

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1589

By: Jones

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Sections 3-132, 3-133, 3-134 and 3-142, as last
9 amended by Section 1, Chapter 278, O.S.L. 2006 (70
10 O.S. Supp. 2006, Section 3-142), which relate to the
11 Oklahoma Charter Schools Act; deleting technology
12 center school districts as a charter school sponsor;
13 adding additional sponsors for charter schools;
14 deleting certain restriction; authorizing the State
15 Board of Education to designate a public charter
16 school review commission; stating duties of the
17 commission; prohibiting delegation of
18 responsibilities without approval of the school
19 district; modifying distribution of funding for
20 certain charter schools; providing for an
21 administrative fee; providing an effective date; and
22 declaring an emergency.

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

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

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

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

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

1 thousand (5,000) or more and which all or part of the local school
2 district is located in that city.

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

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

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

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

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

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

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

14 2. By ~~a technology center school district~~ the State Board of
15 Education only when the charter school is located in a local school
16 district ~~served by the technology center school district and only if~~
17 ~~the local school district~~ that has an average daily membership of
18 five thousand (5,000) or more and which all or part of the local
19 school district is located in a county which is contiguous with a
20 county having more than five hundred thousand (500,000) population
21 according to the latest Federal Decennial Census; or

22 3. By an educational institution that is a member of The
23 Oklahoma State System of Higher Education only when the charter
24 school is located in a local school district that has an average

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

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

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

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

14 1. A mission statement for the charter school;

15 2. A description of the organizational structure and the
16 governing body of the charter school;

17 3. A financial plan for the first three (3) years of operation
18 of the charter school and a description of the treasurer or other
19 officers or persons who shall have primary responsibility for the
20 finances of the charter school. Such person shall have demonstrated
21 experience in school finance or the equivalent thereof;

22 4. A description of the hiring policy of the charter school;

23 5. The name of the applicant or applicants and requested
24 sponsor;

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~~, the
18 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 or 3-133 of this title. Any board of education of a
21 school district in the state may sponsor one or more charter
22 schools. The physical location of a charter school sponsored by a
23 board of education of a local school district ~~or a technology center~~

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1 ~~school district~~ shall be within the boundaries of the sponsoring
2 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~~ proposed sponsor 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~~ proposed sponsor 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~~ proposed sponsor within thirty (30)
11 days after receiving notification of the rejection. The ~~board~~
12 proposed sponsor shall accept or reject the revised application
13 within thirty (30) days of its receipt.

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

19 F. If a ~~board of education~~ proposed sponsor rejects the revised
20 application for a charter school, the applicant may proceed to
21 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~~
4 proposed sponsor shall pay the cost for any mediation or arbitration
5 requested pursuant to this section.

6 G. The State Board of Education may designate a public charter
7 school review commission to accept, review, and make recommendations
8 for approval of applications for charter schools submitted to the
9 Board and to oversee any charter school sponsored by the Board. The
10 Board shall promulgate rules regarding the establishment and
11 responsibilities of the public charter school review commission. If
12 the Board accepts sponsorship of a charter school, it shall assume
13 all administrative and fiscal responsibility and oversight of the
14 charter school. The administrative, fiscal and oversight
15 responsibilities of the Board shall be listed in the contract. No
16 responsibilities shall be delegated to a local school district
17 unless the local school district agrees to assume the
18 responsibilities.

19 SECTION 4. AMENDATORY 70 O.S. 2001, Section 3-142, as
20 last amended by Section 1, Chapter 278, O.S.L. 2006 (70 O.S. Supp.
21 2006, Section 3-142), is amended to read as follows:

22 Section 3-142. A. For purposes of funding, a charter school
23 shall be considered a site within the school district in which the
24 charter school is located. The student membership of the charter

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

21 B. The weighted average daily membership for the first year of
22 operation of a charter school shall be determined initially by
23 multiplying the actual enrollment of students as of August 1 by
24 1.333. The charter school shall receive ~~from its sponsoring~~

1 ~~district,~~ revenue equal to that which would be generated by the
2 estimated weighted average daily membership calculated pursuant to
3 this subsection. At midyear, the allocation for the charter school
4 shall be adjusted using the first quarter weighted average daily
5 membership for the charter school calculated pursuant to subsection
6 A of this section.

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

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

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

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

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