical interoperability shall allow for the student data management and reporting system to exchange necessary and requested student data elements with the Wave Program. Nothing in this section shall prohibit the State Board of Education from developing and defining student data elements necessary for the Wave Program. The Pilot Program shall incorporate the following objectives:

1. Provide for academic performance reporting at the district level for all students in grade levels five, eight, ten and twelve. Academic performance reporting shall include report card grades, student performance results from multiple standardized assessments,

including at least one norm-referenced assessment, Oklahoma State Testing Program results for grade levels five, eight, and End-of-Instruction assessments, and ACT college entrance examination scores when applicable;

2. Provide for a horizontal data aggregation system at the school district and site level that facilitates storage, retrieval and distribution of data both horizontally, at the school district and site levels, and vertically to the Wave Program, including all necessary student data elements to support academic performance reporting;

3. Provide for a reporting structure at the district level that shall address all state and federal reporting requirements, including those specified in the federal act known as the No Child Left Behind Act (NCLB), and data elements used in determining district and site academic performance ~~levels for the Academic Performance Index~~ data. The district level reporting structure shall also provide for the transfer of aggregated school district and site level data in Extensible Markup Language (XML), an industry open-standard data format, to both state and federal agencies if required by the agencies in an aggregated format;

4. Develop, define and implement necessary data elements and codes to meet reporting requirements to support horizontal articulation of data at the district and site level and to provide effective transfer of data for state and federal reporting. Provided, that if SIF or the State Board of Education has not defined data elements and codes necessary for the development of the student data management and reporting system, the participating pilot program school districts may create the necessary data elements and codes to support horizontal articulation of data at district and site levels and to provide effective transfer of data for state and federal reporting requirements. Nothing in this paragraph shall prohibit the State Board of Education from defining data elements and codes not defined in the SIF specifications for the Wave Program and from requiring all school districts, including the pilot program school districts, to use the data elements for the vertical transfer of data. These data elements and codes may include, but are not limited to, expanded student entry, gain and loss codes and unique course identification codes;

5. Provide for a historical data warehousing system at the school district and site levels to archive and retrieve comprehensive student data in order to provide all Pilot Program

teachers and administrators with the necessary student academic performance indicators, including report card grades and multiple assessment data, to inform and improve instructional programs at the classroom level;

6. Provide for the aggregation of student performance credentialing at both school district and site levels. The Pilot Program schools shall develop credentialing criteria that shall include, but is not limited to, all areas of academic performance as outlined in paragraph 1 of this subsection, plus additional performance indicators pertaining to life skills, citizenship, and when applicable, employability skills and career awareness/exploration. Pilot Program schools shall develop a summary or condensed portfolio of student credentialing results within the transcript of all graduating students, to include cumulative credentialing data for students from grades six through twelve. The student credentialing portfolio shall be developed so that it can be electronically distributed via secure vertical transmission. Any transmission of a student portfolio to institutions of higher education and to other entities such as potential employers shall comply with the provisions of the Family Education Rights & Privacy Act (FERPA);

7. Provide for a continuous school and student improvement framework through the measurement of comprehensive, cumulative student growth by analyzing multiple academic performance measurements. Such measurements shall document relative growth over time so as to determine continuous improvement at the individual student, grade and school-wide levels; and

8. Provide for professional development in the use of techniques and tools to improve student achievement to teachers in the Pilot Program. Provide training to administrators and support personnel in the implementation of the student data management and reporting system.

B. The student data management and reporting system shall be designed to deliver specific data to the Wave Program as is required. Options shall be explored to facilitate the future development of secure data delivery systems at district and site levels that shall provide information to parents, students, teachers, administrators and the community regarding student, site and district level academic growth.

C. The Pilot Program participants shall utilize a system for data articulation and continuous improvement that is currently being utilized or developed by a school district or districts in the state as the model for the Student Tracking and Reporting Pilot Program. The model system shall include the following proven capabilities:

1. Proven systemic methodology to electronically generate state and federal reports;

2. Proven methodology to manage, analyze, and securely deliver student academic and performance data to administrators and teachers;

3. Two (2) or more years implementing a horizontal articulation solution based on the SIF specifications; and

4. One (1) or more years implementing a horizontal articulation solution allowing for interoperability between multiple SIF specification versions and with a demonstrated capacity in using a Zone Integration Server (ZIS) application that provides for the exchange of student data between more than five disparate education software systems and a ZIS that utilizes more than five industry-built SIF agents.

D. There is hereby created the Student Tracking and Reporting (STAR) Coordinating Committee. The Committee shall consist of five (5) members as follows:

1. One member to be appointed by the Speaker of the Oklahoma House of Representatives;

2. One member to be appointed by the President Pro Tempore of the Senate;

3. One member to be appointed by the Governor;

4. One member to be appointed by the Superintendent of Public Instruction; and

5. One member who represents OneNet appointed by the Chancellor of Higher Education.

E. The State Superintendent of Public Instruction shall call the first meeting of the Committee within thirty (30) days after the effective date of this act. The Committee shall select a Chair of

the Committee from among the members at the first meeting. Subsequent meetings of the Committee shall be held at the call of the Chair or by a quorum of the members. The Committee shall meet at such times as is necessary.

F. Members of the Committee shall receive no compensation for serving on the Committee, but shall receive travel reimbursement as follows:

1. State agency employees who are members of the Committee shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

2. All other Committee members shall be reimbursed by the State Board of Education for travel expenses incurred in the performance of their duties on the Committee in accordance with the State Travel Reimbursement Act.

G. The STAR Coordinating Committee shall select five public school districts to participate in the Pilot Program. One school district shall be selected from each of the four quadrants of the state. One school district shall be selected from a large urban area in the state based on population. The Committee shall establish criteria, including but not limited to technical capacity and knowledge criteria, that school districts shall be required to meet in order to qualify to participate in the Pilot Program. The Committee shall select the participating school districts by September 15, 2005.

H. The STAR Coordinating Committee shall develop standards and procedures necessary for carrying out the objectives of the Pilot Program and for acquiring resources, materials, and software for the Pilot Program.

I. At the direction of the STAR Coordinating Committee, the State Board of Education shall contract with experts or specialists and for training, materials, and software as is necessary to accomplish purposes of the Pilot Program.

J. By July 1, 2006, the STAR Coordinating Committee shall report on the progress and developments accomplished through the Pilot Program.

SECTION 9. AMENDATORY 70 O.S. 2011, Section 5-141.4, is amended to read as follows:

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

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

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

a. achieving either a "superior" or "highly effective" rating under the TLE, and

b. grade level, subject area, or school level performance success.

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

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

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

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

a. achieving either a "superior" or "highly effective" rating under the TLE, and

b. grade level, subject area, or school level performance success.

C. Incentive pay plans implemented pursuant to subsections A and B of this section shall be developed through a collaborative

planning process involving stakeholders, including teachers and school leaders.

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

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

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

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

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

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

2. After approval of the incentive pay plan, the school district board of education shall submit the plan to the State Board of Education for final approval. Within sixty (60) days of receipt of the plan, the State Board shall review and approve or reject the plan. If it is determined that the plan meets the requirements of this section, the State Board shall approve the plan. If the plan does not meet the requirements of this section, the State Board shall reject the plan and provide written notification to the school district board of education along with the grounds for rejection.

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

F. Any incentive pay award shall be an annual award and shall not be a part of a continuing contract for an employee. Any incentive pay award to any teacher or leader shall not exceed more than fifty percent (50%) of the regular salary of the teacher or leader, exclusive of fringe benefits or extra duty pay. Any incentive pay awards received shall be excluded from compensation for purposes of calculating retirement pursuant to the Teachers'

Retirement System of Oklahoma and shall not be subject to taxes levied by the Federal Insurance Contributions Act (F.I.C.A.), to the extent such exemption is provided by federal law.

SECTION 10. AMENDATORY 70 O.S. 2011, Section 6-194, is amended to read as follows:

Section 6-194. A. The district boards of education of this state shall establish professional development programs for the certified and licensed teachers and administrators of the district. Programs shall be adopted by each board based upon recommendations of a professional development committee appointed by the board of education for the district. For the fiscal years ending June 30, 2011, and June 30, 2012, a school district board of education may elect not to adopt and offer a professional development program for certified and licensed teachers and administrators of the district. If a school district elects not to adopt and offer a professional development program, the district may expend any monies allocated for professional development for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district.

B. Each professional development committee shall include classroom teachers, administrators and parents, guardians or custodians of children in the school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected by a designated administrator of the school district from a list of names submitted by the teachers in the school district. The members selected shall be subject to the approval of a majority vote of the teachers in the district. At a minimum, once every four (4) years the committee shall include at least one school counselor in its membership.

C. In developing program recommendations, each professional development committee shall annually utilize a data-driven approach to analyze student data and determine district and school professional development needs. The professional development programs adopted shall be directed toward development of competencies and instructional strategies in the core curriculum areas for the following goals:

1. Increasing the academic performance ~~index~~ data scores for the district and each school site;

2. Closing achievement gaps among student subgroups;

3. Increasing student achievement as demonstrated on state-mandated tests and the ACT;

4. Increasing high school graduation rates; and

5. Decreasing college remediation rates.

Each program may also include components on classroom management and student discipline strategies, outreach to parents, guardians or custodians of students, special education, and racial and ethnic education, which all personnel defined as teachers in Section 1-116 of this title shall be required to complete on a periodic basis. The State Board of Education shall provide guidelines to assist school districts in developing and implementing racial and ethnic education components into professional development programs. At least once a year a program shall be offered which includes a component of teacher training on recognition and reporting of child abuse and neglect which all teachers shall be required to complete. Additionally at least one time per year, beginning in the 2009-2010 school year, training in the area of autism shall be offered and all resident teachers of students in early childhood programs through grade three shall be required to complete the autism training during the resident year and at least one time every three (3) years thereafter. All other teachers and education support professionals of students in early childhood programs through grade three shall be required to complete the autism training at least one time every three (3) years. The autism training shall include a minimum awareness of the characteristics of autistic children, resources available and an introduction to positive behavior supports to challenging behavior. Each adopted program shall allow school counselors to receive at least one-third (1/3) of the hours or credit required each year through programs or courses specifically designed for school counselors.

Districts are authorized to utilize any means for professional development that is not prohibited by law including, but not limited to, professional development provided by the district, any state agency, institution of higher education, or any private entity.

D. Except as otherwise provided for in this subsection, each licensed or certified teacher in this state shall be required by the district board of education to meet the professional development requirements established by the board, or established through the

negotiation process. Except as otherwise provided for in this subsection, the professional development requirements established by each board of education shall require every teacher to annually complete a minimum number of the total number of points required to maintain employment. Failure of any teacher to meet district board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the board. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher. For the fiscal years ending June 30, 2011, and June 30, 2012, a licensed or certified teacher shall not be required to complete any points of the total number of professional development points required. Provided, a teacher may elect to complete some or all of the minimum number of points required for the two (2) fiscal years and any points completed shall be counted toward the total number of points required to maintain employment. If a teacher does not complete some or all of the minimum number of points required for one (1) or both fiscal years, the total number of points required to maintain employment shall be adjusted and reduced by the number of points not completed.

E. Each district shall annually submit a report to the State Department of Education on the district level professional development needs, activities completed, expenditures, and results achieved for each school year by each goal as provided in subsection C of this section. If a school district elects not to adopt and offer a professional development program as provided for in subsection A of this section, the district shall not be required to submit an annual report as required pursuant to this subsection but shall report to the State Department of Education its election not to offer a program and all professional development activities completed by teachers and administrators of the school district.

F. Subject to the availability of funds, the Department shall develop an online system for reporting as required in subsection E of this section. The Department shall also make such information available on its website.

SECTION 11. AMENDATORY 70 O.S. 2011, Section 6-194.2, is amended to read as follows:

Section 6-194.2 A. Beginning with the 1997-98 school year, the State Board of Education shall award scholarships to public school districts who wish to have teachers and administrators from certain school sites attend the Great Expectations Summer Institutes for Teachers offered by an institution within The Oklahoma State System

of Higher Education. Any school district applying for a scholarship for teachers and administrators from a school site which is currently, or has been ~~declared, a high challenge~~, identified as a school in need of improvement pursuant to the provisions of ~~subsection C of~~ Section 1210.541 of this title for any of the previous three (3) school years, shall be given priority for receipt of such scholarship. Scholarships shall be awarded based on the amount of funds allocated to the State Department of Education for such purpose.

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

SECTION 12. AMENDATORY 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), is amended to read as follows:

Section 6-200. A. Subject to the availability of funds, the State Board of Education shall have authority to develop and administer training for residency committees and training for professional development through professional development institutes. Included in the professional development institutes training shall be technology training. Professional development institutes shall be defined as continuing education experiences which consist of a minimum of thirty (30) clock hours. The institutes shall be competency-based, emphasize effective learning practices, require collaboration among participants, and require each participant to prepare a work product which can be utilized in the classroom by the participant. Any state professional development institutes administered by the Board shall be chosen through a competitive bid process and if funds are available subject to peer review. The Board, prior to offering any professional development institute, shall promulgate rules related to administering state professional development institutes.

B. The State Board of Education shall develop, offer and administer professional development institutes to train elementary school teachers in reading education and if funds are available, which may include but not be limited to grant, foundation, or other funds, to train middle school teachers in reading education. Funds appropriated for this purpose shall be used for the cost of developing, administering and contracting for the professional development institutes. When possible, certified reading specialists shall be included as consultants. All costs of the

institutes shall be included in the contract price and no tuition or registration fee shall be collected from teachers attending the institutes. The institutes shall be offered by or through the Commission. Working in conjunction with the State Department of Education, the Commission shall develop a state plan for administration of such institutes and shall report on or before November 1 of each year to the Governor and the Legislature on the format of and participation in the institutes. The State Department of Education shall cooperate with and provide any information requested, including data available through the state student record system, to the State Board of Education as is necessary to carry out the provisions of this section.

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

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

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

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

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

b. a three-day follow-up professional development institute in elementary school reading for teachers of kindergarten through third grade and instructional leaders, and

c. continued support through ongoing teacher development at school sites, including four (4) days of professional development for principals and literacy resource specialists, and six (6) days of on-site visits by a program consultant.

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

a. at least eighty percent (80%) of the teachers of kindergarten through third grade at the school shall have demonstrated support for the training program provided pursuant to this subsection,

b. the principal shall ensure that all members of the leadership team and all teachers of kindergarten through third grade will participate in all phases of the training program,

c. the school district shall ensure that any new teacher of kindergarten through third grade or principal at the school will participate in all phases of the training program, and

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

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

4. For program evaluation purposes, each school awarded a grant pursuant to this subsection shall provide to the Commission student-level data and results of the reading assessments administered pursuant to the Oklahoma School Testing Program Act for the year prior to the grant award, for each year a grant is received by the school, and for three (3) years after completion of the program. If

funds are not sufficient to award grants to all eligible applicants, schools may be placed on a waiting list for priority consideration for the following year's round of grant awards which shall be superior to the priority given to schools as provided in paragraph 3 of this subsection, if the school provides student data for the current year to the Board as provided in this paragraph.

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

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

1. Mathematics for teachers in grades kindergarten through nine;

2. The use of technology in the classroom;

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

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

SECTION 13. AMENDATORY 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), is amended to read as follows:

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

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

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

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

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

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

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

6. Provide recognition to National Board certified teachers.

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

1. Inform teachers of the Education Leadership Oklahoma program and the scholarships and services it provides to teachers seeking National Board certification, emphasizing recruiting efforts toward teachers at high-poverty schools, ~~low-achieving~~ schools identified as in need of improvement and in counties with the lowest percentage of teachers who have achieved National Board certification;

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

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

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

D. The applicant review committee shall:

1. Consist of:

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

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

c. three classroom teachers appointed by the Oklahoma State Regents for Higher Education, at least one of whom shall be a National Board certified teacher, if available, and

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

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

a. have demonstrated a commitment to excellence in teaching,

b. meet all eligibility requirements for potential certification as established by the National Board for Professional Teaching Standards,

c. are employed in an Oklahoma public school, and

d. meet other requirements of the Commission.

E. Subject to the availability of funds appropriated by the Legislature for the purposes of this subsection and except as otherwise provided for in subsection P of this section, the application fee for National Board certification shall be paid for scholarship recipients by the Commission, and scholarship recipients shall be provided a scholarship in the amount of Five Hundred

Dollars ($500.00) to cover other expenses associated with obtaining National Board certification.

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

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

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

I. Subject to district board of education policy or collective bargaining agreement, additional professional leave days may be granted to teachers seeking National Board certification for National Board certification portfolio development. During the two (2) days of the additional professional days granted to teachers for National Board certification portfolio development, a substitute teacher shall be provided by the school district at no cost to the teacher.

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

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

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

1. The National Board certification has not lapsed; and

2. The teacher is still a full-time teacher.

M. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education incorporate the National Board certification portfolio development into all programs in education leading to a master's level degree.

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

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

P. 1. Except as otherwise provided, the Oklahoma Commission for Teacher Preparation shall not accept any applications for the Education Leadership Oklahoma program, award scholarships pursuant to the Education Leadership Oklahoma Act or pay the National Board certification application fee for scholarship recipients after June 30, 2010, through June 30, 2013. The Commission may pay any scholarship amounts or pay the National Board certification application fees incurred after June 30, 2010, for any teacher selected for the Education Leadership Oklahoma program before June 30, 2010.

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

SECTION 14. AMENDATORY 70 O.S. 2011, Section 6-210, is amended to read as follows:

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

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

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

1. Inform teachers of the program;

2. Collect and review applications for the program from interested teachers; and

3. Establish an applicant review committee to identify participants for the program.

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

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

SECTION 15. AMENDATORY 70 O.S. 2011, Section 11-109.1, is amended to read as follows:

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

SECTION 16. AMENDATORY 70 O.S. 2011, Section 1210.541, as amended by Section 15, Chapter 223, O.S.L. 2012 (70 O.S. Supp. 2012, Section 1210.541), is amended to read as follows:

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

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

C. The performance levels shall be set by a method that indicates students are ready for the next grade, course, or level of education, as applicable. The Commission for Educational Quality and Accountability shall establish panels to review and revise the performance level descriptors for each subject and grade level. The Commission shall ensure that the criterion-referenced tests developed and administered by the State Board of Education pursuant to the Oklahoma School Testing Program Act in grades three through eight and the end-of-instruction tests administered at the secondary level are vertically aligned by content across grade levels to ensure consistency, continuity, alignment and clarity. The Commission shall adopt performance levels that are labeled and defined as follows:

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

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

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

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

D. The State Board of Education shall develop and implement in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, an accountability system as provided for in 20 U.S.C., 6311 and any related federal regulations. The accountability system shall be implemented beginning with the 2002-2003 school year and shall be based on the ~~Academic Performance Index~~ data as established pursuant to Section 3-150 of this title and as modified to meet the mandates of the ESEA. For the 2002-2003 school year and every year thereafter the State Board of Education shall publish and ensure that each local education agency is provided with ~~Academic Performance Index~~ data annually by site and by district so that the local education agency can make ~~Adequate Yearly Progress~~ determinations to identify schools for rewards and sanctions. The State Board of Education shall establish a system of recognition, rewards, sanctions and technical assistance, as required by state law and the Elementary and Secondary Education Act of 2001 (ESEA).

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

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

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

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

SECTION 17. AMENDATORY 70 O.S. 2011, 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 listed as ~~a persistently low-achieving school~~ 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. A school district board of education with a school identified as being among the ~~persistently lowest-achieving~~ schools in the state that are persistently in need of improvement shall implement one of the following four intervention models for the school:

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 ~~persistently lowest-achieving~~ 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 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

e. any other major restructuring of the governance arrangement of the school that makes fundamental reforms, such as significant changes in the staffing and governance of the school, 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.

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 for four (4) consecutive years, the State Board of Education shall assume control of the management and operations of the school, including control of the staff assigned to the 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 State Department of Education shall 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 18. AMENDATORY 70 O.S. 2011, Section 1210.573, is amended to read as follows:

Section 1210.573 A developmental research school may be established by the State Board of Education only for purposes of intervening to aid a ~~high challenge~~ school in need of improvement as defined in Section 1210.541 of ~~Title 70 of the Oklahoma Statutes~~ this title. All developmental research schools shall be affiliated with a college of education within an institution of The Oklahoma

State System of Higher Education and shall provide sequential instruction. Nothing in this act shall be construed to prohibit the establishment of a research and development school by an institution of higher education for voluntary and limited attendance.

SECTION 19. AMENDATORY 70 O.S. 2011, Section 1210.574, is amended to read as follows:

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

SECTION 20. AMENDATORY 70 O.S. 2011, Section 1210.575, is amended to read as follows:

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

SECTION 21. REPEALER 70 O.S. 2011, Sections 3-150 and 3-151, are hereby repealed.

SECTION 22. This act shall become effective July 1, 2013.

SECTION 23. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 5th day of March, 2013.

Presiding Officer of the House of Representatives

Passed the Senate the 15th day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th day of April, 2013, at 6:03 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 22nd day of April, 2013, at 2:48 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22nd day of April, 2013, at 4:30 o'clock P. M.

By: Cheryl Parman