

House Bill 3031

Sponsored by Representative HUFFMAN; Representatives WHISNANT, WINGARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows public school to create innovation plan or group of public schools to create group innovation plan. Establishes process by which plan is approved.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public school innovation plans; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 12 of this 2011 Act:

4
5 (1) "District school board" has the meaning given that term in ORS 332.002.

6 (2) "Group innovation plan" means a plan described in section 3 of this 2011 Act that is
7 approved by a group of public schools in a school district.

8 (3) "Innovation plan" means a plan described in section 2 of this 2011 Act that is approved
9 by a public school.

10 (4) "School district" has the meaning given that term in ORS 332.002.

11 (5) "Teacher" has the meaning given that term in ORS 329.007.

12 **SECTION 2. A public school may create an innovation plan. An innovation plan must**
13 **meet the standards described in section 7 (1)(b) of this 2011 Act. For the purpose of showing**
14 **that the plan meets the standards, the plan must include the following:**

15 (1) A statement of the school's mission and how the innovation plan will enhance the
16 school's ability to achieve its mission.

17 (2) A description of the innovations the school will implement, which may include, but
18 need not be limited to, innovations related to:

19 (a) School staffing;

20 (b) Curriculum, teaching methods and student assessment;

21 (c) Class scheduling and use of time;

22 (d) Use of financial and other resources;

23 (e) Teacher recruitment, employment, evaluation and professional development; and

24 (f) Strategies to engage parents in students' learning.

25 (3) A list of the programs, policies and operational documents of the school that will be
26 affected by the innovation plan and a description of the manner in which the programs, pol-
27 icies and operational documents will be affected by the plan. The programs, policies and
28 operational documents that an innovation plan affects may include, but need not be limited
29 to:

30 (a) The education program of the school;

31 (b) The length of the school day or school year at the school;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The student advancement and graduation policies of the school;

2 (d) The school's assessment plan for students;

3 (e) The budget for the school; and

4 (f) The staffing plan for the school.

5 (4) A list of the improvements in academic performance that the school expects to
6 achieve by implementing the innovation plan and a description of the means through which
7 the school will measure improvements in academic performance.

8 (5) An explanation of the governance structure of the school.

9 (6) A description of the efforts made by the school to create the innovation plan by in-
10 volving persons employed at the school, students enrolled in the school, parents of students
11 enrolled in the school and members of the community surrounding the school.

12 (7) A description of any laws, rules or policies that would need to be waived for the school
13 to implement its innovation plan.

14 (8) A description of any provisions of a collective bargaining agreement that would need
15 to be waived for the school to implement its innovation plan and the process, as provided by
16 section 4 of this 2011 Act, by which the provisions would be waived.

17 (9) A description of any arrangements necessary for special education and related ser-
18 vices provided to students at the school.

19 (10) Any additional information required by the district school board of the school in
20 which the innovation plan would be implemented.

21 **SECTION 3.** A group of public schools in a school district may create a group innovation
22 plan. A group innovation plan may include all of the public schools in the school district. A
23 group innovation plan must meet the standards described in section 7 (1)(b) of this 2011 Act.
24 For the purpose of showing that the plan meets the standards, the plan must include the
25 following:

26 (1) The information specified in section 2 of this 2011 Act for:

27 (a) Each school that would be operating under the group innovation plan; and

28 (b) The group of schools that would be operating under the group innovation plan.

29 (2) Information demonstrating that operating the schools as a group will help the schools
30 achieve the goals of the group innovation plan.

31 (3) A description of the common interests shared by the schools, such as geographical
32 location or educational focus, or a description of how the schools sequentially serve classes
33 of students as the students progress through elementary and secondary education.

34 **SECTION 4.** (1) A collective bargaining agreement entered into by a school district for
35 teachers at the schools of the school district must allow the teachers of a school operating
36 under an innovation plan or a group innovation plan to waive provisions of the collective
37 bargaining agreement if the waiver is necessary to implement the plan.

38 (2) A provision of a collective bargaining agreement may be waived as provided by this
39 section only upon:

40 (a) An affirmative vote by a majority of the members of the bargaining unit who are
41 covered by the collective bargaining agreement and who are employed at the school operating
42 under an innovation plan; or

43 (b) An affirmative vote by a majority of the members of the bargaining unit at each
44 school who are covered by the collective bargaining agreement and who are employed at a
45 school operating under a group innovation plan.

1 **SECTION 5.** The collective bargaining agreement waiver requirements described in sec-
2 tion 4 of this 2011 Act apply to collective bargaining agreements entered into on or after the
3 effective date of this 2011 Act.

4 **SECTION 6.** (1) A public school may submit an innovation plan to the district school
5 board of the school if:

6 (a) A majority of the teachers of the school approves the innovation plan by secret ballot;
7 and

8 (b) The principal of the school approves the innovation plan.

9 (2) A group of public schools in a school district may submit a group innovation plan to
10 the district school board of the schools if:

11 (a) A majority of the teachers at each school in the group approves the group innovation
12 plan by secret ballot; and

13 (b) The principal of each school in the group approves the group innovation plan.

14 (3) A district school board may collaborate with the public schools in the school district
15 to create one or more innovation plans or one or more group innovation plans. In creating
16 an innovation plan or a group innovation plan, the board must ensure that each school that
17 would be affected by the plan has the opportunity to participate in the creation of the plan.

18 **SECTION 7.** (1) A district school board shall:

19 (a) Approve or disapprove an innovation plan or a group innovation plan within 60 days
20 after receiving the plan.

21 (b) Approve the plan if, after considering the information included in the plan under
22 section 2 of this 2011 Act and, for a group innovation plan, section 3 of this 2011 Act, the
23 board finds that the following standards have been met:

24 (A) The plan tailors services effectively and efficiently to meet the needs of the students
25 to be served;

26 (B) The plan is likely to improve student performance through greater school autonomy
27 and managerial flexibility; and

28 (C) The school or schools operating under the plan will be able to carry out the plan.

29 (2) If the district school board disapproves the plan, the board must provide to the school
30 or group of schools that submitted the plan a written explanation of the basis for the disap-
31 proval.

32 (3) At any time after disapproval, a school or group of schools may resubmit an amended
33 innovation plan or amended group innovation plan to the district school board.

34 (4) A school or group of schools may, by joint agreement with the district school board,
35 amend an innovation plan or a group innovation plan.

36 **SECTION 8.** (1) An innovation plan or a group innovation plan is in effect for a period
37 of three years and may be renewed upon the approval of the district school board using the
38 process established under sections 6 and 7 of this 2011 Act.

39 (2) Renewals of an innovation plan or a group innovation plan are for three years.

40 **SECTION 9.** (1) During the term of an innovation plan or a group innovation plan:

41 (a) A school or group of schools, by a majority vote of the teachers at each school and
42 the approval of the principal at each school, may terminate the plan for any reason at the
43 end of a school year.

44 (b) The district school board may terminate the plan at the end of a semester on any of
45 the following grounds:

1 (A) Failure to meet the terms of the plan.

2 (B) Failure to meet the requirements for student performance stated in the plan.

3 (C) Failure to correct a violation of a federal or state law.

4 (2) The district school board shall notify the school or group of schools at least 60 days
5 prior to the date of a proposed termination. The notice shall state the grounds for the ter-
6 mination.

7 **SECTION 10.** The State Board of Education:

8 (1) Shall adopt the rules necessary to implement sections 1 to 12 of this 2011 Act.

9 (2) May adopt rules that waive provisions of section 2 or 3 of this 2011 Act if the pro-
10 visions prevent a school operating under an innovation plan or a group innovation plan from:

11 (a) Providing services effectively and efficiently to meet the needs of the students to be
12 served; or

13 (b) Improving student performance through greater school autonomy and managerial
14 flexibility.

15 **SECTION 11.** An innovation plan or a group innovation plan may not include a waiver
16 of the following laws:

17 (1) Federal law;

18 (2) ORS 192.410 to 192.505 (public records law);

19 (3) ORS 192.610 to 192.690 (public meetings law);

20 (4) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

21 (5) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

22 (6) ORS 339.141, 339.147 and 339.155 (tuition and fees);

23 (7) ORS 659.850, 659.855 and 659.860 (discrimination);

24 (8) ORS 30.260 to 30.300 (tort claims);

25 (9) Health and safety statutes and rules;

26 (10) ORS 339.250 (12) (prohibition on infliction of corporal punishment);

27 (11) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on
28 prevention and identification of child abuse);

29 (12) ORS 243.305 (affirmative action);

30 (13) ORS 243.325, 243.330 and 243.335 (leaves of absence for athletic competition);

31 (14) Except as provided in section 4 of this 2011 Act, ORS 243.650 to 243.782 (collective
32 bargaining);

33 (15) ORS 243.860 to 243.886 (Oregon Educators Benefit Board);

34 (16) ORS chapter 238 (Public Employees Retirement System);

35 (17) ORS chapter 238A (Oregon Public Service Retirement Plan);

36 (18) ORS chapter 657 (Employment Department Law); and

37 (19) Sections 1 to 12 of this 2011 Act.

38 **SECTION 12.** (1) A school operating under an innovation plan or a group of schools op-
39 erating under a group innovation plan must report to the district school board of the school
40 or schools at least annually on the performance of:

41 (a) The students of the school or group of schools; and

42 (b) The school or group of schools.

43 (2) The report required by this section must contain the information necessary to permit
44 the district school board to determine compliance with the requirements of sections 1 to 12
45 of this 2011 Act.

1 **(3) A school operating under an innovation plan or a group of schools operating under a**
2 **group innovation plan must have an annual audit of the accounts of the school or group of**
3 **schools prepared in accordance with ORS 297.405 to 297.555 and 297.990. The annual audit**
4 **must be forwarded to the district school board and the State Board of Education.**

5 **(4) Before January of each odd-numbered year, the State Board of Education shall submit**
6 **a report to the Legislative Assembly on:**

7 **(a) The innovations and improvements in academic performance that were achieved**
8 **through sections 1 to 12 of this 2011 Act; and**

9 **(b) Recommendations for statutory changes necessary to facilitate innovations and im-**
10 **provements in academic performance under sections 1 to 12 of this 2011 Act.**

11 **SECTION 13.** **This 2011 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
13 **on its passage.**

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