

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 762

By: Eason McIntyre

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 3-131, 3-132, 3-133, 3-134, and 3-142, as amended by Section 2, Chapter 472, O.S.L. 2004 (70 O.S. Supp. 2004, Section 3-142), which relate to the Oklahoma Charter Schools Act; modifying purpose of act; updating certain reference; deleting redundant language; removing authorization for technology center school districts to sponsor a charter school; authorizing the State Board of Education to sponsor a charter school; modifying certain fee amount that districts may retain for administrative services; 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 3-131, is amended to read as follows:

Section 3-131. A. The purpose of the Oklahoma Charter Schools Act is 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. Require the measurement of student learning and create different and innovative forms of measuring student learning;
6. Establish new forms of accountability for schools; ~~and~~
7. Create new professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site; and

8. Provide an option to reopen a school as a charter school, consistent with requirements of the No Child Left Behind Act of 2001.

B. The purpose of the Oklahoma Charter Schools Act is not 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 prove that conversion to a charter school fulfills the purposes of the act independent of closing the school. Nothing in this section shall be interpreted to preclude a school ~~designated as a "high challenge school"~~ identified for school improvement, as determined by the State Board of Education pursuant to requirements of the No Child Left Behind Act of 2001, from becoming a charter school.

SECTION 2. 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 in 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 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 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~~ the State Board of Education.

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 3. 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 in 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 to the latest federal Decennial Census; or

~~2. By a technology center school district 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 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 the State Board of Education.~~

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

SECTION 4. 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~~ the State Board of Education 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~~ the State Board of Education 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 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 5. AMENDATORY 70 O.S. 2001, Section 3-142, as amended by Section 2, Chapter 472, O.S.L. 2004 (70 O.S. Supp. 2004, Section 3-142), is amended to read as follows:

Section 3-142. A. For purposes of funding, a charter school shall be considered a site within the school district in which the charter school is located and the student membership of the charter school shall be included in the average daily membership of the school district. A charter school shall receive, for each student, the school district's average local and county revenue which is chargeable in the State Aid formula, state dedicated revenue, and state-appropriated funds per average daily membership generated by its students for the applicable year, ~~less up to five percent (5%) of the total~~ an administrative fee as specified in subsection B of this section, which may be retained by the school district as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school.

B. The administrative fee that a school district shall be allowed to retain as a fee for administrative services rendered shall be limited to:

1. Five percent (5%) for the charter school's first two (2) years in existence;

2. Three percent (3%) for the charter school's third year in existence; and

3. Two percent (2%) for the charter school's fourth year in existence, and thereafter.

C. The average daily membership for the first year of operation of a charter school shall be determined initially using an estimated student count based on actual registration of students before the beginning of the school year. After the first nine (9) weeks in session for the first year of operation, the charter school shall revise the average daily membership to equal the actual average daily membership of the charter school. If the average daily membership was overestimated or underestimated, the budget of the school shall be revised.

~~C.~~ D. A charter school shall be eligible to receive any other aid, grants or revenues allowed to other schools.

~~D.~~ E. A charter school, in addition to the money received from the state, may receive money from any other source. Any unexpended nonstate funds, excluding local revenue, may be reserved and used for future purposes.

SECTION 6. This act shall become effective July 1, 2005.

SECTION 7. 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.

