

1 STATE OF OKLAHOMA

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

3 SENATE BILL 159

By: Holt

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6 AS INTRODUCED

7 An Act relating to charter schools; amending 70 O.S.
8 2001, Sections 3-132, as last amended by Section 1,
Chapter 290, O.S.L. 2010, 3-134, as last amended by
9 Section 2, Chapter 290, O.S.L. 2010, and 3-142, as
10 last amended by Section 4, Chapter 290, O.S.L. 2010
(70 O.S. Supp. 2010, Sections 3-132, 3-134 and 3-
11 142), which relate to the Oklahoma Charter Schools
Act; adding criteria for sponsorship of charter
12 schools; modifying definition of charter school;
providing an effective date; and declaring an
emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as
17 last amended by Section 1, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
18 2010, Section 3-132), is amended to read as follows:

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

22 1. By a school district with an average daily membership of
23 five thousand (5,000) or more and which all or part of the school
24 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 school district which has a school site listed on the
4 school improvement list as determined by the State Board of
5 Education pursuant to the Elementary and Secondary Education Act of
6 1965, as amended or reauthorized;

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

14 4. By a technology center school district if the charter school
15 is located in a school district served by the technology center
16 school district and the school district has a school site listed on
17 the school improvement list as determined by the State Board of
18 Education pursuant to the Elementary and Secondary Education Act of
19 1965, as amended or reauthorized;

20 5. By a comprehensive or regional institution that is a member
21 of The Oklahoma State System of Higher Education if the charter
22 school is located in a school district that has an average daily
23 membership of five thousand (5,000) or more and which all or part of
24 the school district is located in a county having more than five

1 hundred thousand (500,000) population according to the latest
2 Federal Decennial Census. In addition, the institution shall have a
3 teacher education program accredited by the Oklahoma Commission for
4 Teacher Preparation and have a branch campus or constituent agency
5 physically located within the school district in which the charter
6 school is located;

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

17 7. By a federally recognized Indian tribe, operating a high
18 school under the authority of the Bureau of Indian Affairs as of ~~the~~
19 ~~effective date of this act~~ May 28, 2010, if the charter school is
20 for the purpose of demonstrating native language immersion
21 instruction, and is located within its former reservation or treaty
22 area boundaries. For purposes of this paragraph, native language
23 immersion instruction shall require that educational instruction and
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1 other activities conducted at the school site are primarily
2 conducted in the native language; or

3 8. By the governing body of a city having more than three
4 hundred thousand (300,000) population according to the latest
5 Federal Decennial Census only when the charter school is located in
6 a school district that has an average daily membership of five
7 thousand (5,000) or more and which all or part of the school
8 district is located within the boundaries of that city.

9 B. Any charter or enterprise school operating in the state
10 pursuant to an agreement with the board of education of a school
11 district on July 1, 1999, may continue to operate pursuant to that
12 agreement or may contract with the board of education of the school
13 district pursuant to the Oklahoma Charter Schools Act. Nothing in
14 the Oklahoma Charter Schools Act shall prohibit a school district
15 from applying for exemptions from certain education-related
16 statutory requirements as provided for in the Educational
17 Deregulation Act.

18 C. For purposes of the Oklahoma Charter Schools Act, "charter
19 school" means a public school established by contract with a board
20 of education of a school district, an area vocational-technical
21 school district, a higher education institution, ~~or~~ a federally
22 recognized Indian tribe, or a governing body of a city pursuant to
23 the Oklahoma Charter Schools Act to provide learning that will
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1 improve student achievement and as defined in the Elementary and
2 Secondary Education Act of 1965, 20 U.S.C. 8065.

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

6 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-134, as
7 last amended by Section 2, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
8 2010, Section 3-134), is amended to read as follows:

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

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

23 1. A mission statement for the charter school;

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

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

4 D. The sponsor of a charter school is the board of education of
5 a school district, the board of education of a technology center
6 school district, a higher education institution, ~~or~~ a federally
7 recognized Indian tribe, or a governing body of a city which meets
8 the criteria established in Section 3-132 of this title. Any board
9 of education of a school district in the state may sponsor one or
10 more charter schools. The physical location of a charter school
11 sponsored by a board of education of a school district or a
12 technology center school district shall be within the boundaries of
13 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.

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

15 H. If a board of education of a technology center school
16 district, a higher education institution, ~~or~~ a federally recognized
17 Indian tribe, or the governing body of a city accepts sponsorship of
18 a charter school, the administrative, fiscal and oversight
19 responsibilities of the technology center school district, the
20 higher education institution, ~~or~~ the federally recognized Indian
21 tribe, or the governing body of a city shall be listed in the
22 contract. No responsibilities shall be delegated to a school
23 district unless the local school district agrees to assume the
24 responsibilities.

1 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3-142, as
2 last amended by Section 4, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
3 2010, Section 3-142), is amended to read as follows:

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

1 the charter school shall be distributed by the State Board of
2 Education and not more than five percent (5%) of the total State Aid
3 allocation may be charged by the sponsor as a fee for administrative
4 services rendered. The State Board of Education shall determine the
5 policy and procedure for making payments to a charter school. The
6 fee for administrative services as authorized in this subsection
7 shall only be assessed on the State Aid allocation amount and shall
8 not be assessed on any other appropriated amounts.

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

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

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

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

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

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