

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1808

By: Shumate

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Sections 3-132, as amended by Section 1, Chapter 257,
9 O.S.L. 2007, 3-134, as amended by Section 2, Chapter
10 257, O.S.L. 2007 and 3-142, as last amended by
11 Section 4, Chapter 257, O.S.L. 2007 (70 O.S. Supp.
12 2008, Sections 3-132, 3-134 and 3-142), which relate
13 to the Oklahoma Charter Schools Act; adding the
14 governing body of certain cities as a charter school
15 sponsor; providing an effective date; and declaring
16 an emergency.

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

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

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

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

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; 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 school district that has an average daily membership of five

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

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

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

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

1 body of a city pursuant to the Oklahoma Charter Schools Act to
2 provide learning that will improve student achievement and as
3 defined in the Elementary and Secondary Education Act of 1965, 20
4 U.S.C. 8065.

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

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

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

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

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

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

5 D. The sponsor of a charter school is the board of education of
6 a school district, the board of education of a technology center
7 school district, ~~or~~ a higher education institution, or a governing
8 body of a city which meets the criteria established in Section 3-132
9 of this title. Any board of education of a school district in the
10 state may sponsor one or more charter schools. The physical
11 location of a charter school sponsored by a board of education of a
12 school district or a technology center school district shall be
13 within the boundaries of 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, or a governing body of
21 a city accepts sponsorship of a charter school, the administrative,
22 fiscal and oversight responsibilities of the technology center
23 school district ~~or~~, the higher education institution, or the
24 governing body of the city shall be listed in the contract. No

1 responsibilities shall be delegated to a local school district
2 unless the local school district agrees to assume the
3 responsibilities.

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

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

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

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

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

23 D. A charter school, in addition to the money received from the
24 state, may receive money from any other source. Any unexpended

1 nonstate funds, excluding local revenue, may be reserved and used
2 for future purposes.

3 SECTION 4. This act shall become effective July 1, 2009.

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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