

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 661

By: Eason McIntyre, Wilcoxson,
Adelson and Williamson of
the Senate

4 and

5 Shumate of the House

6

7

8 (schools - Oklahoma Charter Schools Act - effective

9 date -

10 emergency)

11

12

13 NOTE: Emergency failed

14 AUTHORS: Add the following House Coauthors: Dank, Jones and
Wesselhoft

15

16 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

17

18 "An Act relating to schools; amending 70 O.S. 2001,
19 Sections 3-132, 3-134, 3-137, as last amended by
20 Section 1, Chapter 472, O.S.L. 2004 and 3-142, as
21 last amended by Section 1, Chapter 278, O.S.L. 2006
22 (70 O.S. Supp. 2006, Sections 3-137 and 3-142),
23 which relate to the Oklahoma Charter Schools Act;
24 deleting technology center school districts as a
charter school sponsor; adding additional sponsors
for charter schools; limiting number of charter
schools established each year; defining term;
directing the State Board of Education to develop a
model charter school application form; stating
purpose of the form; requiring applicants to use the

1 model format; requiring the Board to make form
2 available to certain persons; requiring applicants
3 to complete certain training prior to filing an
4 application; authorizing the State Department of
5 Education to develop and implement the training;
6 requiring documentation of completion of training;
7 authorizing the State Board of Education to
8 designate a public charter school review commission;
9 stating duties of the commission; providing for
10 specification of duties of certain sponsors in the
11 contract; prohibiting delegation of responsibilities
12 without approval of the school district; modifying
13 term of charter school contract; specifying
14 requirements for renewal of charter school contract;
15 providing for termination of charter school contract
16 under certain circumstances; specifying application
17 requirements for an existing charter school
18 contracting with a new sponsor; allowing submission
19 of an application to a new sponsor upon nonrenewal
20 of contract; modifying distribution of funding for
21 certain charter schools; providing for an
22 administrative fee; making certain charter schools
23 eligible for certain funding; repealing 70 O.S.
24 2001, Section 3-133, which relates to additional
sponsors of charter schools; and providing an
effective date.

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

1 thousand (500,000) population according to the latest Federal
2 Decennial Census; ~~or~~

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

11 3. By an educational institution that is a member of The
12 Oklahoma State System of Higher Education only when the charter
13 school is located in a school district that has an average daily
14 membership of five thousand (5,000) or more and which all or part of
15 the school district is located in a county having more than five
16 hundred thousand (500,000) population according to the latest
17 Federal Decennial Census; or

18 4. By the governing body of a city having more than three
19 hundred thousand (300,000) population according to the latest
20 Federal Decennial Census only when the charter school is located in
21 a school district that has an average daily membership of five
22 thousand (5,000) or more and which all or part of the school
23 district is located in that city.

24

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

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

14 C. Beginning January 1, 2008, not more than four new charter
15 schools shall be established each year in each county in the state
16 having more than five hundred thousand (500,000) population
17 according to the latest Federal Decennial Census. For purposes of
18 this subsection, a "new charter school" shall mean a charter school
19 proposed by an applicant that has never had a contract with a
20 sponsor.

21 ~~B.~~ D. For purposes of the Oklahoma Charter Schools Act,
22 "charter school" means a public school established by contract with
23 a board of education of a school district ~~or an area vocational-~~
24 ~~technical school district,~~ the State Board of Education, a higher

1 education institution, or governing body of a city pursuant to the
2 Oklahoma Charter Schools Act to provide learning that will improve
3 student achievement and as defined in the Elementary and Secondary
4 Education Act of 1965, 20 U.S.C. 8065.

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

8 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-134, is
9 amended to read as follows:

10 Section 3-134. A. The State Board of Education shall develop a
11 model charter school application form by January 1, 2008. The
12 purpose of the model form shall be to establish a uniform outline
13 for charter school applications and shall include all items required
14 to be included in an application as listed in subsection C of this
15 section. Beginning January 1, 2008, the format of the model form
16 shall be used by charter school applicants when submitting
17 applications for charter schools to a proposed sponsor. The State
18 Department of Education shall make the model form available to
19 persons interested in filing an application for a charter school.

20 B. For written applications filed after January 1, 2008, prior
21 to submission of the application to a proposed sponsor seeking to
22 establish a charter school, the applicant shall be required to
23 complete training which shall not exceed ten (10) hours provided by
24 the State Department of Education on the process and requirements

1 for establishing a charter school. The Department shall develop and
2 implement the training by January 1, 2008. The Department may
3 provide the training in any format and manner that the Department
4 determines to be efficient and effective, including, but not limited
5 to, web-based training.

6 C. ~~An~~ Except as otherwise provided for in Section 3-137 of this
7 title, an applicant seeking to establish a charter school shall
8 first submit a written ~~proposal~~ application to the proposed sponsor
9 as prescribed in subsection ~~D~~ F of this section, using the model
10 charter school application form as prescribed in subsection A of
11 this section. The ~~proposal~~ application shall include:

- 12 1. A mission statement for the charter school;
- 13 2. A description of the organizational structure and the
14 governing body of the charter school;
- 15 3. A financial plan for the first three (3) years of operation
16 of the charter school and a description of the treasurer or other
17 officers or persons who shall have primary responsibility for the
18 finances of the charter school. Such person shall have demonstrated
19 experience in school finance or the equivalent thereof;
- 20 4. A description of the hiring policy of the charter school;
- 21 5. The name of the applicant or applicants and requested
22 sponsor;
- 23 6. A description of the facility and location of the charter
24 school;

1 7. A description of the grades being served;

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

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

8 10. Documentation that the applicants completed charter school
9 training as set forth in subsection B of this section.

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

16 ~~C.~~ E. The sponsor of a charter school is the board of education
17 of a ~~local~~ school district ~~or a technology center school district,~~
18 the State Board of Education, a higher education institution, or a
19 governing body of a city which meets the criteria established in
20 Section 3-132 of this title. Any board of education of a school
21 district in the state may sponsor one or more charter schools. The
22 physical location of a charter school sponsored by a board of
23 education of a ~~local~~ school district ~~or a technology center school~~

1 ~~district~~ shall be within the boundaries of the sponsoring school
2 district.

3 ~~D.~~ F. An applicant for a charter school may submit an
4 application to a ~~board of education of a school district or a~~
5 ~~technology center school district~~ proposed sponsor which shall
6 either accept or reject sponsorship of the charter school within
7 ninety (90) days of receipt of the application. If the ~~board~~
8 proposed sponsor rejects the application, it shall notify the
9 applicant in writing of the reasons for the rejection. The
10 applicant may submit a revised application for reconsideration to
11 the ~~board~~ proposed sponsor within thirty (30) days after receiving
12 notification of the rejection. The ~~board~~ proposed sponsor shall
13 accept or reject the revised application within thirty (30) days of
14 its receipt.

15 ~~E.~~ G. A ~~board of education of a school district or a technology~~
16 ~~center school district~~ sponsor of a charter school shall notify the
17 State Board of Education when ~~the board~~ it accepts sponsorship of a
18 charter school. The notification shall include a copy of the
19 charter of the charter school.

20 ~~F.~~ H. If a ~~board of education~~ proposed sponsor rejects the
21 revised application for a charter school, the applicant may proceed
22 to mediation or binding arbitration or both mediation and binding
23 arbitration as provided in the Dispute Resolution Act and the rules
24 promulgated pursuant thereto. The applicant shall contact the early

1 settlement program for the county in which the charter school would
2 be located. If the parties proceed to binding arbitration, a panel
3 of three arbitrators shall be appointed by the director of the early
4 settlement program handling the dispute. The ~~board of education~~
5 proposed sponsor shall pay the cost for any mediation or arbitration
6 requested pursuant to this section.

7 I. The State Board of Education may designate a public charter
8 school review commission to accept, review, and make recommendations
9 for approval of applications for charter schools submitted to the
10 Board and to oversee any charter school sponsored by the Board. The
11 Board shall promulgate rules regarding the establishment and
12 responsibilities of the public charter school review commission.

13 J. If the State Board of Education, a higher education
14 institution, or the governing body of a city accepts sponsorship of
15 a charter school, the administrative, fiscal and oversight
16 responsibilities of the State Board of Education, a higher education
17 institution, or the governing body of a city shall be listed in the
18 contract. No responsibilities shall be delegated to a local school
19 district unless the local school district agrees to assume the
20 responsibilities.

21 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-137, as
22 last amended by Section 1, Chapter 472, O.S.L. 2004 (70 O.S. Supp.
23 2006, Section 3-137), is amended to read as follows:

24

1 Section 3-137. A. An approved contract for a charter school
2 shall be effective for not longer than ~~three (3)~~ five (5) years from
3 the first day of operation. Prior to the beginning of the ~~third~~
4 fifth year of operation, the charter school may apply for renewal of
5 the contract with the sponsor. When applying for renewal of the
6 contract, the charter school shall not be required by the sponsor to
7 resubmit an application as required in Section 3-134 of this title
8 unless the charter school is requesting an expansion of the school,
9 a material change in the program to be offered by the school, or a
10 material change in the management and administration of the school.
11 The sponsor may deny the request for renewal if it determines the
12 charter school has failed to complete the obligations of the
13 contract or comply with the provisions of the Oklahoma Charter
14 Schools Act. A sponsor shall give written notice of its intent to
15 deny the request for renewal at least eight (8) months prior to
16 expiration of the contract.

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

20 C. A sponsor may terminate a contract during the term of the
21 contract for failure to meet the requirements for student
22 performance contained in the contract, failure to meet the standards
23 of fiscal management, violations of the law, or other good cause.
24 The sponsor shall give at least ninety (90) days' written notice to

1 the governing board prior to terminating the contract. The
2 governing board may request, in writing, an informal hearing before
3 the sponsor within fourteen (14) days of receiving notice. The
4 sponsor shall conduct an informal hearing before taking action. If
5 a sponsor decides to terminate a contract, the governing board may
6 proceed to mediation or binding arbitration or both as provided for
7 in subsection F H of Section 3-134 of this title.

8 D. Upon agreement of the sponsor and a charter school, a
9 charter school contract may be terminated during the term of the
10 contract for the purpose of allowing the charter school to contract
11 with another sponsor. If a charter school contract is terminated
12 pursuant to this subsection and upon agreement of the new sponsor,
13 the governing board of the charter school shall not be required to
14 submit an application as provided for in Section 3-134 of this
15 title, but may enter into a written contract with the new sponsor of
16 the charter school which incorporates the same provisions as the
17 previously terminated contract.

18 E. If a contract is not renewed, the governing board of the
19 charter school may submit an application to a proposed new sponsor
20 as provided for in Section 3-134 of this title.

21 F. If a contract is not renewed or is terminated according to
22 this section, a student who attended the charter school may enroll
23 in the resident school district of the student or may apply for a
24 transfer in accordance with Section 8-103 of this title.

1 SECTION 4. AMENDATORY 70 O.S. 2001, Section 3-142, as
2 last amended by Section 1, Chapter 278, O.S.L. 2006 (70 O.S. Supp.
3 2006, Section 3-142), is amended to read as follows:

4 Section 3-142. A. For purposes of funding, a charter school
5 sponsored by a board of education shall be considered a site within
6 the school district in which the charter school is located. The
7 student membership of the charter school shall be considered
8 separate from the student membership of the district in which the
9 charter school is located for the purpose of calculating weighted
10 average daily membership pursuant to Section 18-201.1 of this title
11 and state aid pursuant to Section 18-200.1 of this title. ~~The~~ For
12 charter schools sponsored by a board of education, the sum of the
13 separate calculations for the charter school and the school district
14 shall be used to determine the total ~~state-aid~~ State Aid allocation
15 for the district in which the charter school is located. A charter
16 school shall receive from the sponsoring school district, the State
17 Aid revenue generated by its students for the applicable year, less
18 up to five percent (5%) of the total, which may be retained by the
19 school district as a fee for administrative services rendered. For
20 charter schools sponsored by the State Board of Education, a higher
21 education institution, or the governing body of a city, the State
22 Aid allocation for the charter school shall be distributed by the
23 State Board of Education. Not more than five percent (5%) of the
24 total allocation may be charged by the sponsor as a fee for

1 administrative services rendered. The State Board of Education
2 shall determine the policy and procedure for making payments to a
3 charter school.

4 B. The weighted average daily membership for the first year of
5 operation of a charter school shall be determined initially by
6 multiplying the actual enrollment of students as of August 1 by
7 1.333. The charter school shall receive ~~from its sponsoring~~
8 ~~district,~~ revenue equal to that which would be generated by the
9 estimated weighted average daily membership calculated pursuant to
10 this subsection. At midyear, the allocation for the charter school
11 shall be adjusted using the first quarter weighted average daily
12 membership for the charter school calculated pursuant to subsection
13 A of this section.

14 C. A charter school shall be eligible to receive any other aid,
15 grants or revenues allowed to other schools. A charter school
16 sponsored by the State Board of Education, a higher education
17 institution, or the governing body of a city shall be considered a
18 local education agency for purposes of funding.

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

23 SECTION 5. REPEALER 70 O.S. 2001, Section 3-133, is
24 hereby repealed.

