

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1816

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to charter schools; amending 70 O.S.
8 2011, Section 3-132, which relates to sponsoring
9 charter schools; modifying who may sponsor a charter
10 school; creating the Charter School Sponsoring
11 Commission; providing for appointment of members;
12 providing duration of membership; providing for
13 removal of members; prohibiting certain persons from
14 being appointed to the Commission; empowering the
15 chair to call meetings; providing for a quorum;
16 requiring Commission to comply with certain laws;
17 providing reimbursement for travel; requiring
18 Commission to authorize providers of full-time
19 virtual education; directing Commission to provide
20 oversight and submit certain report; allowing the
21 commissioner to retain certain funds; granting power
22 to promulgate rules; providing for staff; providing
23 for codification; providing an effective date; and
24 declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, is
amended to read as follows:

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

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

6 2. By a school district which has a school site listed on the
7 school improvement list as determined by the State Board of
8 Education pursuant to the Elementary and Secondary Education Act of
9 1965, as amended or reauthorized;

10 3. 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 an average daily
13 membership of five thousand (5,000) or more and which all or part of
14 the school district is located in a county having more than five
15 hundred thousand (500,000) population according to the latest
16 Federal Decennial Census;

17 4. By a technology center school district if the charter school
18 is located in a school district served by the technology center
19 school district and the school district has a school site listed on
20 the school improvement list as determined by the State Board of
21 Education pursuant to the Elementary and Secondary Education Act of
22 1965, as amended or reauthorized;

23 5. By a comprehensive or regional institution that is a member
24 of The Oklahoma State System of Higher Education if the charter

1 school is located in a school district that has an average daily
2 membership of five thousand (5,000) or more and which all or part of
3 the school district is located in a county having more than five
4 hundred thousand (500,000) population according to the latest
5 Federal Decennial Census. In addition, the institution shall have a
6 teacher education program accredited by the Oklahoma Commission for
7 Teacher Preparation and have a branch campus or constituent agency
8 physically located within the school district in which the charter
9 school is located;

10 6. By a comprehensive or regional institution that is a member
11 of the Oklahoma State System of Higher Education if the charter
12 school is located in a school district that has a school site listed
13 on 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. In addition, the institution
16 shall have a teacher education program accredited by the Oklahoma
17 Commission for Teacher Preparation and have a branch campus or
18 constituent agency physically located within the school district in
19 which the charter school is located;

20 7. By a federally recognized Indian tribe, operating a high
21 school under the authority of the Bureau of Indian Affairs as of ~~the~~
22 ~~effective date of this act~~ November 1, 2010, if the charter school
23 is for the purpose of demonstrating native language immersion
24 instruction, and is located within its former reservation or treaty

1 area boundaries. For purposes of this paragraph, native language
2 immersion instruction shall require that educational instruction and
3 other activities conducted at the school site are primarily
4 conducted in the native language; or

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

14 9. By the Charter School Sponsoring Commission as created in
15 Section 2 of this act.

16 B. Any charter or enterprise school operating in the state
17 pursuant to an agreement with the board of education of a school
18 district on July 1, 1999, may continue to operate pursuant to that
19 agreement or may contract with the board of education of the school
20 district pursuant to the Oklahoma Charter Schools Act. Nothing in
21 the Oklahoma Charter Schools Act shall prohibit a school district
22 from applying for exemptions from certain education-related
23 statutory requirements as provided for in the Educational
24 Deregulation Act.

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

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

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

16 A. There is hereby created the Charter School Sponsoring
17 Commission. The Commission shall have the authority to sponsor a
18 full-time statewide virtual charter school. The Commission shall be
19 composed of seven (7) members as follows:

20 1. The State Superintendent of Public Instruction who shall
21 serve as the chair;

22 2. Two (2) members appointed by the Governor;

23 3. Two (2) members appointed by the President Pro Tempore of
24 the Senate; and

1 4. Two (2) members appointed by the Speaker of the House of
2 Representatives.

3 B. Appointments shall be made by August 1, 2012. The President
4 Pro Tempore of the Senate and the Speaker of the House of
5 Representatives shall each appoint one member for one (1) year and
6 one member for three (3) years. The Governor shall appoint two
7 members for two (2) years. Members shall serve until their
8 successors are duly appointed for a term of three (3) years.
9 Appointments shall be made by and take effect on November 1 of the
10 year in which the appointment is made.

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

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

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

18 3. Being found mentally incompetent by a court of competent
19 jurisdiction; or

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

22 D. Vacancies shall be filled by the appointing authority.
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1 E. No member of the Senate or House of Representatives may be
2 appointed to the Commission while serving as a member of the
3 Legislature.

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

7 A. The Charter School Sponsoring Commission shall meet at the
8 call of the chair. The Commission shall meet no later than
9 September 1, 2012.

10 B. A quorum of the Commission shall be required in order for
11 any final action of the Commission. For purposes of this section a
12 quorum shall be four members of the Commission.

13 C. The Commission shall act in accordance with the provisions
14 of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and
15 the Administrative Procedures Act.

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

18 1. State employees who are members of the Commission shall be
19 reimbursed for travel expenses incurred in the performance of their
20 duties by their respective agencies in accordance with the State
21 Travel Reimbursement Act; and

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

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

6 A. Subject to limitations provided by the State Board of
7 Education, the Charter School Sponsoring Commission shall:

8 1. Authorize providers of full-time statewide virtual
9 education;

10 2. Provide oversight of approved provider operations; and

11 3. Submit annually, by November 1 of each year, to the
12 Governor, President Pro Tempore of the Senate, and Speaker of the
13 House of Representatives a report on each approved provider with
14 detailed data on the performance of students enrolled with approved
15 providers. The report shall be posted on the State Department of
16 Education Website.

17 B. All providers approved by the Commission shall be considered
18 a single Local Educational Agency.

19 C. A provider of full-time statewide virtual education
20 instruction shall receive the state aid allocation and any other
21 state-appropriated revenue generated by students enrolled with the
22 provider for the applicable year, less up to five percent (5%) of
23 the state aid allocation, which may be retained by the Commission
24 for administrative expenses.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-132.4 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

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

8 B. The State Department of Education shall provide staff to
9 support the Commission.

10 SECTION 6. This act shall become effective July 1, 2012.

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

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