

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 278

By: Stanislawski of the Senate

and

Hickman and Billy of the
House

8 CONFERENCE COMMITTEE SUBSTITUTE

9
10 An Act relating to charter schools; amending 70 O.S.
11 2001, Section 3-132, as last amended by Section 34 of
12 Enrolled Senate Bill No. 553 of the 1st Session of
13 the 53rd Oklahoma Legislature, which relates to
14 sponsors of charter schools; modifying criteria for
15 charter schools sponsored by the State Board of
16 Education; expanding the number of charter schools
17 sponsored by the Board; amending 70 O.S. 2001,
18 Section 3-134, as last amended by Section 36 of
19 Enrolled Senate Bill No. 553 of the 1st Session of
20 the 53rd Oklahoma Legislature, which relates to
21 charter school applications; modifying the physical
location requirement of certain charter school;
amending 70 O.S. 2001, Section 3-140, as last amended
by Section 1 of Enrolled Senate Bill No. 445 of the
1st Session of the 53rd Oklahoma Legislature, which
relates to student enrollment eligibility for a
charter school; modifying admission limitation for
certain charter schools; amending 70 O.S. 2001,
Section 16-111.1, which relates to funds allocated
for textbooks; removing certain limit on funds to be
used for certain purposes; providing an effective
date; and declaring an emergency.

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 last amended by Section 34 of Enrolled Senate Bill No. 553 of the

1 1st Session of the 53rd Oklahoma Legislature, is amended to read as
2 follows:

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

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

11 2. By a school district which has a school site listed on the
12 school improvement list as determined by the State Board of
13 Education pursuant to the Elementary and Secondary Education Act of
14 1965, as amended or reauthorized;

15 3. By a technology center school district if the charter school
16 is located in a school district served by the technology center
17 school district and the school district has an average daily
18 membership of five thousand (5,000) or more and which all or part of
19 the school district is located in a county having more than five
20 hundred thousand (500,000) population according to the latest
21 Federal Decennial Census;

22 4. By a technology center school district if the charter school
23 is located in a school district served by the technology center
24 school district and the school district has a school site listed on

1 the school improvement list as determined by the State Board of
2 Education pursuant to the Elementary and Secondary Education Act of
3 1965, as amended or reauthorized;

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

15 6. By a comprehensive or regional institution that is a member
16 of the Oklahoma State System of Higher Education if the charter
17 school is located in a school district that has a school site listed
18 on the school improvement list as determined by the State Board of
19 Education pursuant to the Elementary and Secondary Education Act of
20 1965, as amended or reauthorized. In addition, the institution
21 shall have a teacher education program accredited by the Oklahoma
22 Commission for Teacher Preparation and have a branch campus or
23 constituent agency physically located within the school district in
24 which the charter school is located;

1 7. By a federally recognized Indian tribe, operating a high
2 school under the authority of the Bureau of Indian Affairs as of the
3 effective date of this act, if the charter school is for the purpose
4 of demonstrating native language immersion instruction, and is
5 located within its former reservation or treaty area boundaries.
6 For purposes of this paragraph, native language immersion
7 instruction shall require that educational instruction and other
8 activities conducted at the school site are primarily conducted in
9 the native language; or

10 8. By the State Board of Education only when the applicant of
11 the charter school is the Office of Juvenile Affairs or the
12 applicant has a contract with the Office of Juvenile Affairs to
13 provide a fixed rate level E, D, or D+ group home service and the
14 charter school is for the purpose of providing education services to
15 youth in the custody or supervision of the ~~Office of Juvenile~~
16 ~~Affairs~~ state. Not more than ~~one~~ two charter ~~school~~ schools shall
17 be sponsored by the Board as provided for in this paragraph during
18 the period of time beginning July 1, 2010, through July 1, 2016.

19 B. Any charter or enterprise school operating in the state
20 pursuant to an agreement with the board of education of a school
21 district on July 1, 1999, may continue to operate pursuant to that
22 agreement or may contract with the board of education of the school
23 district pursuant to the Oklahoma Charter Schools Act. Nothing in
24 the Oklahoma Charter Schools Act shall prohibit a school district

1 from applying for exemptions from certain education-related
2 statutory requirements as provided for in the Educational
3 Deregulation Act.

4 C. For purposes of the Oklahoma Charter Schools Act, "charter
5 school" means a public school established by contract with a board
6 of education of a school district, an area vocational-technical
7 school district, a higher education institution, a federally
8 recognized Indian tribe, or the State Board of Education pursuant to
9 the Oklahoma Charter Schools Act to provide learning that will
10 improve student achievement and as defined in the Elementary and
11 Secondary Education Act of 1965, 20 U.S.C. 8065.

12 D. A charter school may consist of a new school site, new
13 school sites or all or any portion of an existing school site. An
14 entire school district may not become a charter school site.

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-134, as
16 last amended by Section 36 of Enrolled Senate Bill No. 553 of the
17 1st Session of the 53rd Oklahoma Legislature, is amended to read as
18 follows:

19 Section 3-134. A. For written applications filed after January
20 1, 2008, prior to submission of the application to a proposed
21 sponsor seeking to establish a charter school, the applicant shall
22 be required to complete training which shall not exceed ten (10)
23 hours provided by the State Department of Education on the process
24 and requirements for establishing a charter school. The Department

1 shall develop and implement the training by January 1, 2008. The
2 Department may provide the training in any format and manner that
3 the Department determines to be efficient and effective including,
4 but not limited to, web-based training.

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

9 1. A mission statement for the charter school;

10 2. A description of the organizational structure and the
11 governing body of the charter school;

12 3. A financial plan for the first three (3) years of operation
13 of the charter school and a description of the treasurer or other
14 officers or persons who shall have primary responsibility for the
15 finances of the charter school. Such person shall have demonstrated
16 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
19 sponsor;

20 6. A description of the facility and location of the charter
21 school;

22 7. A description of the grades being served;

23 8. An outline of criteria designed to measure the effectiveness
24 of the charter school;

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

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

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

13 D. The sponsor of a charter school is the board of education of
14 a school district, the board of education of a technology center
15 school district, a higher education institution, the State Board of
16 Education, or a federally recognized Indian tribe which meets the
17 criteria established in Section 3-132 of this title. Any board of
18 education of a school district in the state may sponsor one or more
19 charter schools. The physical location of a charter school
20 sponsored by a board of education of a school district or a
21 technology center school district shall be within the boundaries of
22 the sponsoring school district. The physical location of a charter
23 school sponsored by the State Board of Education when the applicant
24 of the charter school is the Office of Juvenile Affairs shall be

1 ~~located~~ where an Office of Juvenile Affairs facility for youth is
2 located.

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

13 F. A board of education of a school district, board of
14 education of a technology center school district, higher education
15 institution, or federally recognized Indian tribe sponsor of a
16 charter school shall notify the State Board of Education when it
17 accepts sponsorship of a charter school. The notification shall
18 include a copy of the charter of the charter school.

19 G. If a proposed sponsor rejects the revised application for a
20 charter school, the applicant may proceed to mediation or binding
21 arbitration or both mediation and binding arbitration as provided in
22 the Dispute Resolution Act and the rules promulgated pursuant
23 thereto. The applicant shall contact the early settlement program
24 for the county in which the charter school would be located. If the

1 parties proceed to binding arbitration, a panel of three arbitrators
2 shall be appointed by the director of the early settlement program
3 handling the dispute. The proposed sponsor shall pay the cost for
4 any mediation or arbitration requested pursuant to this section.

5 H. If a board of education of a technology center school
6 district, a higher education institution, the State Board of
7 Education, or a federally recognized Indian tribe accepts
8 sponsorship of a charter school, the administrative, fiscal and
9 oversight responsibilities of the technology center school district,
10 the higher education institution, or the federally recognized Indian
11 tribe shall be listed in the contract. No responsibilities shall be
12 delegated to a school district unless the local school district
13 agrees to assume the responsibilities.

14 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-140, as
15 last amended by Section 1 of Enrolled Senate Bill No. 445 of the 1st
16 Session of the 53rd Oklahoma Legislature, is amended to read as
17 follows:

18 Section 3-140. A. Except for a charter school sponsored by the
19 State Board of Education, a charter school shall enroll those
20 students whose legal residence is within the boundaries of the
21 school district in which the charter school is located and who
22 submit a timely application, or those students who transfer to the
23 district in which the charter school is located in accordance with
24 Section 8-103 or 8-104 of this title, unless the number of

1 applications exceeds the capacity of a program, class, grade level,
2 or building. Students who reside in a school district where a
3 charter school is located shall not be required to obtain a transfer
4 in order to attend a charter school in the school district of
5 residence. If capacity is insufficient to enroll all eligible
6 students, the charter school shall select students through a lottery
7 selection process. Except for a charter school sponsored by the
8 State Board of Education, a charter school shall give enrollment
9 preference to eligible students who reside within the boundaries of
10 the school district in which the charter school is located. Except
11 for a charter school sponsored by the State Board of Education, a
12 charter school created after the effective date of this act shall
13 give enrollment preference to eligible students who reside within
14 the boundaries of the school district in which the charter school is
15 located and who attend a school site listed on the school
16 improvement list as determined by the State Board of Education
17 pursuant to the Elementary and Secondary Education Act of 1965, as
18 amended or reauthorized. A charter school may limit admission to
19 students within a given age group or grade level. A charter school
20 sponsored by the State Board of Education when the applicant of the
21 charter school is the Office of Juvenile Affairs shall limit
22 admission to youth that are in the custody or supervision of the
23 Office of Juvenile Affairs.

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1 B. Except for a charter school sponsored by the State Board of
2 Education, a charter school shall admit students who reside in the
3 attendance area of a school or in a school district that is under a
4 court order of desegregation or that is a party to an agreement with
5 the United States Department of Education Office for Civil Rights
6 directed towards mediating alleged or proven racial discrimination
7 unless notice is received from the resident school district that
8 admission of the student would violate the court order or agreement.

9 C. A charter school may designate a specific geographic area
10 within the school district in which the charter school is located as
11 an academic enterprise zone and may limit admissions to students who
12 reside within that area. An academic enterprise zone shall be a
13 geographic area in which sixty percent (60%) or more of the children
14 who reside in the area qualify for the free or reduced school lunch
15 program.

16 D. Except as provided in subsections B and C of this section, a
17 charter school shall not limit admission based on ethnicity,
18 national origin, gender, income level, disabling condition,
19 proficiency in the English language, measures of achievement,
20 aptitude, or athletic ability.

21 SECTION 4. AMENDATORY 70 O.S. 2001, Section 16-111.1, is
22 amended to read as follows:

23 Section 16-111.1. ~~Twenty percent (20%) of the~~ The funds
24 allocated for textbooks in Section ~~16-114~~ 16-114a of this title may

1 be used by a school district for supplementary textbooks and other
2 instructional materials other than those selected and listed by the
3 State Textbook Committee.

4 SECTION 4. This act shall become effective July 1, 2011.

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

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