

1 ENGROSSED SENATE
2 BILL NO. 1862

By: Coffee of the Senate

and

Benge of the House

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6
7 [schools - Oklahoma Charter Schools Act - charter
8 schools - State Department of Education - certain
9 list of vacant buildings]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

23 2. By a technology center school district only when the charter
24 school is located in a school district served by the technology

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

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

17 4. By a federally recognized Indian tribe; or

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

1 B. 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 Educational Deregulation Act.

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

19 ~~D.~~ For purposes of the Oklahoma Charter Schools Act, "charter
20 school" means a public school established by contract with a board
21 of education of a school district, an area vocational-technical
22 school district, ~~or~~ a higher education institution, a federally
23 recognized Indian tribe, or a governing body of a city pursuant to
24 the Oklahoma Charter Schools Act to provide learning that will

1 improve student achievement and as defined in the Elementary and
2 Secondary Education Act of 1965, 20 U.S.C. 8065.

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

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

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

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

23 1. A mission statement for the charter school;

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

1 charter school. A private school shall not be eligible to contract
2 for a charter school under the provisions of the Oklahoma Charter
3 Schools Act.

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

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

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

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

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

1 or the governing body of the city shall be listed in the contract.
2 No responsibilities shall be delegated to a local school district
3 unless the local school district agrees to assume the
4 responsibilities.

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

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

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

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

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

1 funding, upon request of the charter school to the State Department
2 of Education.

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

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

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

