

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 2753

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2753 - By: DENNEY, JONES, SHUMATE, KERN AND SULLIVAN of the House and COFFEE of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 3-132, as amended by Section 1, Chapter 257, O.S.L. 2007, 3-134, as amended by Section 2, Chapter 257, O.S.L. 2007 and 3-136, as amended by Section 1, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2009, Sections 3-132, 3-134 and 3-136), which relate to the Oklahoma Charter Schools Act; deleting certain restrictions on the sponsorship of charter schools; deleting certain purpose of charter schools; deleting limitation on establishment of new schools; deleting requirement that the State Board of Education make a determination of exceeding certain limit; modifying requirement to comply with graduation requirements; and providing an effective date.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as amended by
2 Section 1, Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2009, Section 3-132), is amended to
3 read as follows:

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

7 1. By a school district ~~with an average daily membership of five thousand (5,000) or~~
8 ~~more and which all or part of the school district is located in a county having more than~~

1 ~~five hundred thousand (500,000) population according to the latest Federal Decennial~~
2 ~~Census;~~

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

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

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

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

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

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

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

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

21 Section 3-134. A. For written applications filed after January 1, 2008, prior to
22 submission of the application to a proposed sponsor seeking to establish a charter school,

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 the applicant shall be required to complete training which shall not exceed ten (10) hours
2 provided by the State Department of Education on the process and requirements for
3 establishing a charter school. The Department shall develop and implement the training
4 by January 1, 2008. The Department may provide the training in any format and
5 manner that the Department determines to be efficient and effective including, but not
6 limited to, web-based training.

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

- 10 1. A mission statement for the charter school;
- 11 2. A description of the organizational structure and the governing body of the
12 charter school;
- 13 3. A financial plan for the first three (3) years of operation of the charter school and
14 a description of the treasurer or other officers or persons who shall have primary
15 responsibility for the finances of the charter school. Such person shall have
16 demonstrated experience in school finance or the equivalent thereof;
- 17 4. A description of the hiring policy of the charter school;
- 18 5. The name of the applicant or applicants and requested sponsor;
- 19 6. A description of the facility and location of the charter school;
- 20 7. A description of the grades being served;
- 21 8. An outline of criteria designed to measure the effectiveness of the charter school;

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~~Strike thru~~ language denotes deletion from present Statutes.

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

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

6 C. A board of education of a public school district, public body, public or private
7 college or university, private person, or private organization may contract with a sponsor
8 to establish a charter school. A private school shall not be eligible to contract for a
9 charter school under the provisions of the Oklahoma Charter Schools Act.

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

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

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

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

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

17 H. If a board of education of a technology center school district or a higher
18 education institution accepts sponsorship of a charter school, the administrative, fiscal
19 and oversight responsibilities of the technology center school district or the higher
20 education institution shall be listed in the contract. No responsibilities shall be
21 delegated to a local school district unless the local school district agrees to assume the
22 responsibilities.

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

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

6 1. A charter school shall comply with all federal regulations and state and local
7 rules and statutes relating to health, safety, civil rights and insurance. By January 1,
8 2000, the State Department of Education shall prepare a list of relevant rules and
9 statutes which a charter school must comply with as required by this paragraph and
10 shall annually provide an update to the list;

11 2. A charter school shall be nonsectarian in its programs, admission policies,
12 employment practices, and all other operations. A sponsor may not authorize a charter
13 school or program that is affiliated with a nonpublic sectarian school or religious
14 institution;

15 3. The charter school may provide a comprehensive program of instruction for a
16 prekindergarten program, a kindergarten program or any grade between grades one and
17 twelve. Instruction may be provided to all persons between the ages of four (4) and
18 twenty-one (21) years. A charter school may offer a curriculum which emphasizes a
19 specific learning philosophy or style or certain subject areas such as mathematics,
20 science, fine arts, performance arts, or foreign language. The charter of a charter school
21 which offers grades nine through twelve shall ~~specifically address whether the charter~~
22 ~~school will~~ comply with the graduation requirements established in Section 11-103.6 of

1 this title. No charter school shall be chartered for the purpose of offering a curriculum
2 for deaf or blind students that is the same or similar to the curriculum being provided by
3 or for educating deaf or blind students that are being served by the Oklahoma School for
4 the Blind or the Oklahoma School for the Deaf;

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

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

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

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

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

1 9. A charter school shall not be used as a method of generating revenue for
2 students who are being home schooled and are not being educated at an organized
3 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 least the number of
6 days required in Section 1-109 of this title;

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

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

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

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

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

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

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

1 C. The charter of a charter school may be amended at the request of the governing
2 body of the charter school and upon the approval of the sponsor.

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

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

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

16 SECTION 4. This act shall become effective November 1, 2010.

17 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-25-10
18 - DO PASS, As Amended and Coauthored.