

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 747

6 By: Williams and Fisher of the
7 Senate

8 and

9 Bryant, Boyd and Pettigrew
10 of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; creating the Academy
13 Schools Act; citing act; stating purpose; providing
14 for application of the act; defining terms; providing
15 for content of certain proposal; providing for
16 sponsorship of an academy school; listing entities
17 which may apply for an academy school; providing
18 application procedure; providing for certain
19 notification; requiring certain contract; stating
20 required provisions of contract; requiring compliance
21 with certain provisions; providing for amendment to
22 contract; providing for term of contract; providing
23 for renewal or termination of contract; prohibiting
24 retaliation against certain employees; requiring
25 employment preference for certain teachers; providing
26 for reemployment of certain teachers; requiring
27 certain student admission criteria; requiring certain
28 records and report; providing for funding of academy
29 schools; providing method for determining average
30 daily membership; allowing certain funding for
31 transporting students; allowing academy schools to
32 receive certain funds; creating the Academy Schools
Stimulus Fund; stating purpose of fund; requiring the
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 "Academy Schools
Act".

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

4 A. The purposes of the Academy Schools Act are to:

5 1. Improve student learning;

6 2. Increase learning opportunities for students;

7 3. Encourage the use of different and innovative teaching
8 methods;

9 4. Provide additional academic choices for parents and
10 students;

11 5. Ensure the measurement of student learning and encourage the
12 creation of innovative forms of measuring student learning;

13 6. Establish new forms of accountability for schools; and

14 7. Provide professional development opportunities for teachers
15 and administrators.

16 B. It is not the purpose of this act to provide a means by
17 which to keep open a school that may otherwise be closed.

18 Applicants applying for a charter for a school which is to be
19 otherwise closed shall be required to demonstrate that conversion to
20 an academy school fulfills the purposes of the act independent of
21 closing the school. Provided, nothing in this section shall be
22 interpreted to preclude a school designated as a "high challenge
23 school" from becoming an academy school.

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

27 A. The Academy Schools Act shall apply only to academy schools
28 formed and operated under the provisions of this act.

29 B. For the purposes of this act:

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

1 2. "Academy school" means a public school established by
2 contract with a board of education of a public school district, a
3 governing board of an institution of higher education, a
4 municipality, or the State Board of Education pursuant to this act,
5 to provide learning that will improve student achievement; and

6 3. "Municipality" means any municipality as defined in Section
7 1-102 of Title 11 of the Oklahoma Statutes.

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

11 A. An academy school may be established as:

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

16 B. An applicant seeking to establish an academy school shall
17 submit a written proposal to a proposed sponsor as prescribed in
18 subsections E and F of this section. The proposal shall include:

- 19 1. A mission statement for the academy school;
20 2. A description of the organizational structure and the
21 governing body of the academy school;
22 3. A financial plan for the first three (3) years of operation
23 of the academy school;
24 4. A description of the hiring policy of the academy school;
25 5. The name of the applicant or applicants and requested
26 sponsor;
27 6. A description of the facility and location of the academy
28 school;
29 7. A description of the grades being served; and
30 8. An outline of criteria designed to measure the effectiveness
31 of the academy school.

32

1 C. The sponsor of an academy school may be a board of education
2 of a public school district, a governing board of an institution of
3 higher education, a municipality, or the State Board of Education.

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

7 E. An applicant for an academy school seeking sponsorship by a
8 board of education of a public school district shall submit an
9 application to the board of education of that district which shall
10 either accept or reject sponsorship of the academy school within
11 ninety (90) days of receipt of the application. Approval by the
12 State Board of Education is not required if the district board of
13 education approves the application. If the district board rejects
14 the application it shall notify the applicant in writing of the
15 reasons for the rejection. The applicant may submit a revised
16 application for reconsideration to the board within thirty (30) days
17 after receiving notification of the rejection. The board shall
18 accept or reject the revised application within thirty (30) days of
19 receipt of the revised application. If the board elects not to
20 accept the revised application, the applicant may apply for
21 sponsorship to the State Board of Education. If the State Board of
22 Education determines the application satisfactorily meets the
23 requirements of the act it may authorize and sponsor the academy
24 school.

25 F. A municipality or governing board of an institution of
26 higher education seeking to become a sponsor may submit an
27 application to the State Board of Education. The State Department
28 of Education shall develop an application form for this purpose
29 which shall include the entity's mission statement for the academy
30 school it will sponsor and shall outline the entity's available
31 resources such as staff, funding, infrastructure, and other
32 information that the State Board deems appropriate. The State Board

1 shall either approve or deny the entity's proposal to become a
2 sponsor within ninety (90) days of receipt of the application. If
3 the State Board rejects the application it shall notify the
4 applicant in writing of the reasons for the rejection.

5 G. After a sponsoring entity has been approved by the State
6 Board of Education pursuant to subsection F of this section, the
7 entity shall advertise its sponsoring status in a newspaper of
8 general circulation for two (2) consecutive weeks, once each week
9 stating the time during which it will be accepting applications for
10 an academy school. An applicant for an academy school must submit
11 an application within thirty (30) days to the sponsor which shall
12 either accept or reject sponsorship of the academy school within
13 ninety (90) days of receipt of the application. If the sponsor
14 rejects the application it shall notify the applicant in writing of
15 the reasons for the rejection. The applicant may submit a revised
16 application for reconsideration to the sponsor within thirty (30)
17 days after receiving notification of the rejection. The proposed
18 sponsor shall accept or reject the revised application within thirty
19 (30) days of receipt of the revised application. If the sponsor
20 elects not to accept the revised application, the applicant may
21 apply to the State Board of Education. If the State Board
22 determines the application satisfactorily meets the requirements of
23 the act it may authorize and sponsor the academy school.

24 H. All sponsoring entities shall encourage applicants to locate
25 academy schools in areas that have students attending school sites
26 designated as high challenge or low-performing. In school districts
27 with an average daily membership of thirty thousand (30,000) or
28 more, if more than five (5) school sites in the district are
29 identified as low-performing or high challenge by the State
30 Department of Education, then an educational emergency shall be
31 declared for each such site. Under the educational emergency,
32 petition may be made to any of the following entities to sponsor a

1 site as a charter school: The State Secretary of Education, the
2 State Board of Education, the State Board of Vocational and
3 Technical Education or the Oklahoma State Regents for Higher
4 Education. The local board of education shall not be eligible to
5 sponsor the site. Applicants for a charter school shall be those
6 entities listed in subsection D of this section.

7 I. An academy school authorized and sponsored by the State
8 Board of Education shall be subject to all laws, rules, and
9 procedures applicable to an academy school sponsored by a board of
10 education of a school district. A board of education of a school
11 district shall have no legal authority over or responsibility for an
12 academy school located in the school district which is sponsored by
13 the State Board of Education. An academy school sponsored by the
14 State Board of Education may be located on the property of a school
15 district only if the board of education of the district authorized
16 the location.

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

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

25 1. A description of the program to be offered by the school
26 which complies with the purposes outlined in Section 2 of this act;

27 2. Admission policies and procedures;

28 3. Management and administration policies of the academy
29 school;

30 4. Requirements and procedures for program and financial
31 audits;

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1 5. How the academy school will comply with the charter
2 requirements set forth in this act;

3 6. Assumption of liability by the academy school; and

4 7. The term of the contract.

5 B. The contract shall also require officers of the governing
6 body of the academy school to complete at least twelve (12) hours of
7 instruction on education issues within fifteen (15) months of
8 election or appointment to the governing body as is required of
9 members of a district board of education in Section 5-110 of Title
10 70 of the Oklahoma Statutes. The financial officer of an academy
11 school shall be required to take courses prescribed by the academy
12 school sponsor in the academy school contract or courses required by
13 the State Department of Education.

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

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

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

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

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

1 3. An academy school shall be nonsectarian in its programs,
2 admission policies, employment practices and all other operations.

3 A sponsor may not authorize an academy school or program that is
4 affiliated with a private sectarian school or religious institution;

5 4. The academy school shall provide a comprehensive program of
6 instruction for at least a kindergarten program or any grade or
7 grades between grades one (1) and twelve (12). Instruction may also
8 be provided to people younger than five (5) years and older than
9 eighteen (18) years. An academy school may offer a curriculum which
10 emphasizes a specific learning philosophy or style or certain
11 subject areas such as mathematics, science, fine arts, performing
12 arts or foreign language;

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

17 6. An academy school shall design its programs to at least meet
18 the core curriculum adopted by the State Board of Education pursuant
19 to Section 11-103.6 of Title 70 of the Oklahoma Statutes. The
20 academy school shall also participate in testing as required by the
21 Oklahoma School Testing Program Act;

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

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

28 9. An academy school, to the extent possible, shall be subject
29 to the same financial audits, audit procedures and audit
30 requirements as a school district. The State Department of
31 Education or State Auditor and Inspector may conduct financial,
32 program or compliance audits;

1 10. An academy school shall comply with all federal and state
2 laws relating to the education of children with disabilities in the
3 same manner as a school district;

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

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

10 13. An academy school may not charge tuition;

11 14. An academy school shall provide instruction each year for
12 at least the number of days required in Section 1-109 of Title 70 of
13 the Oklahoma Statutes, but is free to choose what days of the year
14 the academy school will be open;

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

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

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

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

28 B. The charter of an academy school shall include a description
29 of the personnel policies, personnel qualifications and method of
30 school governance, and the specific role and duties of the sponsor
31 of the academy school.

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

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

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

13 A. An approved contract for an academy school shall be
14 effective for not longer than five (5) years from the first day of
15 operation. Prior to the beginning of the fifth year of operation
16 the academy school may apply for renewal of the contract with the
17 sponsor. The sponsor may deny the request for renewal if it
18 determines the academy school has failed to complete the obligations
19 of the contract or comply with this act. A sponsor shall give
20 written notice of its intent not to renew the request for renewal at
21 least twelve (12) months prior to expiration of the contract. If
22 renewal is denied, the academy school may apply to another sponsor
23 to transfer the operation of the academy school. If the sponsor
24 elects to renew the contract, the renewed contract shall be for a
25 period of not longer than five (5) years.

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

1 the sponsor within fourteen (14) days of receiving notice. The
2 sponsor shall conduct an informal hearing before taking final
3 action. If the sponsor is a district board of education, the
4 governing board may appeal the decision to terminate the contract to
5 the State Board of Education. The decision of the State Board of
6 Education shall be final.

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

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

15 A board of education of a school district or an employee of the
16 district who has control over personnel actions shall not retaliate
17 against an employee of the school district for the reason that the
18 employee is directly or indirectly involved in an application to
19 establish an academy school. Violators of this section shall be
20 liable for reasonable damages, actual and punitive if applicable,
21 suffered by an employee as a result of the violation. An employee
22 discharged in violation of this section shall be entitled to be
23 reinstated to the former position held. The burden of proof shall
24 be upon the employee.

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

28 A. The State Board of Education shall recognize full-time
29 service of a certified teacher who is teaching at an academy school
30 as valid experience for renewal of the Standard Teaching
31 Certificate. Any teacher who is employed by or teaching at an
32 academy school and who was previously employed as a teacher at a

1 public school district shall not lose any right of retirement or
2 salary status or any other benefit provided by law due to teaching
3 at an academy school.

4 B. Any teacher who is employed by or teaching at an academy
5 school and who submits an employment application to the school
6 district where the teacher was employed immediately before
7 employment by or at an academy school shall be given employment
8 preference by the school district if:

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

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

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

16 A. An academy school shall not limit admission based on race,
17 ethnicity, national origin, gender, income level, disabling
18 condition, proficiency in the English language, measures of
19 achievement or aptitude or athletic ability. Provided, nothing in
20 this subsection shall prohibit an academy school whose program is
21 designed to address the special needs of students with disabilities
22 from enrolling such students exclusively.

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

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

30 A. An academy school shall be considered a school district for
31 purposes of receiving State Aid and state dedicated revenues. The
32 academy school shall receive from the district of residence of a

1 student enrolled at an academy school the per student average of ad
2 valorem tax revenues generated from levies made by the district
3 pursuant to Sections 9 and 10 of Article X of the Oklahoma
4 Constitution.

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

15 C. For the first year of operation an academy school shall
16 receive State Aid support equal to the per student average of State
17 Aid for the preceding school year for the district in which the
18 school is located. The average daily membership for the first year
19 of operation of an academy school shall be determined initially
20 using an estimated student count based on registration of students
21 before the beginning of the school year. Academy schools will be
22 required to report average daily membership pursuant to subsection A
23 of Section 18-200.1 of Title 70 of the Oklahoma Statutes. If the
24 average daily membership was overestimated or underestimated the
25 State Aid to the school shall be revised accordingly.

26 D. The Transportation Supplement for the first year of
27 operation shall be determined using an estimated transportation
28 support level before the beginning of the school year. After the
29 first one hundred (100) days in session for the first year of
30 operation, the academy school shall revise the transportation
31 supplement level to be equal to the actual transportation support
32 level.

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

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

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

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

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

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

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

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