

1 ENGROSSED HOUSE
2 BILL NO. 2753

By: Denney, Jones, Shumate,
Kern, Sullivan, Wright
(John), Tibbs, Nelson and
Wesselhoft of the House

4 and

5 Coffee of the Senate

6
7
8 An Act relating to schools; amending 70 O.S. 2001,
9 Sections 3-132, as amended by Section 1, Chapter 257,
10 O.S.L. 2007, 3-134, as amended by Section 2, Chapter
11 257, O.S.L. 2007 and 3-136, as amended by Section 1,
12 Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009,
13 Sections 3-132, 3-134 and 3-136), which relate to the
14 Oklahoma Charter Schools Act; adding criteria for
15 sponsorship of charter schools; deleting certain
16 purpose of charter schools; deleting limitation on
17 establishment of new schools; deleting requirement
18 that the State Board of Education make a
19 determination of exceeding certain limit; and
20 modifying requirement to comply with graduation
21 requirements.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as
24 amended by Section 1, Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2009,
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 school district with an average daily membership of
2 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;

6 2. By a school district which has a school site listed on the
7 school improvement list as determined by the State Board of
8 Education pursuant to the No Child Left Behind Act;

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

16 4. By a technology center school district only when the charter
17 school is located in a school district served by the technology
18 center school district and only if the school district has a school
19 site listed on the school improvement list as determined by the
20 State Board of Education pursuant to the No Child Left Behind Act;

21 ~~3-~~ 5. By a comprehensive or regional institution that is a
22 member of The Oklahoma State System of Higher Education only when
23 the charter school is located in a school district that has an
24 average daily membership of five thousand (5,000) or more and which

1 all or part of the school district is located in a county having
2 more than five hundred thousand (500,000) population according to
3 the latest Federal Decennial Census. In addition, the institution
4 shall have a teacher education program accredited by the Oklahoma
5 Commission for Teacher Preparation and have a branch campus or
6 constituent agency physically located within the school district in
7 which the charter school is located; or

8 6. By a comprehensive or regional institution that is a member
9 of The Oklahoma State System of Higher Education only when the
10 charter school is located in a school district that has a school
11 site listed on the school improvement list as determined by the
12 State Board of Education pursuant to the No Child Left Behind Act.
13 In addition, the institution shall have a teacher education program
14 accredited by the Oklahoma Commission for Teacher Preparation and
15 have a branch campus or constituent agency physically located within
16 the school district in which the charter school is located.

17 ~~B. Charter schools formed pursuant to the act shall serve as a~~
18 ~~pilot program to demonstrate the potential of expanding charter~~
19 ~~schools to other parts of the state. Any charter or enterprise~~
20 ~~school operating in the state pursuant to an agreement with the~~
21 ~~board of education of a school district on July 1, 1999, may~~
22 ~~continue to operate pursuant to that agreement or may contract with~~
23 ~~the board of education of the school district pursuant to the~~
24 ~~Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter~~

1 Schools Act shall prohibit a school district from applying for
2 exemptions from certain education-related statutory requirements as
3 provided for in the Educational Deregulation Act.

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

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

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

21 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-134, as
22 amended by Section 2, Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2009,
23 Section 3-134), is amended to read as follows:

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1 Section 3-134. A. For written applications filed after January
2 1, 2008, prior to submission of the application to a proposed
3 sponsor seeking to establish a charter school, the applicant shall
4 be required to complete training which shall not exceed ten (10)
5 hours provided by the State Department of Education on the process
6 and requirements for establishing a charter school. The Department
7 shall develop and implement the training by January 1, 2008. The
8 Department may provide the training in any format and manner that
9 the Department determines to be efficient and effective including,
10 but not limited to, web-based training.

11 B. Except as otherwise provided for in Section 3-137 of this
12 title, an applicant seeking to establish a charter school shall
13 submit a written application to the proposed sponsor as prescribed
14 in subsection E of this section. The application shall include:

15 1. A mission statement for the charter school;

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

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

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

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1 5. The name of the applicant or applicants and requested
2 sponsor;

3 6. A description of the facility and location of the charter
4 school;

5 7. A description of the grades being served;

6 8. An outline of criteria designed to measure the effectiveness
7 of the charter school;

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

12 10. Documentation that the applicants completed charter school
13 training as set forth in subsection A of this section.

14 C. A board of education of a public school district, public
15 body, public or private college or university, private person, or
16 private organization may contract with a sponsor to establish a
17 charter school. A private school shall not be eligible to contract
18 for a charter school under the provisions of the Oklahoma Charter
19 Schools Act.

20 D. The sponsor of a charter school is the board of education of
21 a school district, the board of education of a technology center
22 school district, or a higher education institution which meets the
23 criteria established in Section 3-132 of this title. Any board of
24 education of a school district in the state may sponsor one or more

1 charter schools. The physical location of a charter school
2 sponsored by a board of education of a school district or a
3 technology center school district shall be within the boundaries of
4 the sponsoring school district.

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

15 F. A sponsor of a charter school shall notify the State Board
16 of Education when it accepts sponsorship of a charter school. The
17 notification shall include a copy of the charter of the charter
18 school. ~~The Board shall determine if the new charter school will~~
19 ~~exceed the limit established in subsection C of Section 3-132 of~~
20 ~~this title. If the new charter school does exceed the limit, the~~
21 ~~Board shall not allocate funding for the charter school as provided~~
22 ~~for in Section 3-142 of this title.~~

23 G. If a proposed sponsor rejects the revised application for a
24 charter school, the applicant may proceed to mediation or binding

1 arbitration or both mediation and binding arbitration as provided in
2 the Dispute Resolution Act and the rules promulgated pursuant
3 thereto. The applicant shall contact the early settlement program
4 for the county in which the charter school would be located. If the
5 parties proceed to binding arbitration, a panel of three arbitrators
6 shall be appointed by the director of the early settlement program
7 handling the dispute. The proposed sponsor shall pay the cost for
8 any mediation or arbitration requested pursuant to this section.

9 H. If a board of education of a technology center school
10 district or a higher education institution accepts sponsorship of a
11 charter school, the administrative, fiscal and oversight
12 responsibilities of the technology center school district or the
13 higher education institution shall be listed in the contract. No
14 responsibilities shall be delegated to a local school district
15 unless the local school district agrees to assume the
16 responsibilities.

17 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-136, as
18 amended by Section 1, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009,
19 Section 3-136), is amended to read as follows:

20 Section 3-136. A. A charter school shall adopt a charter which
21 will ensure compliance with the following:

22 1. A charter school shall comply with all federal regulations
23 and state and local rules and statutes relating to health, safety,
24 civil rights and insurance. By January 1, 2000, the State

1 Department of Education shall prepare a list of relevant rules and
2 statutes which a charter school must comply with as required by this
3 paragraph and shall annually provide an update to the list;

4 2. A charter school shall be nonsectarian in its programs,
5 admission policies, employment practices, and all other operations.

6 A sponsor may not authorize a charter school or program that is
7 affiliated with a nonpublic sectarian school or religious
8 institution;

9 3. The charter school may provide a comprehensive program of
10 instruction for a prekindergarten program, a kindergarten program or
11 any grade between grades one and twelve. Instruction may be
12 provided to all persons between the ages of four (4) and twenty-one
13 (21) years. A charter school may offer a curriculum which
14 emphasizes a specific learning philosophy or style or certain
15 subject areas such as mathematics, science, fine arts, performance
16 arts, or foreign language. The charter of a charter school which
17 offers grades nine through twelve shall ~~specifically address whether~~
18 ~~the charter school will~~ comply with the graduation requirements
19 established in Section 11-103.6 of this title. No charter school
20 shall be chartered for the purpose of offering a curriculum for deaf
21 or blind students that is the same or similar to the curriculum
22 being provided by or for educating deaf or blind students that are
23 being served by the Oklahoma School for the Blind or the Oklahoma
24 School for the Deaf;

1 4. A charter school shall participate in the testing as
2 required by the Oklahoma School Testing Program Act and the
3 reporting of test results as is required of a school district. A
4 charter school shall also provide any necessary data to the Office
5 of Accountability;

6 5. Except as provided for in the Oklahoma Charter Schools Act
7 and its charter, a charter school shall be exempt from all statutes
8 and rules relating to schools, boards of education, and school
9 districts;

10 6. A charter school, to the extent possible, shall be subject
11 to the same reporting requirements, financial audits, audit
12 procedures, and audit requirements as a school district. The State
13 Department of Education or State Auditor and Inspector may conduct
14 financial, program, or compliance audits. A charter school shall
15 use the Oklahoma Cost Accounting System to report financial
16 transactions to the sponsoring school district;

17 7. A charter school shall comply with all federal and state
18 laws relating to the education of children with disabilities in the
19 same manner as a school district;

20 8. A charter school shall provide for a governing body for the
21 school which shall be responsible for the policies and operational
22 decisions of the charter school;

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1 9. A charter school shall not be used as a method of generating
2 revenue for students who are being home schooled and are not being
3 educated at an organized charter school site;

4 10. A charter school may not charge tuition or fees;

5 11. A charter school shall provide instruction each year for at
6 least the number of days required in Section 1-109 of this title;

7 12. A charter school shall comply with the student suspension
8 requirements provided for in Section 24-101.3 of this title;

9 13. A charter school shall be considered a school district for
10 purposes of tort liability under The Governmental Tort Claims Act;

11 14. Employees of a charter school may participate as members of
12 the Teachers' Retirement System of Oklahoma in accordance with
13 applicable statutes and rules if otherwise allowed pursuant to law;

14 15. A charter school may participate in all health and related
15 insurance programs available to the employees of the sponsor of the
16 charter school;

17 16. A charter school shall comply with the Oklahoma Open
18 Meeting Act and the Oklahoma Open Records Act; and

19 17. The governing body of a charter school shall be subject to
20 the same conflict of interest requirements as a member of a local
21 school board.

22 B. The charter of a charter school shall include a description
23 of the personnel policies, personnel qualifications, and method of
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1 school governance, and the specific role and duties of the sponsor
2 of the charter school.

3 C. The charter of a charter school may be amended at the
4 request of the governing body of the charter school and upon the
5 approval of the sponsor.

6 D. A charter school may enter into contracts and sue and be
7 sued.

8 E. The governing body of a charter school may not levy taxes or
9 issue bonds.

10 F. The charter of a charter school shall include a provision
11 specifying the method or methods to be employed for disposing of
12 real and personal property acquired by the charter school upon
13 expiration or termination of the charter or failure of the charter
14 school to continue operations. Except as otherwise provided, any
15 real or personal property purchased with state or local funds shall
16 be retained by the sponsoring school district. If a charter school
17 that was previously sponsored by the board of education of a school
18 district continues operation within the school district under a new
19 charter sponsored by an entity authorized pursuant to Section 3-132
20 of this title, the charter school may retain any personal property
21 purchased with state or local funds for use in the operation of the
22 charter school until termination of the new charter or failure of
23 the charter school to continue operations.

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