

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1862

By: Coffee of the Senate

and

(Benge) of the House

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9 COMMITTEE SUBSTITUTE

10 [schools - Oklahoma Charter Schools Act - charter
11 schools - State Department of Education - certain
list of vacant buildings - effective date -

emergency]

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as
16 amended by Section 1, Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2008,
17 Section 3-132), is amended to read as follows:

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

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

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

10 3. By a comprehensive or regional institution that is a member
11 of The Oklahoma State System of Higher Education only when the
12 charter school is located in a school district that has an average
13 daily membership of five thousand (5,000) or more and which all or
14 part of the school district is located in a county having more than
15 five hundred thousand (500,000) population according to the latest
16 Federal Decennial Census. In addition, the institution shall have a
17 teacher education program accredited by the Oklahoma Commission for
18 Teacher Preparation and have a branch campus or constituent agency
19 physically located within the school district in which the charter
20 school is located;

21 4. By a federally recognized Indian tribe; or

22 5. By the governing body of a city having more than three
23 hundred thousand (300,000) population according to the latest

24 Federal Decennial Census only when the charter school is located in

1 a school district that has an average daily membership of five
2 thousand (5,000) or more and which all or part of the school
3 district is located within the boundaries of that city.

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

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

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

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

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

9 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-134, as
10 amended by Section 2, Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2008,
11 Section 3-134), is amended to read as follows:

12 Section 3-134. A. For written applications filed after January
13 1, 2008, prior to submission of the application to a proposed
14 sponsor seeking to establish a charter school, the applicant shall
15 be required to complete training which shall not exceed ten (10)
16 hours provided by the State Department of Education on the process
17 and requirements for establishing a charter school. The Department
18 shall develop and implement the training by January 1, 2008. The
19 Department may provide the training in any format and manner that
20 the Department determines to be efficient and effective including,
21 but not limited to, web-based training.

22 B. Except as otherwise provided for in Section 3-137 of this
23 title, an applicant seeking to establish a charter school shall
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1 submit a written application to the proposed sponsor as prescribed
2 in subsection E of this section. The 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;
- 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 A of this section.

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

17 E. An applicant for a charter school may submit an application
18 to a proposed sponsor which shall either accept or reject
19 sponsorship of the charter school within ninety (90) days of receipt
20 of the application. If the proposed sponsor rejects the
21 application, it shall notify the applicant in writing of the reasons
22 for the rejection. The applicant may submit a revised application
23 for reconsideration to the proposed sponsor within thirty (30) days
24 after receiving notification of the rejection. The proposed sponsor

1 shall accept or reject the revised application within thirty (30)
2 days of its receipt.

3 F. A sponsor of a charter school shall notify the State Board
4 of Education when it accepts sponsorship of a charter school. The
5 notification shall include a copy of the charter of the charter
6 school. The Board shall determine if the new charter school will
7 exceed the limit established in subsection C of Section 3-132 of
8 this title. If the new charter school does exceed the limit, the
9 Board shall not allocate funding for the charter school as provided
10 for in Section 3-142 of this title.

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

21 H. If a board of education of a technology center school
22 district ~~or~~, a higher education institution, a federally recognized
23 Indian tribe, or a governing body of a city accepts sponsorship of a
24 charter school, the administrative, fiscal and oversight

1 responsibilities of the technology center school district ~~or~~, the
2 higher education institution, the federally recognized Indian tribe,
3 or the governing body of the city shall be listed in the contract.
4 No responsibilities shall be delegated to a local school district
5 unless the local school district agrees to assume the
6 responsibilities.

7 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-142, as
8 last amended by Section 4, Chapter 257, O.S.L. 2007 (70 O.S. Supp.
9 2008, Section 3-142), is amended to read as follows:

10 Section 3-142. A. For purposes of funding, a charter school
11 sponsored by a board of education of a school district shall be
12 considered a site within the school district in which the charter
13 school is located. The student membership of the charter school
14 shall be considered separate from the student membership of the
15 district in which the charter school is located for the purpose of
16 calculating weighted average daily membership pursuant to Section
17 18-201.1 of this title and ~~state-aid~~ State Aid pursuant to Section
18 18-200.1 of this title. For charter schools sponsored by a board of
19 education of a school district, the sum of the separate calculations
20 for the charter school and the school district shall be used to
21 determine the total State Aid allocation for the district in which
22 the charter school is located. A charter school shall receive from
23 the sponsoring school district, the State Aid revenue generated by
24 its students for the applicable year, less up to five percent (5%)

1 of the total, which may be retained by the school district as a fee
2 for administrative services rendered. For charter schools sponsored
3 by the board of education of a technology center school district ~~or~~,
4 a higher education institution, a federally recognized Indian tribe,
5 or the governing body of a city, the State Aid allocation for the
6 charter school shall be distributed by the State Board of Education.
7 Not more than five percent (5%) of the total allocation may be
8 charged by the sponsor as a fee for administrative services
9 rendered. The State Board of Education shall determine the policy
10 and procedure for making payments to a charter school.

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

20 C. A charter school shall be eligible to receive any other aid,
21 grants or revenues allowed to other schools. A charter school
22 sponsored by the board of education of a technology center school
23 district ~~or~~, a higher education institution, a federally recognized
24 Indian tribe, or the governing body of a city shall be considered a

1 local education agency for purposes of funding. A charter school
2 shall be considered a local education agency for purposes of federal
3 funding, upon request of the charter school to the State Department
4 of Education.

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

9 E. A charter school sponsored by a board of education of a
10 school district shall be eligible to receive funds from bond issues
11 made by the school district for purchasing school buildings, making
12 repairs or improvements to school buildings occupied or leased by
13 the charter school, or purchasing school furniture or fixtures for
14 the charter school. Any real or personal property bought, repaired,
15 or improved with school bond issue proceeds shall be the property of
16 the school district. Prior to submitting a bond issue for approval
17 by the voters, the sponsoring board of education of a school
18 district shall offer the charter school an opportunity to submit
19 projects to be included in the question of issuing the bonds.

20 F. By December 31, 2010, and annually each year thereafter, the
21 State Department of Education shall publish and make available to
22 all charter schools a list of all vacant buildings owned by school
23 districts and this state that might be suitable for use by charter
24 schools. The Department of Central Services shall cooperate with

1 the State Department of Education to provide the necessary
2 information required pursuant to this subsection.

3 SECTION 4. This act shall become effective July 1, 2010.

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

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