

1 ENGROSSED SENATE
2 BILL NO. 605

By: Ford of the Senate

and

Denney of the House

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7 [charter schools - creating the Charter School
8 Sponsoring Commission - codification -
9 emergency]

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

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as
12 last amended by Section 1, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
13 2010, Section 3-132), is amended to read as follows:

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

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

22 2. By a school district which has a school site listed on the
23 school improvement list as determined by the State Board of
24

1 Education pursuant to the Elementary and Secondary Education Act of
2 1965, as amended or reauthorized;

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

10 4. By a technology center school district if the charter school
11 is located in a school district served by the technology center
12 school district and the school district has a school site listed on
13 the school improvement list as determined by the State Board of
14 Education pursuant to the Elementary and Secondary Education Act of
15 1965, as amended or reauthorized;

16 5. By a comprehensive or regional institution that is a member
17 of The Oklahoma State System of Higher Education if the charter
18 school is located in a school district that has an average daily
19 membership of five thousand (5,000) or more and which all or part of
20 the school district is located in a county having more than five
21 hundred thousand (500,000) population according to the latest
22 Federal Decennial Census. In addition, the institution shall have a
23 teacher education program accredited by the Oklahoma Commission for
24 Teacher Preparation and have a branch campus or constituent agency

1 physically located within the school district in which the charter
2 school is located;

3 6. By a comprehensive or regional institution that is a member
4 of the Oklahoma State System of Higher Education if the charter
5 school is located in a school district that has a school site listed
6 on the school improvement list as determined by the State Board of
7 Education pursuant to the Elementary and Secondary Education Act of
8 1965, as amended or reauthorized. In addition, the institution
9 shall have a teacher education program accredited by the Oklahoma
10 Commission for Teacher Preparation and have a branch campus or
11 constituent agency physically located within the school district in
12 which the charter school is located; ~~or~~

13 7. By a federally recognized Indian tribe, operating a high
14 school under the authority of the Bureau of Indian Affairs as of ~~the~~
15 ~~effective date of this act~~ November 1, 2010, if the charter school
16 is for the purpose of demonstrating native language immersion
17 instruction, and is located within its former reservation or treaty
18 area boundaries. For purposes of this paragraph, native language
19 immersion instruction shall require that educational instruction and
20 other activities conducted at the school site are primarily
21 conducted in the native language; or

22 8. By the Charter School Sponsoring Commission as created in
23 Section 2 of this act.

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1 B. Any charter or enterprise school operating in the state
2 pursuant to an agreement with the board of education of a school
3 district on July 1, 1999, may continue to operate pursuant to that
4 agreement or may contract with the board of education of the school
5 district pursuant to the Oklahoma Charter Schools Act. Nothing in
6 the Oklahoma Charter Schools Act shall prohibit a school district
7 from applying for exemptions from certain education-related
8 statutory requirements as provided for in the Educational
9 Deregulation Act.

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

18 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. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:

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1 A. There is hereby created the Charter School Sponsoring
2 Commission. The Commission shall have the authority to sponsor a
3 charter school in any school district described in paragraph 1 or 2
4 of subsection A of Section 3-132 of this title. The Commission
5 shall be composed of seven (7) members as follows:

6 1. The State Superintendent of Public Instruction who shall
7 serve as the chair;

8 2. Two members appointed by the Governor;

9 3. Two members appointed by the President Pro Tempore of the
10 Senate; and

11 4. Two members appointed by the Speaker of the House of
12 Representatives.

13 B. Appointments shall be made by August 1, 2011. The President
14 Pro Tempore of the Senate and the Speaker of the House of
15 Representatives shall each appoint one member for one (1) year and
16 one member for three (3) years. The Governor shall appoint two
17 members for two (2) years. Members shall serve until their
18 successors are duly appointed for a term of three (3) years.
19 Appointments shall be made by and take effect on November 1 of the
20 year in which the appointment is made.

21 C. A member may be removed from the Commission by the
22 appointing authority for cause which shall include, but not be
23 limited to:

1 1. Being found guilty by a court of competent jurisdiction of a
2 felony or any offense involving moral turpitude;

3 2. Being found guilty of malfeasance, misfeasance or
4 nonfeasance in relation to Commission duties;

5 3. Being found mentally incompetent by a court of competent
6 jurisdiction; or

7 4. Failing to attend three successive meetings of the member
8 commission without just cause, as determined by the Commission.

9 D. Vacancies shall be filled by the appointing authority.

10 E. No member of the Senate or House of Representatives may be
11 appointed to the Commission while serving as a member of the
12 Legislature.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 A. The Charter School Sponsoring Commission shall meet at the
17 call of the chair. The Commission shall meet no later than
18 September 1, 2011.

19 B. A quorum of the Commission shall be required in order for
20 any final action of the Commission. For purposes of this section a
21 quorum shall be four (4) members of the Commission.

22 C. The Commission shall act in accordance with the provisions
23 of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and
24 the Administrative Procedures Act.

1 D. Members of the Commission shall receive no compensation for
2 their service, but shall receive travel reimbursement as follows:

3 1. State employees who are members of the Commission shall be
4 reimbursed for travel expenses incurred in the performance of their
5 duties by their respective agencies in accordance with the State
6 Travel Reimbursement Act; and

7 2. All other Commission members shall be reimbursed by the
8 appointing authority for travel expenses incurred in the performance
9 of their duties in accordance with the State Travel Reimbursement
10 Act.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 A. Pursuant to and in compliance with Article I of the
15 Administrative Procedures Act, the Charter School Sponsoring
16 Commission shall have the power to formulate, adopt and promulgate
17 rules as may be necessary to implement the provisions of this act.

18 B. The State Department of Education shall provide staff to
19 support the Commission.

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

1 Passed the Senate the 16th day of March, 2011.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2011.

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8 _____
9 Presiding Officer of the House
10 of Representatives