

SHORT TITLE: Schools; creating the Oklahoma Charter Schools Act;
codification; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 740

By: Wright

AS INTRODUCED

An Act relating to schools; creating the Oklahoma Charter Schools Act; stating purpose of the act; providing for application of the act; providing definition; requiring written application; providing for content of proposal; listing entities which may apply for a charter school; providing for sponsorship of a charter school; providing application procedure to local board of education or State Board of Education; providing for operation of certain charter schools; providing for certain notification; requiring certain contract for charter schools; stating required provisions of contract; requiring adoption of a charter; listing certain requirements a charter school shall comply with; providing for amendment to charter; prohibiting certain actions by a charter school; providing for term of contract; providing for renewal or termination of contract; providing for enrollment of students in certain circumstances; prohibiting unlawful reprisal against certain employees; defining unlawful reprisal; providing for reemployment of certain teachers; requiring employment preference for certain teachers; providing for enrollment of students in a charter school; allowing certain limited enrollment; stating certain enrollment criteria; providing for

transportation of students; allowing certain funding for transporting students; allowing certain reimbursement to parents for transportation costs; requiring certain information regarding transportation; providing for funding to charter schools; providing method for determining average daily membership; allowing charter schools to receive certain funds; creating the Charter Schools Stimulus Fund; stating purpose of fund; requiring State Board of Education to adopt certain rules; providing for codification; and providing an 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 additional professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site.

B. It is not the purpose of this act 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 demonstrate that conversion to a charter school fulfills the purposes of the act independent of closing the school. Provided, nothing in this section shall be interpreted to preclude a school designated as a "high challenge school" from becoming a charter 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 the purposes of this act, a "higher education institution" is one that is accredited by an entity recognized by the Oklahoma State Regents for Higher Education.

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, a higher education institution or the State Board of Education pursuant to this act, to provide learning that will improve student achievement.

D. A charter school may be established as 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 a proposed sponsor as prescribed in subsections D and 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. The sponsor of a charter school may be either a board of education of a school district, a higher education institution or the State Board of Education. Any board of education of a school district in the state or the State Board of Education may sponsor one or more charter schools.

D. An applicant for a charter school may submit an application to a board of education of a school district or a higher education institution which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. 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 of receipt of the revised application. If the board elects not to accept the revised application, the applicant may appeal the decision to the State Board of Education. If the State Board of Education determines the application satisfactorily meets the requirements of the act it may authorize and sponsor the charter school.

E. An applicant for a charter school may submit an application to the State Board of Education which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. 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 of receipt of the revised application.

F. A charter school authorized and sponsored by the State Board of Education shall operate according to the provisions of the Oklahoma Charter Schools Act just as a charter school sponsored by a board of education of a school district. A board of education of a school district shall have no legal authority over or responsibility for a charter school located in the school district which is sponsored by the State Board of Education. A charter school sponsored by the State Board of Education may be located on the property of a school district only if the board of education of the district authorized the location.

G. A board of education of a school district shall notify the State Board of Education if 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 policies 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. The financial officer of a charter school shall be required to take courses so prescribed by the charter school sponsor in the charter school contract, or required by the State Department of Education.

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. To assure adequate planning, no charter school shall enroll students prior to six (6) months after the charter school application has been accepted;

2. Any charter school receiving state aid must be bonded for no less than One Hundred Thousand Dollars (\$100,000.00) with a company recognized to do such business in this state prior to receipt of any state aid;

3. 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, 1998, 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;

4. 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;

5. 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 also 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;

6. 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;

7. 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;

8. 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;

9. 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;

10. 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;

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

12. A charter school may not charge tuition;

13. 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, but is free to choose what days of the year the charter school will be open;

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

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

16. A charter school may contract for teaching positions with noncertified teachers, certified teachers or persons participating in an alternative certification program; and

17. The charter school shall have at least one staff member with experience in Oklahoma public school financing or who is familiar with Oklahoma public school finance procedure.

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 renewal is denied, the charter school may apply to another sponsor to transfer the operation of the charter school. 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. If the sponsor is a local board of education, the governing board may appeal the decision to terminate the contract to the State Board of Education. The decision of the State Board of Education shall be final.

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 which has an adverse effect on the employee.

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.

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 all eligible students 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:

1. Give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located; or

2. 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 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 seventy percent (70%) 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. A charter school shall be required to provide transportation. Transportation shall be provided by the school in accordance with Sections 9-101 through 9-118 of Title 70 of the Oklahoma Statutes and only within the school district in which the charter school is located. The charter school shall receive State Aid Transportation Supplement in accordance with Section 18-200 of Title 70 of the Oklahoma Statutes for transportation costs.

B. For students attending a charter school who reside outside the school district in which the charter school is located, the charter school shall provide transportation to the border of the district but shall not be required to provide transportation from the border of the district to the residence of the student. A parent or guardian may be reimbursed by the charter school for the cost of transporting the student to the border of the district in which the charter school is located if the family income is at or below the poverty level, as determined by the State Department of

Education. Reimbursement to the parent or guardian for transportation costs shall not exceed the actual cost of transportation or fifteen cents (\$0.15) per mile traveled, whichever is less. Reimbursement may not exceed payment for more than two hundred fifty (250) miles per week.

C. 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 school district for purposes of receiving State Aid and state dedicated revenues. For purposes of receiving ad valorem, the ad valorem for the district of residence of a child enrolled in the charter school shall be averaged. The charter school shall receive from the district of residence the per student amount of the averaged ad valorem for each student enrolled.

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. The Transportation Supplement for the first year of operation shall be determined using an estimated transportation

support level 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 transportation supplement level to be equal to the actual transportation support level.

D. The State Board of Education shall apportion and disburse State Aid to each of the charter schools.

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

F. A charter school may also receive money from any source in addition to the state. Any nonstate money shall not be chargeable and shall be separately accounted for and reported to the State Board of Education 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, 1997.

46-1-0194

PHB