

1 ENGROSSED SENATE
2 BILL NO. 1431

By: Smalley of the Senate

and

Casey of the House

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6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 1210.544, as amended by Section 17, Chapter
8 83, O.S.L. 2013 (70 O.S. Supp. 2015, Section
9 1210.544), which relates to alternative governance of
10 schools; modifying terms by which schools are to be
11 identified; updating reference; allowing certain
12 identified schools to implement certain models;
13 removing language regarding certain intervention
14 models; directing certain identified schools to seek
15 certain support; removing language regarding certain
16 alternative governance arrangements; providing
17 guidelines for support to be provided by the State
18 Department of Education; updating reference; allowing
19 the State Board of Education to assume control of
20 certain identified schools; providing an effective
21 date; and declaring an emergency.

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

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

Section 1210.544. A. 1. ~~The~~ Notwithstanding any other
provision of law, the State Board of Education shall establish a
process to identify schools in the state that are ~~consistently~~
listed as in need of improvement in accordance with ~~subsection~~
~~(g)(6) of Section 1003 of Title I of the Elementary and Secondary~~

1 ~~Education Act of 1965 (ESEA), as amended 20 U.S.C., Section 6301 et~~
2 ~~seq.~~ A school district board of education with a school identified
3 as being among the schools in the state that are ~~persistently~~ in
4 need of improvement shall implement ~~one of the following four a~~
5 locally developed, evidence-based intervention models model for the
6 school: site determined by the Board to be low performing

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

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

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

1 d. ~~transformation model — implementing each of the~~
2 ~~following strategies:~~

- 3 ~~(1) replace the principal,~~
- 4 ~~(2) develop and increase teacher and school-leader~~
5 ~~effectiveness,~~
- 6 ~~(3) institute comprehensive instructional reform,~~
- 7 ~~(4) increase learning time and create community-~~
8 ~~oriented schools, and~~
- 9 ~~(5) provide operational flexibility and sustained~~
10 ~~support.~~

11 ~~2. If a school that has been identified as being among the~~
12 ~~schools in the state that are persistently in need of improvement~~
13 ~~has already implemented an alternative governance arrangement within~~
14 ~~the last two (2) years prior to the identification, the school may~~
15 ~~continue implementation of the alternative governance arrangement.~~

16 B. 1. ~~Notwithstanding any other provision of state law, for~~
17 ~~Consistent with 20 U.S.C., Section 6301 et seq., for schools that~~
18 ~~are identified for school improvement by the State Board of~~
19 ~~Education for four (4) consecutive years, the district board of~~
20 ~~education shall implement one of the following alternative~~
21 ~~governance arrangements for the school in accordance with~~
22 ~~subparagraph (B) of subsection (b) (8) of Section 1116 of Title I of~~
23 ~~the Elementary and Secondary Education Act of 1965, as amended:~~

- 1 a. ~~reopening the school as a public charter school.~~
2 ~~Except for the average daily membership and county~~
3 ~~population limitations specified in subsection A of~~
4 ~~Section 3-132 of this title, any charter school~~
5 ~~created pursuant to this subparagraph shall be subject~~
6 ~~to the provisions of the Oklahoma Charter Schools Act,~~
- 7 b. ~~replacing all or most of the school staff assigned to~~
8 ~~the school, which may include the principal, who are~~
9 ~~relevant to the failure to make adequate yearly~~
10 ~~progress and by transferring the replaced staff to~~
11 ~~another school or by dismissing or not reemploying the~~
12 ~~replaced staff in accordance with the provisions of~~
13 ~~the Teacher Due Process Act of 1990 or in accordance~~
14 ~~with subsection C of this section, if applicable,~~
- 15 c. ~~entering into a contract with an entity, such as a~~
16 ~~private management company, with a demonstrated record~~
17 ~~of effectiveness, to operate the public school,~~
- 18 d. ~~turning the operation of the school over to the State~~
19 ~~Board of Education, or seek support from the State~~
20 ~~Department of Education.~~
- 21 e. ~~any other major Such support may include academic~~
22 ~~intervention, professional development, restructuring~~
23 ~~of the governance arrangement of the school that makes~~
24 ~~fundamental reforms, such as significant changes in~~

1 ~~the staffing and governance of the school, or any~~
2 other plan that is reasonably calculated to improve
3 student academic achievement in the school ~~and that~~
4 ~~has substantial promise of enabling the school to make~~
5 ~~adequate yearly progress. If the chosen governance~~
6 ~~arrangement does not produce adequate yearly progress~~
7 ~~within two (2) years from the date of implementation~~
8 ~~of the restructured governance arrangement, the State~~
9 ~~Board of Education shall assume control of the school~~
10 ~~as provided for in paragraph 2 of this subsection.~~
11 State support plans shall be designed to provide a
12 substantial assurance of enabling the school to
13 appropriately serve all students. If after two (2)
14 years of implementing the state support plan,
15 improvements to student achievement remain
16 insufficient and, in accordance with 20 U.S.C. Section
17 6301 et seq., the school continues to be identified by
18 the Board as low performing, the Board may exercise
19 the option of assuming control of the school as
20 provided for in this subsection.

21 2. ~~For any school that fails to comply with the provisions of~~
22 ~~paragraph 1 of this subsection by the end of the school year~~
23 ~~following its identification for school improvement for four (4)~~
24 ~~consecutive years, the State Board of Education shall assume control~~

1 ~~of the management and operations of the school, including control of~~
2 ~~the staff assigned to the school. The~~ If the Board assumes control
3 of a school, the Board shall retain all funds that otherwise would
4 have been allocated to the school district based on the average
5 daily membership of the school which shall be used to operate the
6 school.

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

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

17 b. if the teacher is not offered a contract teaching
18 position at a school in the district within the two-
19 year period specified in subparagraph a of this
20 paragraph, the district board shall be authorized to
21 not reemploy the teacher, and

22 c. the district board shall designate trained, certified,
23 instructional staff to provide teacher support,

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1 development and evaluation, which may include
2 certified personnel other than administrators.

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

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

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

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

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

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

3 Passed the Senate the 8th day of March, 2016.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2016.

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Presiding Officer of the House
of Representatives

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