

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1589

By: Jones, Dank, Denney, Kern,
Shumate, McCarter, Terrill,
Tibbs, Wesselhoft and
Winchester of the House

6 and

7 Eason McIntyre of the
8 Senate

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11 COMMITTEE SUBSTITUTE

12 [schools - Oklahoma Charter Schools Act - effective
13 date - emergency]

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

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

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

22 1. By a ~~local~~ school district with an average daily membership
23 of five thousand (5,000) or more and which all or part of the school
24 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 Additional charter schools may be sponsored as provided for in
12 Section 3-133 of this title.

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

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1 B. For purposes of the Oklahoma Charter Schools Act, "charter
2 school" means a public school established by contract with a board
3 of education of a school district or ~~an area vocational technical~~
4 ~~school district~~ the State Board pursuant to the Oklahoma Charter
5 Schools Act to provide learning that will improve student
6 achievement and as defined in the Elementary and Secondary Education
7 Act of 1965, 20 U.S.C. 8065.

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

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

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

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

21 2. By a ~~technology center school district~~ the State Board of
22 Education only when the charter school is located in a ~~local~~ school
23 district ~~served by the technology center school district and only if~~
24 ~~the local school district~~ that has an average daily membership of

1 five thousand (5,000) or more and which all or part of the ~~local~~
2 school district is located in a county which is contiguous with a
3 county having more than five hundred thousand (500,000) population
4 according to the latest Federal Decennial Census.

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

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

9 Section 3-134. A. An applicant seeking to establish a charter
10 school shall first submit a written proposal to the proposed sponsor
11 as prescribed in subsection D of this section. The proposal shall
12 include:

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

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1 6. A description of the facility and location of the charter
2 school;

3 7. A description of the grades being served;

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

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

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

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

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

19 F. If a board of education or the State Board rejects the
20 revised application for a charter school, the applicant may proceed
21 to mediation or binding arbitration or both mediation and binding
22 arbitration as provided in the Dispute Resolution Act and the rules
23 promulgated pursuant thereto. The applicant shall contact the early
24 settlement program for the county in which the charter school would

1 be located. If the parties proceed to binding arbitration, a panel
2 of three arbitrators shall be appointed by the director of the early
3 settlement program handling the dispute. The board of education or
4 the State Board shall pay the cost for any mediation or arbitration
5 requested pursuant to this section.

6 SECTION 4. This act shall become effective July 1, 2007.

7 SECTION 5. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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