

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 747

By: Williams and Fisher of
the Senate

and

Bryant, Boyd and
Pettigrew of the House

(schools - creating the Academy Schools Act -

codification -

effective date)

AUTHOR: Add the following House Coauthor: Dank

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(schools - Academy Schools Act - application

procedure - employment preference - codification -

effective date)

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 "Academy 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 purposes of the Academy Schools Act are 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. Ensure the measurement of student learning and encourage the creation of innovative forms of measuring student learning;

6. Establish new forms of accountability for schools; and

7. Provide professional development opportunities for teachers and administrators.

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 an academy 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 an academy 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 Academy Schools Act shall apply only to academy schools formed and operated under the provisions of this act in a school district with an average daily membership of thirty thousand (30,000) or above, the Broken Arrow school district, and the Ardmore school district.

B. Any school existing prior to July 1, 1999, which is operating in the state pursuant to an agreement with the board of education of a school district and which was created pursuant to the Educational Deregulation Act shall be considered a "district-ruled deregulated school" and shall not be required to operate under the provisions of this act.

C. For the purposes of this act:

1. "Higher education institution" includes only institutions of higher education that are accredited by an accrediting organization recognized by the Oklahoma State Regents for Higher Education;

2. "Academy school" means a public school established by contract with a board of education of a public school district, with an average daily membership of thirty thousand (30,000) or above, the Broken Arrow school district, and the Ardmore school district, pursuant to this act, to provide learning that will improve student achievement; and

3. "Municipality" means any municipality as defined in Section 1-102 of Title 11 of the Oklahoma Statutes.

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 academy school may be established as:

1. A new school district with one or more sites;
2. A new school site within an existing school district; or
3. A new school program that occupies all or any portion of an existing school site or district.

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

1. A mission statement for the academy school;
2. A description of the organizational structure and the governing body of the academy school;
3. A financial plan for the first three (3) years of operation of the academy school;
4. A description of the hiring policy of the academy school;
5. The name of the applicant or applicants and requested sponsor;
6. A description of the facility and location of the academy school;

7. A description of the grades being served; and

8. An outline of criteria designed to measure the effectiveness of the academy school.

C. The sponsor of an academy school may be a board of education of a public school district.

D. A sponsor may contract with a person, organization, public school, public body, or governing board of a public or private college or university to establish an sponsorship by a board of education of a public academy school.

E. An applicant for an academy school seeking school district shall submit an application to the board of education of that district which shall either accept or reject sponsorship of the academy school within ninety (90) days of receipt of the application. If the district 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. If a board of education rejects an application for a charter school, the applicant for the charter school may request that the question of sponsorship of the charter school be placed on the ballot for acceptance or rejection by the voters of the school district at the next scheduled school district election. If a board of education accepts an application for a charter school, the question of sponsorship of a charter school shall be placed on the ballot for acceptance or rejection by the voters of the school district at the next scheduled school district election if a petition signed by at least ten percent (10%) of the number of school district electors who voted in the last school district election is filed with the board of education. The petition shall

be signed only by qualified school district electors. The secretary of the county election board shall certify the adequacy of the signatures on the petition. If a majority of voters voting in the election approve the question of the charter school, the board of education shall accept sponsorship of the charter school. If a majority of voters voting in the election reject the question of the charter school, the board of education shall not accept sponsorship of the charter school. The board of education of the school district shall provide informational material concerning the charter school election, including, but not limited to, all pertinent information contained in the charter school proposal. The informational material shall not contain the words "vote yes" or "vote no" or any similar words or statement any place on such informational material.

G. A sponsoring entity shall encourage applicants to locate academy schools in areas that have students attending school sites designated as high challenge or low-performing. In school districts with an average daily membership of thirty thousand (30,000) or more, if more than five school sites in the district are identified as low-performing or high challenge by the State Department of Education, then an educational emergency shall be declared for each such site. Under the educational emergency, petition may be made to any of the following entities to sponsor a site as a charter school: The State Secretary of Education, the State Board of Education, the State Board of Vocational and Technical Education or the Oklahoma State Regents for Higher Education. The local board of education shall not be eligible to sponsor the site. Applicants for a charter school shall be those entities listed in subsection D of this section.

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 an academy school shall enter into a written contract with the governing body of the academy school. The contract shall incorporate the provisions of the charter of the academy 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 academy school;
4. Requirements and procedures for program and financial audits;
5. How the academy school will comply with the charter requirements set forth in this act;
6. Assumption of liability by the academy school; and
7. The term of the contract.

B. The contract shall also require officers of the governing body of the academy 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 an academy school shall be required to take courses prescribed by the academy school sponsor in the academy school contract or courses required by the State Department of Education.

C. A sponsoring entity shall notify the State Board of Education of its agreement to sponsor an academy school. The notification shall be within thirty (30) days of the acceptance and shall include a copy of the charter of the academy school.

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. The charter of an academy school shall ensure compliance with the following:

1. To assure adequate planning, no academy school shall enroll students within the six-month period after the academy school application has been accepted;

2. An academy school shall comply with all federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance. By January 1, 2000, the State Department of Education shall prepare a list of relevant rules, regulations and statutes which an academy school must comply with as required by this paragraph and shall annually prepare an update to the list;

3. An academy school shall be nonsectarian in its programs, admission policies, employment practices and all other operations. A sponsor may not authorize an academy school or program that is affiliated with a private sectarian school or religious institution;

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

5. An academy school may design its program to address the special needs and specific teaching methods required for children with disabilities, such as deaf or hard-of-hearing, blindness, or other disabilities;

6. An academy 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

academy school shall also participate in testing as required by the Oklahoma School Testing Program Act;

7. An academy school shall be subject to the provisions regarding low-performing and high-challenge schools pursuant to Section 1210.541 of Title 70 of the Oklahoma Statutes;

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

9. An academy 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;

10. An academy 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;

11. An academy school shall provide for a governing body for the school which shall be responsible for the policies and operational decisions of the academy school;

12. An academy school shall not be used as a method of providing education or generating revenue for students who are being home schooled;

13. An academy school may not charge tuition;

14. An academy 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 academy school will be open;

15. An academy school shall comply with the student suspension requirements provided for in Section 24-101 of Title 70 of the Oklahoma Statutes;

16. The governing body of an academy school and the governing body of a sponsor shall be considered a political subdivision for purposes of the Governmental Tort Claims Act;

17. An academy school may contract for teaching positions with certified teachers or persons participating in an alternative certification program; and

18. The chief financial officer of an academy school shall have experience in Oklahoma public school financing or demonstrate familiarity with Oklahoma public school finance procedure during the hiring process.

B. The charter of an academy 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 academy school.

C. The charter of an academy school may be amended by agreement between the governing body and the sponsor. The sponsor shall notify the State Board of Education of any amendments to the charter of an academy school it sponsors. Notification of charter amendments shall be made within thirty (30) days of approval of the amendments and shall include a copy of the amended school charter.

D. The governing body of an academy school shall not be considered a school district for purposes of Article X of the Oklahoma Constitution.

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 an academy 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 academy school may apply for renewal of the contract with the sponsor. The sponsor may deny the request for renewal if it determines the academy school has failed to complete the obligations

of the contract or comply with this 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 academy school may apply to another sponsor to transfer the operation of the academy 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.

C. If a contract is not renewed or is terminated according to this section, a student who attended the academy 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 retaliate against an employee of the school district for the reason that the employee is directly or indirectly involved in an application to establish an academy school. Violators of this section shall be liable for reasonable damages, actual and punitive if applicable, suffered by an employee as a result of the violation. An employee

discharged in violation of this section shall be entitled to be reinstated to the former position held. The burden of proof shall be upon 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. The State Board of Education shall recognize full-time service of a certified teacher who is teaching at an academy school as valid experience for renewal of the Standard Teaching Certificate. Any teacher who is employed by or teaching at an academy school and who was previously employed as a teacher at a public school district shall not lose any right of retirement or salary status or any other benefit provided by law due to teaching at an academy school.

B. Any teacher who is employed by or teaching at an academy school and who submits an employment application to the school district where the teacher was employed immediately before employment by or at an academy 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. An academy school shall not limit admission based on race, ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement or aptitude or athletic ability. Provided, nothing in this subsection shall prohibit an academy school whose program is designed to address the special needs of students with disabilities

from enrolling such students exclusively. Any such academy school established through its mission statement and program design exclusively to address the special needs of deaf or hard-of-hearing students may enroll any student who meets the school's admission requirements regardless of the student's district of residence.

B. All academy schools must keep a record of all applicants who apply and all applicants who are accepted. The State Board of Education shall provide a standardized report to be used by academy schools to ensure nondiscrimination.

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. An academy school shall be considered a school district for purposes of receiving State Aid and state dedicated revenues. The academy school shall receive from the district of residence of a student enrolled at an academy school the per student average of ad valorem tax revenues generated from levies made by the district pursuant to Sections 9 and 10 of Article X of the Oklahoma Constitution.

B. Each school district of thirty thousand (30,000) or more in average daily membership shall establish a method whereby the distribution of State Aid generated by the economically disadvantaged pupil category weight for the average daily membership of the school district is accounted for by school site within the school district, including any academy schools physically located within the school district's boundaries, based on the percentage of economically disadvantaged students at each school site. The school district shall annually report those levels to the State Department of Education.

C. For the first year of operation an academy school shall receive State Aid support equal to the per student average of State Aid 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 an academy school shall be determined initially using an estimated student count based on registration of students before the beginning of the school year. Academy schools will be required to report average daily membership pursuant to subsection A of Section 18-200.1 of Title 70 of the Oklahoma Statutes. If the average daily membership was overestimated or underestimated the State Aid to the school shall be revised accordingly.

D. 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 academy school shall revise the transportation supplement level to be equal to the actual transportation support level.

E. The State Board of Education shall apportion and disburse State Aid to each of the academy schools.

F. An academy school shall be eligible to receive any other aid, grants or revenues allowed public school districts.

G. An academy school may also receive money from sources other than the state. Any nonstate money shall not be used to reduce the State Aid to the school and shall be separately accounted for and reported to the State Board of Education by the academy school. Any unexpended nonstate funds may be reserved and used for future purposes.

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. There is hereby created in the State Treasury a fund to be designated the "Academy 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 academy school applicants and academy schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures for use by an academy school.

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

SECTION 13. This act shall become effective November 1, 1999."

Passed the House of Representatives the 14th day of April, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate