

ENGROSSED HOUSE
BILL NO. 1788

By: Dank, Worthen and
Wesselhoft of the House

and

Eason McIntyre of the
Senate

(schools - amending 70 O.S., Sections 3-132, 3-133,
3-134 and 3-137 - Oklahoma Charter Schools Act -
charter school sponsor - effective date -
emergency)

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, is
amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply
only to charter schools formed and operated under the provisions of
the act. Charter schools shall be sponsored only as follows:

1. By a local school district with an average daily membership
of five thousand (5,000) or more and which all or part of the school
district is located in a county having more than five hundred
thousand (500,000) population according to the latest Federal
Decennial Census; or

2. By ~~a technology center school district~~ the State Board of
Education only when the charter school is located in a local school
district ~~served by the technology center school district and only if
the local school district~~ that has an average daily membership of
five thousand (5,000) or more and which all or part of the local
school district is located in a county having more than five hundred
thousand (500,000) population according to the latest Federal
Decennial Census.

Additional charter schools may be sponsored as provided for in Section 3-133 of this title.

Charter schools formed pursuant to the act shall serve as a pilot program to demonstrate the potential of expanding charter schools to other parts of the state. Any charter or enterprise school operating in the state pursuant to an agreement with the board of education of a school district on July 1, 1999, may continue to operate pursuant to that agreement or may contract with the board of education of the school district pursuant to the Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter Schools Act shall prohibit a school district from applying for exemptions from certain education-related statutory requirements as provided for in the Education Deregulation Act.

B. 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 or ~~an area vocational-technical school district~~ the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

C. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may ~~not~~ become a charter school ~~site~~.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-133, is amended to read as follows:

Section 3-133. In addition to charter schools sponsored as provided for in subsection A of Section 3-132 of this title, charter schools shall be sponsored only as follows:

1. By a local school district with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county which is contiguous with a county

having more than five hundred thousand (500,000) population according the latest Federal Decennial Census; ~~or~~

2. By a ~~technology center school district~~ the State Board of Education only when the charter school is located in a local school district ~~served by the technology center school district and only if the local school district~~ that has an average daily membership of five thousand (5,000) or more and which all or part of the local school district is located in a county which is contiguous with a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census; or

3. By a local school district or by the State Board of Education for a school site or district that has been identified for school improvement for four (4) consecutive years and under the provision of the Elementary and Secondary Education Act, P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, is subject to restructuring.

~~No charter school shall be chartered in School District I029 in County No. 14 and School District I027 in County No. 9.~~

SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-134, is amended to read as follows:

Section 3-134. A. An applicant seeking to establish a charter school shall first submit a written proposal to the proposed sponsor as prescribed in subsection D 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 and a description of the treasurer or other officers or persons who shall have primary responsibility for the finances of the charter school. Such person shall have demonstrated experience in school finance or the equivalent thereof;

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;

8. An outline of criteria designed to measure the effectiveness of the charter school; and

9. A demonstration of support for the charter school from residents of the school district which may include but is not limited to a survey of the school district residents or a petition signed by residents of the school district.

B. A board of education of a public school district, public body, public or private college or university, private person, or private organization may contract with a sponsor to establish a charter school. A private school shall not be eligible to contract for a charter school under the provisions of the Oklahoma Charter Schools Act.

C. The sponsor of a charter school is the board of education of a local school district ~~or a technology center school district~~ which meets the criteria established in Section 3-132 of this title or the State Board of Education for a charter school that is located in a school district that meets the criteria established in Section 3-132 of this title. Any board of education of a school district in the state may sponsor one or more charter schools. The physical location of a charter school sponsored by a board of education of a local school district ~~or a technology center school district~~ shall be within the boundaries of the sponsoring school district.

D. An ~~applicant~~ application for a charter school ~~may submit an application to a~~ or a renewal of charter school contract may be approved if the board of education of a school district or the State Board of Education finds that:

1. The charter school described in the application meets the requirements set forth in the Oklahoma Charter Schools Act and all other applicable laws, rules and regulations;

2. The applicant has demonstrated the ability to operate the charter school in an educationally and fiscally sound manner; and

3. Granting the application is likely to improve student learning and achievement and materially further the purposes set forth in Section 3-131 of this title.

In reviewing applications, the charter sponsor may give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure.

E. A board of education of a school district or ~~a technology center school district which~~ the State Board of Education shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. If the board or 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 or Board within thirty (30) days after receiving notification of the rejection. The board or Board shall accept or reject the revised application within thirty (30) days of its receipt.

~~E.~~ F. A board of education of a school district ~~or a technology center 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.

~~F.~~ G. If a board of education or the State Board of Education rejects the revised application for a charter school, the applicant may proceed to mediation or binding arbitration or both mediation and binding arbitration as provided in the Dispute Resolution Act and the rules promulgated pursuant thereto. The applicant shall

contact the early settlement program for the county in which the charter school would be located. If the parties proceed to binding arbitration, a panel of three arbitrators shall be appointed by the director of the early settlement program handling the dispute. The board of education or the State Board of Education shall pay the cost for any mediation or arbitration requested pursuant to this section.

H. The State Board of Education may designate a public charter school review commission to accept, review, and make recommendations for approval of applications for charter schools submitted to the Board and to oversee any charter school sponsored by the Board. The Board shall promulgate rules regarding the establishment and responsibilities of the public charter school review commission. If the Board accepts sponsorship of a charter school, it shall assume all administrative and fiscal responsibility and oversight of the charter school. The administrative, fiscal and oversight responsibilities of the Board shall be listed in the contract. Such responsibilities shall not be delegated to a local school district unless the local school district agrees to assume the responsibilities.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 3-137, as last amended by Section 1, Chapter 472, O.S.L. 2004 (70 O.S. Supp. 2004, Section 3-137), is amended to read as follows:

Section 3-137. A. An approved contract for a charter school shall be effective for not longer than three (3) years from the first day of operation. Prior to the beginning of the third year of operation, the charter school may apply for renewal of the contract with the sponsor. The contract may be renewed if the sponsor makes certain findings as provided for in subsection D of Section 3-134 of this title. The sponsor may deny the request for renewal if it determines the charter school has failed to complete the obligations of the contract, to fulfill the requirements established under the

provisions of the Elementary and Secondary Education Act, P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, or comply with the provisions of the Oklahoma Charter Schools Act. A sponsor shall give written notice of its intent to deny the request for renewal at least eight (8) months prior to expiration of the contract.

B. If a sponsor denies a request for renewal, the governing board may proceed to mediation or binding arbitration or both as provided for in subsection F G of Section 3-134 of this title.

C. 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 or as established under the provisions of the Elementary and Secondary Education Act, P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, failure to meet the standards of fiscal management, or violations of the law, ~~or other good cause~~. The sponsor shall give at least ninety (90) 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 action. If a sponsor decides to terminate a contract, the governing board may proceed to mediation or binding arbitration or both as provided for in subsection F G of Section 3-134 of this title.

D. The governing board of a charter school may terminate a contract with a local school district sponsor during the term of the contract if the State Board of Education has accepted sponsorship of the charter school. The governing board shall give at least ninety (90) days' written notice to the sponsor prior to terminating the contract. If a governing board of a charter school decides to terminate a contract, the sponsor may proceed to mediation or

binding arbitration or both as provided for in subsection G of Section 3-134 of this title.

E. 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 this title.

SECTION 5. This act shall become effective July 1, 2005.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate