

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
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1 school district and the school district has a school site listed on
2 the school improvement list as determined by the State Board of
3 Education pursuant to the Elementary and Secondary Education Act of
4 1965, as amended or reauthorized;

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

16 6. 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 a school site listed
19 on the school improvement list as determined by the State Board of
20 Education pursuant to the Elementary and Secondary Education Act of
21 1965, as amended or reauthorized. In addition, the institution
22 shall have a teacher education program accredited by the Oklahoma
23 Commission for Teacher Preparation and have a branch campus or

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

3 7. By a federally recognized Indian tribe, operating a high
4 school under the authority of the Bureau of Indian Affairs as of ~~the~~
5 ~~effective date of this act~~ November 1, 2010, if the charter school
6 is for the purpose of demonstrating native language immersion
7 instruction, and is located within its former reservation or treaty
8 area boundaries. For purposes of this paragraph, native language
9 immersion instruction shall require that educational instruction and
10 other activities conducted at the school site are primarily
11 conducted in the native language; ~~or~~

12 8. By the State Board of Education only when the applicant of
13 the charter school is the Office of Juvenile Affairs and the charter
14 school is for the purpose of providing education services to youth
15 in the custody or supervision of the Office of Juvenile Affairs.
16 Not more than one charter school shall be sponsored by the Board as
17 provided for in this paragraph during the period of time beginning
18 July 1, 2010, through July 1, 2016; or

19 9. By the Charter School Sponsoring Commission as created in
20 Section 3 of this act only when the charter school is for the
21 purpose of providing online courses to students statewide.

22 B. Any charter or enterprise school operating in the state
23 pursuant to an agreement with the board of education of a school

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

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

17 D. A charter school may consist of a new school site, new
18 school sites or all or any portion of an existing school site. An
19 online charter school sponsored by the Charter School Sponsoring
20 Commission may not have a school site location. An entire school
21 district may not become a charter school site.

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

4 A. There is hereby created the Charter School Sponsoring
5 Commission. The Commission shall have the authority to sponsor a
6 charter school which offers online courses to any student residing
7 in the state. The Commission shall be composed of seven (7) members
8 as follows:

9 1. The State Superintendent of Public Instruction who shall
10 serve as the chair;

11 2. Two members appointed by the Governor;

12 3. Two members appointed by the President Pro Tempore of the
13 Senate; and

14 4. Two members appointed by the Speaker of the House of
15 Representatives.

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

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

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

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

8 3. Being found mentally incompetent by a court of competent
9 jurisdiction; or

10 4. Failing to attend three successive meetings of the
11 Commission without just cause, as determined by the Commission.

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

13 E. No member of the Senate or House of Representatives may be
14 appointed to the Commission while serving as a member of the
15 Legislature.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Charter School Sponsoring Commission shall meet at the
20 call of the chair. The Commission shall meet no later than
21 September 1, 2011.

1 B. A quorum of the Commission shall be required in order for
2 any final action of the Commission. For purposes of this section a
3 quorum shall be four members of the Commission.

4 C. The Commission shall act in accordance with the provisions
5 of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and
6 the Administrative Procedures Act.

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

9 1. State employees who are members of the Commission shall be
10 reimbursed for travel expenses incurred in the performance of their
11 duties by their respective agencies in accordance with the State
12 Travel Reimbursement Act; and

13 2. All other Commission members shall be reimbursed by the
14 appointing authority for travel expenses incurred in the performance
15 of their duties in accordance with the State Travel Reimbursement
16 Act.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

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

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

1 B. The State Department of Education shall provide staff to
2 support the Commission.

3 SECTION 6. AMENDATORY 70 O.S. 2001, Section 3-134, as
4 last amended by Section 36 of Enrolled Senate Bill No. 553 of the
5 1st Session of the 53rd Oklahoma Legislature, is amended to read as
6 follows:

7 Section 3-134. A. For written applications filed after January
8 1, 2008, prior to submission of the application to a proposed
9 sponsor seeking to establish a charter school, the applicant shall
10 be required to complete training which shall not exceed ten (10)
11 hours provided by the State Department of Education on the process
12 and requirements for establishing a charter school. The Department
13 shall develop and implement the training by January 1, 2008. The
14 Department may provide the training in any format and manner that
15 the Department determines to be efficient and effective including,
16 but not limited to, web-based training.

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

- 21 1. A mission statement for the charter school;
- 22 2. A description of the organizational structure and the
23 governing body of the charter school;

- 1 3. A financial plan for the first three (3) years of operation
2 of the charter school and a description of the treasurer or other
3 officers or persons who shall have primary responsibility for the
4 finances of the charter school. Such person shall have demonstrated
5 experience in school finance or the equivalent thereof;
- 6 4. A description of the hiring policy of the charter school;
- 7 5. The name of the applicant or applicants and requested
8 sponsor;
- 9 6. A description of the facility and location of the charter
10 school or in the case of an online charter school sponsored by the
11 Charter School Sponsoring Commission a description of the equipment
12 and facilities used to provide access to the online courses;
- 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~~ Except for an online charter school sponsored by the
17 Charter School Sponsoring Commission, a demonstration of support for
18 the charter school from residents of the school district which may
19 include but is not limited to a survey of the school district
20 residents or a petition signed by residents of the school district;
21 and
- 22 10. Documentation that the applicants completed charter school
23 training as set forth in subsection A of this section.

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

7 D. The sponsor of a charter school is the board of education of
8 a school district, the board of education of a technology center
9 school district, a higher education institution, the State Board of
10 Education, ~~or~~ a federally recognized Indian tribe, or the Charter
11 School Sponsoring Commission which meets the criteria established in
12 Section 3-132 of this title. Any board of education of a school
13 district in the state may sponsor one or more charter schools. The
14 physical location of a charter school sponsored by a board of
15 education of a school district or a technology center school
16 district shall be within the boundaries of the sponsoring school
17 district. The physical location of a charter school sponsored by
18 the State Board of Education shall be located where an Office of
19 Juvenile Affairs facility for youth is located. An online charter
20 school sponsored by the Charter School Sponsoring Commission may not
21 have a physical location in the state, but the applicant shall have
22 a physical location or presence in the state.

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

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

18 G. If a proposed sponsor rejects the revised application for a
19 charter school, the applicant may proceed to mediation or binding
20 arbitration or both mediation and binding arbitration as provided in
21 the Dispute Resolution Act and the rules promulgated pursuant
22 thereto. The applicant shall contact the early settlement program
23 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, or the Charter
8 School Sponsoring Commission accepts sponsorship of a charter
9 school, the administrative, fiscal and oversight responsibilities of
10 the technology center school district, the higher education
11 institution, ~~or~~ the federally recognized Indian tribe, or the
12 Charter School Sponsoring Commission shall be listed in the
13 contract. No responsibilities shall be delegated to a school
14 district unless the local school district agrees to assume the
15 responsibilities.

16 SECTION 7. AMENDATORY 70 O.S. 2001, Section 3-136, as
17 amended by Section 1, Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2010,
18 Section 3-136), is amended to read as follows:

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

21 1. A charter school shall comply with all federal regulations
22 and state and local rules and statutes relating to health, safety,
23 civil rights and insurance. By January 1, 2000, the State

1 Department of Education shall prepare a list of relevant rules and
2 statutes which a charter school must comply with as required by this
3 paragraph and shall annually provide an update to the list;

4 2. A charter school shall be nonsectarian in its programs,
5 admission policies, employment practices, and all other operations.

6 A sponsor may not authorize a charter school or program that is
7 affiliated with a nonpublic sectarian school or religious
8 institution;

9 3. The charter school may provide a comprehensive program of
10 instruction for a prekindergarten program, a kindergarten program or
11 any grade between grades one and twelve. Instruction may be
12 provided to all persons between the ages of four (4) and twenty-one
13 (21) years. A charter school may offer a curriculum which
14 emphasizes a specific learning philosophy or style or certain
15 subject areas such as mathematics, science, fine arts, performance
16 arts, or foreign language. The charter of a charter school which
17 offers grades nine through twelve shall specifically address whether
18 the charter school will comply with the graduation requirements
19 established in Section 11-103.6 of this title. No charter school
20 shall be chartered for the purpose of offering a curriculum for deaf
21 or blind students that is the same or similar to the curriculum
22 being provided by or for educating deaf or blind students that are
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1 being served by the Oklahoma School for the Blind or the Oklahoma
2 School for the Deaf;

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

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

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

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

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

4 9. A charter school shall not be used as a method of generating
5 revenue for students who are being home schooled and are not being
6 educated at an organized charter school site;

7 10. A charter school may not charge tuition or fees unless a
8 school district is authorized to charge such tuition or fees;

9 11. A charter school shall provide instruction each year for at
10 least the number of days required in Section 1-109 of this title;

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

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

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

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

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

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1 17. The governing body of a charter school shall be subject to
2 the same conflict of interest requirements as a member of a local
3 school board; and

4 18. A charter school shall be considered a governmental unit
5 for purposes of tax-exempt financing.

6 B. The charter of a charter school shall include a description
7 of the personnel policies, personnel qualifications, and method of
8 school governance, and the specific role and duties of the sponsor
9 of the charter school.

10 C. The charter of a charter school may be amended at the
11 request of the governing body of the charter school and upon the
12 approval of the sponsor.

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

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

17 F. A charter school may issue bonds or participate in bonds
18 issued on its behalf under the prevailing Internal Revenue Service
19 code.

20 G. The charter of a charter school shall include a provision
21 specifying the method or methods to be employed for disposing of
22 real and personal property acquired by the charter school upon
23 expiration or termination of the charter or failure of the charter

1 school to continue operations. Except as otherwise provided, any
2 real or personal property, which is not pledged in a bond issue,
3 purchased with state or local funds shall be retained by the
4 sponsoring school district. If a charter school that was previously
5 sponsored by the board of education of a school district continues
6 operation within the school district under a new charter sponsored
7 by an entity authorized pursuant to Section 3-132 of this title, the
8 charter school may retain any personal property purchased with state
9 or local funds for use in the operation of the charter school until
10 termination of the new charter or failure of the charter school to
11 continue operations.

12 SECTION 8. AMENDATORY 70 O.S. 2001, Section 3-142, as
13 last amended by Section 39 of Enrolled Senate Bill No. 553 of the
14 1st Session of the 53rd Oklahoma Legislature, is amended to read as
15 follows:

16 Section 3-142. A. For purposes of funding, a charter school
17 sponsored by a board of education of a school district shall be
18 considered a site within the school district in which the charter
19 school is located. The student membership of the charter school
20 shall be considered separate from the student membership of the
21 district in which the charter school is located for the purpose of
22 calculating weighted average daily membership pursuant to Section
23 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of

1 this title. For charter schools sponsored by a board of education
2 of a school district, the sum of the separate calculations for the
3 charter school and the school district shall be used to determine
4 the total State Aid allocation for the district in which the charter
5 school is located. A charter school shall receive from the
6 sponsoring school district, the State Aid allocation and any other
7 state-appropriated revenue generated by its students for the
8 applicable year, less up to five percent (5%) of the State Aid
9 allocation, which may be retained by the school district as a fee
10 for administrative services rendered. For charter schools sponsored
11 by the board of education of a technology center school district, a
12 higher education institution, the State Board of Education, ~~or~~ a
13 federally recognized Indian tribe or the Charter School Sponsoring
14 Commission, the State Aid allocation for the charter school shall be
15 distributed by the State Board of Education and not more than five
16 percent (5%) of the State Aid allocation may be charged by the
17 sponsor as a fee for administrative services rendered. The State
18 Board of Education shall determine the policy and procedure for
19 making payments to a charter school. The fee for administrative
20 services as authorized in this subsection shall only be assessed on
21 the State Aid allocation amount and shall not be assessed on any
22 other appropriated amounts.

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1 B. The weighted average daily membership for the first year of
2 operation of a charter school shall be determined initially by
3 multiplying the actual enrollment of students as of August 1 by
4 1.333. The charter school shall receive revenue equal to that which
5 would be generated by the estimated weighted average daily
6 membership calculated pursuant to this subsection. At midyear, the
7 allocation for the charter school shall be adjusted using the first
8 quarter weighted average daily membership for the charter school
9 calculated pursuant to subsection A of this section.

10 C. A charter school shall be eligible to receive any other aid,
11 grants or revenues allowed to other schools. A charter school
12 sponsored by the board of education of a technology center school
13 district, a higher education institution, the State Board of
14 Education, ~~or~~ a federally recognized Indian tribe, or the Charter
15 School Sponsoring Commission shall be considered a local education
16 agency for purposes of funding. A charter school sponsored by a
17 board of education of a school district shall be considered a local
18 education agency for purposes of federal funding.

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

23 SECTION 9. This act shall become effective July 1, 2011.

1 SECTION 10. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
7 04-14-2011 - DO PASS, As Amended.

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