

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2578

By: Jones and Dank

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 3-132, 3-133 and 3-134, which relate to the Oklahoma Charter Schools Act; deleting technology center school districts as a charter school sponsor; adding the State Board of Education as a charter school sponsor; deleting certain restriction; authorizing the State Board of Education to designate a public charter school review commission; stating duties of the commission; prohibiting delegation of responsibilities without approval of the school district; providing an effective date; and declaring an 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~~ 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~~ Educational 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.

~~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 for a charter school may submit an application to a board of education of a school district ~~or a technology center school district~~ 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 or State 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 State Board within thirty (30) days after receiving notification of the

rejection. The board or State Board shall accept or reject the revised application within thirty (30) days of its receipt.

E. 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. 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.

G. 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. This act shall become effective July 1, 2006.

SECTION 5. 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.

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