

1 STATE OF OKLAHOMA

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

3 SENATE BILL 288

By: Holt

4
5 AS INTRODUCED

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7 An Act relating to charter schools; amending 70 O.S.
8 2001, Section 3-132, as last amended by Section 1,
9 Chapter 290, O.S.L. 2010 (70 O.S. Supp. 2010, Section
10 3-132), Section 3-134, as last amended by Section 2,
11 Chapter 290, O.S.L. 2010 (70 O.S. Supp. 2010, Section
12 3-134), and Section 3-136, as amended by Section 1,
13 Chapter 439, O.S.L. 2008 (70 O.S. Supp. 2010, Section
14 3-136), which relate to establishment of charter
15 schools; adding online schools as sites for charter
16 schools; modifying criteria for charter school
17 application; deeming online charter schools to be
18 within the boundaries of the sponsoring school;
19 modifying the requirements with which a charter
20 school's charter must comply; providing an effective
21 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 1, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
2010, 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. By a school district with an average daily membership of
five thousand (5,000) or more and which all or part of the school

1 district is located in a county having more than five hundred
2 thousand (500,000) population according to the latest Federal
3 Decennial Census;

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

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

15 4. 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 a school site listed on
18 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;

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

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

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

18 7. By a federally recognized Indian tribe, operating a high
19 school under the authority of the Bureau of Indian Affairs as of the
20 effective date of this act, if the charter school is for the purpose
21 of demonstrating native language immersion instruction, and is
22 located within its former reservation or treaty area boundaries.
23 For purposes of this paragraph, native language immersion
24 instruction shall require that educational instruction and other

1 activities conducted at the school site are primarily conducted in
2 the native language.

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

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

20 D. A charter school may consist of a new school site, new
21 school sites or all or any portion of an existing school site, or
22 may be offered online or through a combination of online and
23 classroom instruction. An entire school district may not become a
24 charter school site.

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

4 Section 3-134. A. For written applications filed after January
5 1, 2008, prior to submission of the application to a proposed
6 sponsor seeking to establish a charter school, the applicant shall
7 be required to complete training which shall not exceed ten (10)
8 hours provided by the State Department of Education on the process
9 and requirements for establishing a charter school. The Department
10 shall develop and implement the training by January 1, 2008. The
11 Department may provide the training in any format and manner that
12 the Department determines to be efficient and effective including,
13 but not limited to, web-based training.

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

- 18 1. A mission statement for the charter school;
- 19 2. A description of the organizational structure and the
20 governing body of the charter school;
- 21 3. A financial plan for the first three (3) years of operation
22 of the charter school and a description of the treasurer or other
23 officers or persons who shall have primary responsibility for the
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1 finances of the charter school. Such person shall have demonstrated
2 experience in school finance or the equivalent thereof;

3 4. A description of the hiring policy of the charter school;

4 5. The name of the applicant or applicants and requested
5 sponsor;

6 6. A description of the facility and location of the charter
7 school, or for an online charter school, a description of the
8 technological platform for the charter school and the description
9 and location of any facilities utilized in the educational plan;

10 7. A description of the grades being served;

11 8. An outline of criteria designed to measure the effectiveness
12 of the charter school;

13 9. A demonstration of support for the charter school from
14 residents of the school district which may include but is not
15 limited to a survey of the school district residents or a petition
16 signed by residents of the school district; and

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

19 C. A board of education of a public school district, public
20 body, public or private college or university, private person, or
21 private organization may contract with a sponsor to establish a
22 charter school. A private school shall not be eligible to contract
23 for a charter school under the provisions of the Oklahoma Charter
24 Schools Act.

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

12 E. An applicant for a charter school may submit an application
13 to a proposed sponsor which shall either accept or reject
14 sponsorship of the charter school within ninety (90) days of receipt
15 of the application. If the proposed sponsor rejects the
16 application, it shall notify the applicant in writing of the reasons
17 for the rejection. The applicant may submit a revised application
18 for reconsideration to the proposed sponsor within thirty (30) days
19 after receiving notification of the rejection. The proposed sponsor
20 shall accept or reject the revised application within thirty (30)
21 days of its receipt.

22 F. A sponsor of a charter school shall notify the State Board
23 of Education when it accepts sponsorship of a charter school. The
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1 notification shall include a copy of the charter of the charter
2 school.

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

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

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

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

3 1. A charter school shall comply with all federal regulations
4 and state and local rules and statutes relating to health, safety,
5 civil rights and insurance. By January 1, 2000, the State
6 Department of Education shall prepare a list of relevant rules and
7 statutes which a charter school must comply with as required by this
8 paragraph and shall annually provide an update to the list;

9 2. A charter school shall be nonsectarian in its programs,
10 admission policies, employment practices, and all other operations.
11 A sponsor may not authorize a charter school or program that is
12 affiliated with a nonpublic sectarian school or religious
13 institution;

14 3. The charter school may provide a comprehensive program of
15 instruction for a prekindergarten program, a kindergarten program or
16 any grade between grades one and twelve. Instruction may be
17 provided to all persons between the ages of four (4) and twenty-one
18 (21) years. A charter school may offer a curriculum which
19 emphasizes a specific learning philosophy or style or certain
20 subject areas such as mathematics, science, fine arts, performance
21 arts, or foreign language. The charter of a charter school which
22 offers grades nine through twelve shall specifically address whether
23 the charter school will comply with the graduation requirements
24 established in Section 11-103.6 of this title. No charter school

1 shall be chartered for the purpose of offering a curriculum for deaf
2 or blind students that is the same or similar to the curriculum
3 being provided by or for educating deaf or blind students that are
4 being served by the Oklahoma School for the Blind or the Oklahoma
5 School for the Deaf;

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

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

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

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

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 or participating in a
7 properly established online charter school;

8 10. A charter school may not charge 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.

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

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

11 D. A charter school may enter into contracts and sue and be
12 sued.

13 E. The governing body of a charter school may not levy taxes or
14 issue bonds.

15 F. The charter of a charter school shall include a provision
16 specifying the method or methods to be employed for disposing of
17 real and personal property acquired by the charter school upon
18 expiration or termination of the charter or failure of the charter
19 school to continue operations. Except as otherwise provided, any
20 real or personal property purchased with state or local funds shall
21 be retained by the sponsoring school district. If a charter school
22 that was previously sponsored by the board of education of a school
23 district continues operation within the school district under a new
24 charter sponsored by an entity authorized pursuant to Section 3-132

1 of this title, the charter school may retain any personal property
2 purchased with state or local funds for use in the operation of the
3 charter school until termination of the new charter or failure of
4 the charter school to continue operations.

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

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

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