

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 436

By: Morgan

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 3-134, 3-136, and 3-137, as last amended by Section 1, Chapter 472, O.S.L. 2004 (70 O.S. Supp. 2004, Section 3-137), which relate to charter schools; authorizing a district board of education to reject a charter application upon failure to meet requirements of law; adding certain grounds for rejection of charter applications; authorizing board to reject certain amendments to a charter; stating grounds for rejection of amendments to a charter; requiring charter schools to submit certain proposed changes to sponsor; authorizing sponsoring board to reject proposed changes to charter; stating grounds for rejection of changes to charter; adding grounds for nonrenewal of a charter contract; 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 3-134, 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. 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 which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. The board may reject an application if it fails to meet the requirements of subsection A of this section.

Notwithstanding compliance with the requirements of subsection A of this section, the board may reject an application upon determination that the establishment of the charter school would have a detrimental fiscal impact to the district in which the charter school requests approval to locate, the curriculum of the charter school would unreasonably duplicate the established curriculum in the district, or the mission of the school as stated in the application fails to address distinctive student needs not otherwise served in the district. 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 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 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 shall pay the cost for any mediation or arbitration requested pursuant to this section.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-136, is amended to read as follows:

Section 3-136. A. A charter school shall adopt a charter which will ensure compliance with the following:

1. A charter school shall comply with all federal regulations and state and local rules 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 and statutes which a charter school must comply with as required by this paragraph and shall annually provide an update to the list;

2. 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;

3. 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 be provided to all persons between the ages of five (5) and twenty-one (21) 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. The charter of a charter school which offers grades nine through twelve shall specifically address whether the charter school will comply with the graduation requirements established in Section 11-103.6 of this title. No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf;

4. A charter school shall participate in the testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district. A

charter school shall also provide any necessary data to the Office of Accountability;

5. Except as provided for in the Oklahoma Charter Schools Act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts;

6. A charter school, to the extent possible, shall be subject to the same reporting requirements, 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. A charter school shall use the Oklahoma Cost Accounting System to report financial transactions to the sponsoring school district;

7. 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;

8. 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;

9. A charter school shall not be used as a method of generating revenue for students who are being home schooled and are not being educated at an organized charter school site;

10. A charter school may not charge tuition or fees;

11. A charter school shall provide instruction each year for at least the number of days required in Section 1-109 of this title;

12. A charter school shall comply with the student suspension requirements provided for in Section 24-101.3 of this title;

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

14. Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes and rules if otherwise allowed pursuant to law;

15. A charter school may participate in all health and related insurance programs available to the employees of the sponsor of the charter school;

16. A charter school shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; and

17. The governing body of a charter school shall be subject to the same conflict of interest requirements as a member of a local school board.

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. The sponsoring board of education may reject a charter amendment upon determination by the board that operation of the school under the amended charter would have a detrimental fiscal impact to the school district in which the charter school is located, the proposed amended curriculum of the charter school unreasonably duplicates the established curriculum in the district, or the mission of the school under the amended charter fails to address distinctive student needs not otherwise served in the district.

D. Charter schools must submit to the sponsor for approval any proposed changes to the charter school including expansion or reduction of numbers of students or grade levels served by the charter school and curriculum modifications employed by the charter school. The sponsoring board of education may reject a proposed change upon determination by the board that operation of the school under the proposed changes would have a detrimental fiscal impact to the school district in which the charter school is located, the proposed amended curriculum of the charter school unreasonably

duplicates the established curriculum in the district, or the mission of the school under the proposed changes fails to address distinctive student needs not otherwise served in the district.

~~D.~~ E. A charter school may enter into contracts and sue and be sued.

~~E.~~ F. The governing body of a charter school may not levy taxes or issue bonds.

~~F.~~ G. The charter of a charter school shall include a provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school upon expiration or termination of the charter or failure of the charter school to continue operations. Any real or personal property purchased with state or local funds shall be retained by the sponsoring school district.

SECTION 3. 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 sponsor may deny the request for renewal ~~if~~ it determines the on the following grounds:

1. The charter school has failed to complete the obligations of the contract ~~or~~ ;

2. The charter school has failed to comply with the provisions of the Oklahoma Charter Schools Act;

3. The continued existence of the charter school would have a detrimental fiscal impact to the school district in which the charter school is located;

4. The curriculum of the charter school unreasonably duplicates the established curriculum in the school district in which the charter school is located; or

5. The mission of the school as stated in the request for renewal fails to address distinctive student needs not otherwise served in the school district in which the charter school is located.

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 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, failure to meet the standards of fiscal management, 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 of Section 3-134 of this title.

D. 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 4. This act shall become effective July 1, 2005.

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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