

ENGROSSED HOUSE
BILL NO. 2268

By: Bryant, Coleman, Reese,
Roach, Thornbrugh,
Weese, Breckinridge,
Morgan, Vaughn,
McCorkell and Maddux of
the House

and

Wright and Williams
(Penny) of the Senate

(schools - Oklahoma Charter Schools Act - application of
the act - codification - effective date)

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-130 of Title 70, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Charter Schools Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-131 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. The purpose of the Oklahoma Charter Schools Act is to:

1. Improve student learning;
2. Increase learning opportunities for students;
3. Encourage the use of different and innovative teaching

methods;

4. Provide additional academic choices for parents and students;
5. Require the measurement of student learning and create different and innovative forms of measuring student learning;
6. Establish new forms of accountability for schools; and
7. Create new professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site.

B. The purpose of this act is not to provide a means by which to keep open a school that may otherwise be closed. Applicants applying for a charter for a school which is to be otherwise closed shall be required to prove that conversion to a charter school fulfills the purposes of the act independent of closing the school.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-132 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of this act.

B. For purposes of the Oklahoma Charter Schools Act, the term "charter school" shall mean a public school established by contract with a board of education of a school district pursuant to the act to provide learning that will improve student achievement. A charter school shall be considered to be a part of the sponsoring school district and part of the educational system of the state for the purpose of receiving funds for federal programs.

C. A charter school may consist of a new school, new schools or all or any portion of an existing school.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-133 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An applicant seeking to establish a charter school shall submit a written proposal to the proposed sponsor as prescribed in subsection E of this section. The proposal shall include:

1. A mission statement for the charter school;
2. A description of the organizational structure and the governing body of the charter school;
3. A financial plan for the first three (3) years of operation of the charter school;
4. A description of the hiring policy of the charter school;
5. The name of the applicant or applicants and requested sponsor;
6. A description of the facility and location of the charter school;
7. A description of the grades being served; and
8. An outline of criteria designed to measure the effectiveness of the charter school.

B. A public school, public body, public or private college or university, private person or private organization may contract with a sponsor to establish a charter school.

C. No more than fifteen charter schools may be authorized to operate in the state each year. The State Board of Education shall monitor the number of charters granted by school districts each year and shall advise school districts when the maximum number of charter schools have been authorized for the year.

D. The sponsor of a charter school shall be a board of education of a school district. Any board of education of a school district in the state may sponsor one or more charter schools.

E. An applicant for a charter school may submit an application to a board of education of a school district which shall either accept or reject sponsorship of the charter school within ninety (90) days. If the board rejects the application it shall notify the applicant in writing of the reasons for the rejection. The

applicant may submit a revised application for reconsideration to the board within thirty (30) days after receiving notification of the rejection. The board shall accept or reject the revised application within thirty (30) days.

F. A board of education of a school district shall notify the State Board of Education when the board accepts sponsorship of a charter school. The notification shall include a copy of the charter of the charter school.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-134 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The sponsor of a charter school shall enter into a written contract with the governing body of the charter school. The contract shall incorporate the provisions of the charter of the charter school and contain, but shall not be limited to, the following provisions:

1. A description of the program to be offered by the school which complies with the purposes outlined in Section 2 of this act;
2. Admission policies and procedures;
3. Management and administration of the charter school;
4. Requirements and procedures for program and financial audits;
5. How the charter school will comply with the charter requirements set forth in this act;
6. Assumption of liability by the charter school; and
7. The term of the contract.

B. The contract shall also require officers of the governing body of the charter school to complete at least twelve (12) hours of instruction on education issues within fifteen (15) months of election or appointment to the governing body as is required of members of a district board of education in Section 5-110 of Title 70 of the Oklahoma Statutes.

C. A charter school shall not enter into an employment contract with any teacher or other personnel until the charter school has a contract with a sponsoring school district.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-135 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A charter school shall adopt a charter which will ensure compliance with the following:

1. A charter school shall comply with all federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance. By January 1, 1997, the State Department of Education shall prepare a list of relevant rules, regulations and statutes which a charter school must comply with as required by this paragraph and shall annually prepare an update to the list.

2. A charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution. In addition to the teaching of the Bible, all other major religions of the world may be taught as history and literature. However, charter schools may provide instruction in the Bible as history and literature and may allow released-time programs off-campus in which the Bible in general is taught;

3. The charter school shall provide a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve. Instruction may be provided to people younger than five (5) years and older than eighteen (18) years. A charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language;

4. A charter school shall design its programs to at least meet the core curriculum adopted by the State Board of Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes. The charter school shall also participate in the testing as required by the Oklahoma School Testing Program Act;

5. Except as provided for in this act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education and school districts;

6. A charter school, to the extent possible, shall be subject to the same financial audits, audit procedures and audit requirements as a school district. The State Department of Education or State Auditor and Inspector may conduct financial, program or compliance audits;

7. A charter school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district;

8. A charter school shall provide for a governing body for the school which shall be responsible for the policies and operational decisions of the charter school;

9. A charter school shall not be used as a method of providing education or generating revenue for students who are being home schooled;

10. A charter school may not charge tuition;

11. A charter school shall provide instruction each year for at least the number of days required in Section 1-109 of Title 70 of the Oklahoma Statutes;

12. A charter school shall comply with the student suspension requirements provided for in Section 24-101 of Title 70 of the Oklahoma Statutes; and

13. A charter school shall be considered a school district for purposes of tort liability under the Governmental Tort Claims Act.

B. The charter of a charter school shall include a description of the personnel policies, personnel qualifications and method of school governance, and the specific role and duties of the sponsor of the charter school.

C. The charter of a charter school may be amended at the request of the governing body of the charter school and upon the approval of the sponsor.

D. A charter school may enter into contracts and sue and be sued.

E. The governing body of a charter school may not levy taxes or issue bonds.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-136 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An approved contract for a charter school shall be effective for not longer than five (5) years from the first day of operation. Prior to the beginning of the fifth year of operation, the charter school may apply for renewal of the contract with the sponsor. The sponsor may deny the request for renewal if it determines the charter school has failed to complete the obligations of the contract or comply with the act. A sponsor shall give written notice of its intent not to renew the request for renewal at least twelve (12) months prior to expiration of the contract. If the sponsor elects to renew the contract, the renewed contract shall be for a period of not longer than five (5) years.

B. A sponsor may terminate a contract during the term of the contract for failure to meet the requirements for student performance contained in the contract, failure to meet the standards of fiscal management, violations of the law or other good cause. The sponsor shall give at least sixty (60) days written notice to the governing board prior to terminating the contract. The governing board may request in writing an informal hearing before

the sponsor within fourteen (14) days of receiving notice. The sponsor shall conduct an informal hearing before taking final action.

C. If a contract is not renewed or is terminated according to this section, a student who attended the charter school may enroll in the resident school district of the student or may apply for a transfer in accordance with Section 8-103 of Title 70 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-137 of Title 70, unless there is created a duplication in numbering, reads as follows:

A board of education of a school district or an employee of the district who has control over personnel actions shall not take unlawful reprisal action against an employee of the school district for the reason that the employee is directly or indirectly involved in an application to establish a charter school. As used in this section, "unlawful reprisal" means an action that is taken by a board of education or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to an employee or an education program.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-138 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A teacher who is employed by or teaching at a charter school and who was previously employed as a teacher at a public school district shall not lose any right of certification, retirement or salary status or any other benefit provided by law due to teaching

at a charter school upon returning to a public school district to teach.

B. A teacher who is employed by or teaching at a charter school and who submits an employment application to the school district where the teacher was employed immediately before employment by or at a charter school shall be given employment preference by the school district if:

1. The teacher submits an employment application to the school district no later than three (3) years after ceasing employment with the school district; and

2. A suitable position is available at the school district.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-139 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A charter school shall enroll only those students who reside within the boundaries of the school district in which the charter school is located and who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all eligible students who submit a timely application, the charter school shall select students through an equitable selection process such as a lottery. A charter school may limit admission to students within a given age group or grade level.

B. 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 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 eighty percent (80%) 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 or aptitude or athletic ability.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-140 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Transportation shall be provided by the charter school in accordance with Sections 9-101 through 9-118 of Title 70 of the Oklahoma Statutes and only within the transportation boundaries of the school district in which the charter school is located. The sponsoring school district of a charter school providing transportation shall receive State Aid Transportation Supplement in accordance with Section 18-200 of Title 70 of the Oklahoma Statutes for transportation costs.

B. A charter school shall provide the parent or guardian information regarding transportation at the time the student enrolls in the charter school.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-141 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A charter school shall be considered a part of a school district for purposes of paying State Aid, local revenue, and state dedicated revenue.

B. For the first year of operation, a charter school shall receive State Aid support equal to the average student expenditure

for the preceding school year for the district in which the school is located. The average daily membership for the first year of operation of a charter school shall be determined initially using an estimated student count based on actual registration of students before the beginning of the school year. After the first one hundred (100) days in session for the first year of operation, the charter school shall revise the average daily membership to equal the actual average daily membership of the charter school. If the average daily membership was overestimated or underestimated, the budget of the school shall be revised.

C. A charter school shall be eligible to receive any other aid, grants or revenues allowed to other schools.

D. A charter school, in addition to the money received from the state, may receive money from any other source. Any nonstate money shall not be chargeable and shall be separately accounted for and reported by the charter school. Any unexpended nonstate funds may be reserved and used for future purposes.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-142 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a fund to be designated the "Charter Schools Stimulus Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of monies appropriated by the Legislature, gifts, grants, devises and donations from any public or private source. The State Department of Education shall administer the fund for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures for use by a charter school.

B. The State Board of Education shall adopt rules to implement the provisions of this section, including application and notification requirements.

SECTION 14. This act shall become effective November 1, 1996.

Passed the House of Representatives the 7th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate