

1 ENGROSSED HOUSE  
2 BILL NO. 1589

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

4 and

5 Eason McIntyre of the  
6 Senate

7  
8  
9 ( schools - Oklahoma Charter Schools Act - effective  
10 date -  
11 emergency )

12  
13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

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

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

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

12 B. For purposes of the Oklahoma Charter Schools Act, "charter  
13 school" means a public school established by contract with a board  
14 of education of a school district ~~or an area vocational technical~~  
15 ~~school district~~, the State Board of Education, a higher education  
16 institution, or governing body of a city pursuant to the Oklahoma  
17 Charter Schools Act to provide learning that will improve student  
18 achievement and as defined in the Elementary and Secondary Education  
19 Act of 1965, 20 U.S.C. 8065.

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

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

1       Section 3-134. A. The State Board of Education shall develop a  
2 model charter school application form by January 1, 2008. The  
3 purpose of the model form shall be to establish a uniform outline  
4 for charter school applications and shall include all items required  
5 to be included in an application as listed in subsection C of this  
6 section. Beginning January 1, 2008, the format of the model form  
7 shall be used by charter school applicants when submitting  
8 applications for charter schools to a proposed sponsor. The State  
9 Department of Education shall make the model form available to  
10 persons interested in filing an application for a charter school.

11       B. For written applications filed after January 1, 2008, prior  
12 to submission of the application to a proposed sponsor seeking to  
13 establish a charter school, the applicant shall be required to  
14 complete training which shall not exceed ten (10) hours provided by  
15 the State Department of Education on the process and requirements  
16 for establishing a charter school. The Department shall develop and  
17 implement the training by January 1, 2008. The Department may  
18 provide the training in any format and manner that the Department  
19 determines to be efficient and effective, including, but not limited  
20 to, web-based training.

21       C. An applicant seeking to establish a charter school shall  
22 ~~first~~ submit a written ~~proposal~~ application to the proposed sponsor  
23 as prescribed in subsection ~~D~~ F of this section, using the model  
24

1 charter school application form as prescribed in subsection A of  
2 this section. The ~~proposal~~ application shall include:

- 3 1. A mission statement for the charter school;
- 4 2. A description of the organizational structure and the  
5 governing body of the charter school;
- 6 3. A financial plan for the first three (3) years of operation  
7 of the charter school and a description of the treasurer or other  
8 officers or persons who shall have primary responsibility for the  
9 finances of the charter school. Such person shall have demonstrated  
10 experience in school finance or the equivalent thereof;
- 11 4. A description of the hiring policy of the charter school;
- 12 5. The name of the applicant or applicants and requested  
13 sponsor;
- 14 6. A description of the facility and location of the charter  
15 school;
- 16 7. A description of the grades being served;
- 17 8. An outline of criteria designed to measure the effectiveness  
18 of the charter school; ~~and~~
- 19 9. A demonstration of support for the charter school from  
20 residents of the school district which may include but is not  
21 limited to a survey of the school district residents or a petition  
22 signed by residents of the school district; and
- 23 10. Documentation that the applicants completed charter school  
24 training as set forth in subsection B of this section.

1 ~~B.~~ D. A board of education of a public school district, public  
2 body, public or private college or university, private person, or  
3 private organization may contract with a sponsor to establish a  
4 charter school. A private school shall not be eligible to contract  
5 for a charter school under the provisions of the Oklahoma Charter  
6 Schools Act.

7 ~~C.~~ E. The sponsor of a charter school is the board of education  
8 of a local school district ~~or a technology center school district,~~  
9 the State Board of Education, a higher education institution, or a  
10 governing body of a city which meets the criteria established in  
11 Section 3-132 of this title. Any board of education of a school  
12 district in the state may sponsor one or more charter schools. The  
13 physical location of a charter school sponsored by a board of  
14 education of a local school district ~~or a technology center school~~  
15 ~~district~~ shall be within the boundaries of the sponsoring school  
16 district.

17 ~~D.~~ F. An applicant for a charter school may submit an  
18 application to a ~~board of education of a school district or a~~  
19 ~~technology center school district~~ proposed sponsor which shall  
20 either accept or reject sponsorship of the charter school within  
21 ninety (90) days of receipt of the application. If the ~~board~~  
22 proposed sponsor rejects the application, it shall notify the  
23 applicant in writing of the reasons for the rejection. The  
24 applicant may submit a revised application for reconsideration to

1 the ~~board~~ proposed sponsor within thirty (30) days after receiving  
2 notification of the rejection. The ~~board~~ proposed sponsor shall  
3 accept or reject the revised application within thirty (30) days of  
4 its receipt.

5 E. G. A ~~board of education of a school district or a technology~~  
6 ~~center school district~~ sponsor of a charter school shall notify the  
7 State Board of Education when ~~the board~~ it accepts sponsorship of a  
8 charter school. The notification shall include a copy of the  
9 charter of the charter school.

10 F. H. If a ~~board of education~~ proposed sponsor rejects the  
11 revised application for a charter school, the applicant may proceed  
12 to mediation or binding arbitration or both mediation and binding  
13 arbitration as provided in the Dispute Resolution Act and the rules  
14 promulgated pursuant thereto. The applicant shall contact the early  
15 settlement program for the county in which the charter school would  
16 be located. If the parties proceed to binding arbitration, a panel  
17 of three arbitrators shall be appointed by the director of the early  
18 settlement program handling the dispute. The ~~board of education~~  
19 proposed sponsor shall pay the cost for any mediation or arbitration  
20 requested pursuant to this section.

21 I. The State Board of Education may designate a public charter  
22 school review commission to accept, review, and make recommendations  
23 for approval of applications for charter schools submitted to the  
24 Board and to oversee any charter school sponsored by the Board. The

1 Board shall promulgate rules regarding the establishment and  
2 responsibilities of the public charter school review commission.

3 J. If the State Board of Education, a higher education  
4 institution, or the governing body of a city accepts sponsorship of  
5 a charter school, it shall assume all administrative and fiscal  
6 responsibility and oversight of the charter school. The  
7 administrative, fiscal and oversight responsibilities of the State  
8 Board of Education, a higher education institution, or the governing  
9 body of a city shall be listed in the contract. No responsibilities  
10 shall be delegated to a local school district unless the local  
11 school district agrees to assume the responsibilities.

12 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-142, as  
13 last amended by Section 1, Chapter 278, O.S.L. 2006 (70 O.S. Supp.  
14 2006, Section 3-142), is amended to read as follows:

15 Section 3-142. A. For purposes of funding, a charter school  
16 shall be considered a site within the school district in which the  
17 charter school is located. The student membership of the charter  
18 school shall be considered separate from the student membership of  
19 the district in which the charter school is located for the purpose  
20 of calculating weighted average daily membership pursuant to Section  
21 18-201.1 of this title and state aid pursuant to Section 18-200.1 of  
22 this title. The For charter schools sponsored by a local board of  
23 education, the sum of the separate calculations for the charter  
24 school and the school district shall be used to determine the total

1 ~~state-aid~~ State Aid allocation for the district in which the charter  
2 school is located. A charter school shall receive from the  
3 sponsoring school district, the State Aid revenue generated by its  
4 students for the applicable year, less up to five percent (5%) of  
5 the total, which may be retained by the school district as a fee for  
6 administrative services rendered. For charter schools sponsored by  
7 the State Board of Education, a higher education institution, or the  
8 governing body of a city, the State Aid allocation for the charter  
9 school shall be distributed by the State Board of Education. Not  
10 more than five percent (5%) of the total allocation may be retained  
11 by the sponsor as a fee for administrative services rendered. The  
12 State Board of Education shall determine the policy and procedure  
13 for making payments to a charter school.

14 B. The weighted average daily membership for the first year of  
15 operation of a charter school shall be determined initially by  
16 multiplying the actual enrollment of students as of August 1 by  
17 1.333. The charter school shall receive ~~from its sponsoring~~  
18 ~~district,~~ revenue equal to that which would be generated by the  
19 estimated weighted average daily membership calculated pursuant to  
20 this subsection. At midyear, the allocation for the charter school  
21 shall be adjusted using the first quarter weighted average daily  
22 membership for the charter school calculated pursuant to subsection  
23 A of this section.

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1 C. A charter school shall be eligible to receive any other aid,  
2 grants or revenues allowed to other schools. A charter school  
3 sponsored by the State Board of Education, a higher education  
4 institution, or the governing body of a city shall be considered a  
5 local education agency for purposes of funding.

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

10 SECTION 4. REPEALER 70 O.S. 2001, Section 3-133, is  
11 hereby repealed.

12 SECTION 5. This act shall become effective July 1, 2007.

13 SECTION 6. It being immediately necessary for the preservation  
14 of the public peace, health and safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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