

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 1001

By: Holt and Shumate

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 3-132, as amended by Section 1, Chapter 367,  
9 O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-132),  
10 which relates to the Oklahoma Charter Schools Act;  
11 authorizing certain school districts to sponsor  
12 charter schools; creating the Parent Empowerment Act;  
13 providing short title; providing purpose; providing  
14 definitions; creating guidelines for circulation of  
15 petition to transition to a charter school; creating  
16 guidelines for circulation of petition to terminate  
17 administrators; establishing petition requirements;  
18 establishing signature requirements; providing for  
19 consideration of petition by a school district board  
20 of education; prohibiting certain revocation;  
21 providing for finding of signature validity;  
22 providing for certain waivers and extensions;  
23 providing for appeal of school district board of  
24 education decisions; allowing a school district to  
implement petition provisions voluntarily; providing  
for a fine if a school district fails to comply with  
certain requirements; providing for promulgation of  
rules; providing for codification; and providing an  
effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as  
amended by Section 1, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,  
Section 3-132), is amended to read as follows:

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

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

9 2. By a school district which has a school site listed on the  
10 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;

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

20 4. By a technology center school district if the charter school  
21 is located in a school district served by the technology center  
22 school district and the school district has a school site listed on  
23 the 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 5. 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 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. In addition, the institution shall have a  
10 teacher education program accredited by the Oklahoma Commission for  
11 Teacher Preparation and have a branch campus or constituent agency  
12 physically located within the school district in which the charter  
13 school is located;

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

24

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

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

19           9. By the State Board of Education when the applicant of the  
20 charter school is the Statewide Virtual Charter School Board created  
21 in Section 3 of this act and the charter school is for the purpose  
22 of establishing a full-time statewide virtual charter school; or

23           10. By a school district that has received a sufficient  
24 petition, as defined in the Parent Empowerment Act, requesting

1 transition to a charter school under the provisions of the Parent  
2 Empowerment Act. A charter school sponsored pursuant to these  
3 provisions is subject to the attendance, boundary, capital funding,  
4 transportation and other provisions of the Parent Empowerment Act.

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3-146 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 Sections 3 through 6 of this act shall be known and may be cited  
5 as the "Parent Empowerment Act".

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 3-146.1 of Title 70, unless  
8 there is created a duplication in numbering, reads as follows:

9 The purpose of the Parent Empowerment Act is to empower parents  
10 in an underperforming school to make changes that will improve  
11 student learning.

12 SECTION 4. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 3-146.2 of Title 70, unless  
14 there is created a duplication in numbering, reads as follows:

15 As used in the Parent Empowerment Act:

16 1. "Charter school" means a school site that maintains an  
17 attendance boundary where students in the same geographic area  
18 previously served by the school site before its transition to a  
19 charter school may still attend the school site, serves the same  
20 grade levels as were served at the school site before its transition  
21 to a charter school, and receives capital funds and transportation  
22 service from its sponsoring school district as it did before its  
23 transition to a charter school, but is otherwise subject to the  
24

1 provisions of the Oklahoma Charter Schools Act, unless otherwise  
2 provided for in this act;

3 2. "Qualifying school" means:

4 a. a school site that has received a "D" or an "F" under  
5 the grading system pursuant to Section 1210.545 of  
6 Title 70 of the Oklahoma Statutes for each of the most  
7 recent two grading years previous to the date on which  
8 a petition is submitted, or

9 b. a school site that has received a "D" or an "F" under  
10 the grading system pursuant to Section 1210.545 of  
11 Title 70 of the Oklahoma Statutes for two of the three  
12 most recent grading years previous to the date on  
13 which a petition is submitted, provided that the most  
14 recent grade was a "D" or an "F"; and

15 3. "Sufficient petition" means a petition that represents the  
16 minimum number of students, as represented by their parents or legal  
17 guardians, as required by this act.

18 SECTION 5. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3-146.3 of Title 70, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. At any time in a qualifying school, a petition may be  
22 circulated seeking to transition the school to a charter school, as  
23 defined in this act. The petition may be circulated and signed by  
24 parents and legal guardians age eighteen (18) and older of students

1 who are enrolled in the school on the date the petition is  
2 submitted.

3 B. All school sites that meet the requirements of becoming a  
4 qualifying school, as defined in this act, shall have the option to  
5 petition for transition to a charter school, as defined in this act,  
6 except for alternative schools or a school site that is already a  
7 charter school.

8 C. A petition circulated by parents and legal guardians  
9 pursuant to paragraph 1 of subsection A of this section shall:

10 1. Be signed only by parents or legal guardians age eighteen  
11 (18) and older of students enrolled on the date that the petition is  
12 submitted; and

13 2. Include the following statement printed in legible, English  
14 text at the top of each page of the petition, with the full name of  
15 the school inserted:

16 "By signing this petition, I am asking that the school district  
17 board of education with oversight of \_\_\_\_\_ grant a charter  
18 to this school. I understand that if granted, the school board will  
19 then ask for proposals to operate the new charter school. I  
20 understand that the students currently living in the attendance  
21 boundary of the school will still be allowed to attend. I am the  
22 parent or legal guardian of the student or students on whose behalf  
23 I am signing. I understand that if I wish to know more about this  
24

1 process, I can consult the Oklahoma Parent Empowerment Act in  
2 Oklahoma Statutes, Title 70, Section 3-146."

3 A signature by a parent or legal guardian age eighteen (18) or  
4 older of a student constitutes endorsement of the statement printed  
5 at the top of the petition. A parent or legal guardian shall not  
6 revoke a signature once the petition has been submitted to the  
7 superintendent.

8 For each signature on the petition, the petition shall include a  
9 signature, a printed name, a physical address and the name of the  
10 student or students on whose behalf the parent or legal guardian is  
11 signing. A valid signature must have the ability to be verified as  
12 having been made by a parent or legal guardian of a student or  
13 students of the school site on the date that the petition is  
14 submitted.

15 No signature shall be considered valid if the student  
16 represented by the parent or legal guardian was not an enrolled  
17 student at the school site on the date that the petition was  
18 submitted.

19 Any signature from a student's parent or legal guardian age  
20 eighteen (18) or older is a qualifying signature and may not be  
21 invalidated by the objection of another parent or legal guardian of  
22 the same student. Multiple signatures from multiple parents or  
23 legal guardians of the same student shall count once for each  
24 student. Single signatures from a parent or legal guardian of

1 multiple students in the same school shall count as a signature on  
2 behalf of each student of the parent or legal guardian enrolled at  
3 the school site.

4 D. A petition must be submitted to the office of the  
5 superintendent of the school district. The superintendent shall  
6 present the petition to the school district board of education in a  
7 public meeting. The board must render a final decision as to the  
8 sufficiency of a petition in a public meeting within sixty (60)  
9 calendar days from the submission of the petition to the  
10 superintendent. Any school board meeting in which the petition is  
11 considered shall be posted, and any related consideration and  
12 discussion must take place pursuant to the provisions of the  
13 Oklahoma Open Meeting Act.

14 E. No petition may be revoked once submitted to the  
15 superintendent.

16 F. For purposes of determining the number of valid signatures  
17 required to implement the provisions of this act, the total number  
18 of students considered to be enrolled at the school site shall be  
19 the same as the student population on the date that the petition was  
20 submitted to the superintendent.

21 G. Separate petitions submitted in the same time period by  
22 multiple parties before sufficiency has been determined for any  
23 petition shall not be combined by the school district board of  
24 education. If no single submitted petition has sufficient

1 signatures on its own, all petitions shall fail. If multiple  
2 petitions submitted in the same time period each have sufficient  
3 signatures, the school district board of education shall follow the  
4 guidance of the petition that has the most signatures. If multiple  
5 sufficient petitions in the same time period have an identical  
6 number of signatures, the school board shall follow the guidance of  
7 the petition that was received first.

8 H. Individual signatures on a petition may be challenged by any  
9 party when the school district board of education considers the  
10 petition in a public meeting. Signatures not challenged are  
11 presumed valid. Signatures shall not be invalidated on  
12 technicalities where the intent of the signer was clear. Individual  
13 signatures may be challenged on the following grounds only:

14 1. The signer was not the parent or legal guardian age eighteen  
15 (18) or older of an enrolled student on the date that the petition  
16 was submitted;

17 2. The student represented by the parent or legal guardian was  
18 not enrolled at the school site on the date that the petition was  
19 submitted;

20 3. The signature is fraudulent; or

21 4. The signature lacks sufficient information to be validated.

22 I. The number of students that must be represented by  
23 signatures of parents or legal guardians age eighteen (18) and older  
24 on the petition to implement the provisions of this act are:

1        1. If the total number of students enrolled at the school site  
2 on the date that the petition is submitted is an even number, the  
3 number of students required to be represented on the petition shall  
4 be the total number of students divided by two (2), plus one (1); or

5        2. If the total number of students enrolled at the school site  
6 on the date that the petition is submitted is an odd number, the  
7 number of students required to be represented on the petition is the  
8 total number of students divided by two (2), plus one-half (1/2).

9        J. A petition shall only be deemed insufficient on the grounds  
10 that there was an inadequate number of valid signatures or the  
11 petition was not properly labeled in a material way, as required in  
12 subsection C of this section. If a petition has an adequate number  
13 of valid signatures and otherwise meets the requirements of this  
14 act, the school board shall deem it sufficient and begin  
15 implementation, as provided for in this act.

16        K. If a petition requesting a transition to a charter school is  
17 deemed sufficient, the school district board of education shall  
18 publicly issue a request for proposals to operate the school site as  
19 a charter school within thirty (30) calendar days following the  
20 finding of a sufficient petition. The deadline for submitting a  
21 proposal shall be no longer than sixty (60) calendar days from the  
22 date the request is issued. A selection committee appointed by the  
23 school board shall consider the proposals and make a recommendation  
24 to the school board. The selection committee shall be composed of

1 the school board member who represents the school site on the school  
2 board and two parents or legal guardians who signed the petition  
3 prior to its submission. The two parents or legal guardians shall  
4 be recommended for the committee by the school board member who  
5 represents the school site. The school board shall select a charter  
6 school operator from the applicants in a public meeting within  
7 forty-five (45) calendar days of the deadline for proposals. The  
8 school district board of education shall grant a charter and agree  
9 to a contract with the operator within thirty (30) calendar days of  
10 the selection. The school site shall reopen as a charter school, as  
11 defined in this act, the next academic year following the conclusion  
12 of the implementation process provided for in this act. If no  
13 operators submit proposals, then the school board may abandon the  
14 process. If any operators submit applications, the board shall  
15 grant a charter to one of the applicants, unless no proposal meets  
16 minimum charter school industry standards and the requirements for  
17 applications as set forth in the Oklahoma Charter Schools Act.  
18 Specifically, the school board and the applicants shall follow the  
19 charter school requirements set forth in Sections 3-134, 3-135, 3-  
20 136, 3-137, 3-138, 3-139, 3-140 and 3-142 of Title 70 of the  
21 Oklahoma Statutes. However, for purposes of the Parent Empowerment  
22 Act, deadlines and procedures in this act shall supersede the  
23 deadlines and procedures set forth in subsections E and G of Section  
24 3-134 of Title 70 of the Oklahoma Statutes. For purposes of

1 paragraph 7 of subsection B of Section 3-134 of Title 70 of the  
2 Oklahoma Statutes, the grades served by a charter school created  
3 under the provisions of this act shall be the same as were served at  
4 the school site before its transition to a charter school. The  
5 petition provided for in this act shall satisfy the requirements of  
6 paragraph 9 of subsection B of Section 3-134 of Title 70 of the  
7 Oklahoma Statutes. In addition to the provisions of Section 3-140  
8 of Title 70 of the Oklahoma Statutes, a charter school created under  
9 the provisions of this act shall give first priority for admission  
10 to the students in the same geographic area previously served by the  
11 school site before its transition to a charter school. The school  
12 district shall contract with the charter school to provide capital  
13 funds and transportation services to the school site as the district  
14 did prior to the school site's transition to a charter school. A  
15 determination by a school district board of education that none of  
16 the applicants have met minimum charter school industry standards  
17 and the requirements for applications as set forth in the Oklahoma  
18 Charter Schools Act may be appealed to the State Board of Education.  
19 If a party or parties wish to appeal such a determination by a  
20 school district board of education, the party or parties may submit  
21 a written appeal for a de novo review within ten (10) business days  
22 to the State Board of Education. The State Board of Education shall  
23 consider the appeal in a public meeting within thirty (30) calendar  
24 days of receipt. If the State Board of Education reverses the

1 ruling of the local school board and determines that one or more  
2 applicants do meet minimum charter school industry standards and the  
3 requirements for applications as set forth in the Oklahoma Charter  
4 Schools Act, that ruling shall be binding on the local school board,  
5 which shall then proceed with implementation of the action requested  
6 in the petition. The local school board may add days to any  
7 deadline provided for in this section equal to the number of  
8 calendar days that passed between the determination of the local  
9 school board and the ruling of the State Board of Education. The  
10 State Board of Education may grant extensions to any deadline in  
11 this subsection for good cause upon written request by the school  
12 board. A selected charter school operator may apply to the State  
13 Board of Education for extensions to the deadlines in this  
14 subsection for signing of a contract and commencement of operations  
15 as a charter school, and the State Board of Education may grant such  
16 extensions for good cause.

17 L. If a party or parties wish to appeal a denial of a petition  
18 by a school district board of education, the party or parties may  
19 submit a written appeal for a de novo review within ten (10)  
20 business days to the State Board of Education. The State Board of  
21 Education shall consider the appeal in a public meeting within  
22 thirty (30) calendar days of receipt. If the State Board of  
23 Education reverses the ruling of the local school board, that ruling  
24 shall be binding on the local school board, which shall then proceed

1 with implementation of the action requested in the petition. The  
2 local school board may add days to any deadline provided for in this  
3 section equal to the number of calendar days that passed between the  
4 ruling of the local school board and the ruling of the State Board  
5 of Education.

6 M. At any time following the submission of a petition, should  
7 the school board choose to move forward and implement the option  
8 requested in the petition, on the same timetable and in the same  
9 manner required by this act, the school board may cease formal  
10 consideration of the petition. Following the submission of a  
11 petition, even if sufficiency has not been determined, should a  
12 school board voluntarily choose to charter the school site as  
13 charter schools are defined in this act, it may do so.

14 N. If a school district board of education fails to act on a  
15 deadline in this section without a waiver from the State Board of  
16 Education, the school board shall receive a daily fine of Five  
17 Thousand Dollars (\$5,000.00) until compliance is attained. The  
18 State Board of Education shall deduct the fine from any state  
19 funding transmitted to the district. Fines may be stacked if  
20 multiple deadlines are not met. This provision shall not apply for  
21 the deadlines in this act concerning signing of a contract with a  
22 charter operator and commencement of charter school operations, if  
23 fault lies with the selected charter school operator.

24

1 O. Once a petition has been successfully submitted, accepted  
2 and implemented, no petition may be accepted again at the same  
3 school site until three (3) years following the date that the  
4 petition was submitted.

5 P. If a school district board of education transitions a school  
6 site to a charter school, as defined in this act, either as a result  
7 of a petition or voluntarily after a petition has been submitted,  
8 such action shall not be reversed within five (5) years. The State  
9 Board of Education may grant a waiver to this requirement for good  
10 cause after written request from the school district. If the local  
11 school board wishes to change operators for the charter within the  
12 five-year period, as provided for in Section 3-137 of Title 70 of  
13 the Oklahoma Statutes, it must follow the selection procedure for a  
14 new operator as provided for in this act.

15 Q. The State Board of Education shall promulgate rules as  
16 necessary to implement the provisions of this act in accordance with  
17 the Administrative Procedures Act.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3-146.4 of Title 70, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. Parent and legal guardians of students in a school site that  
22 meets the requirements of becoming a qualifying school, as defined  
23 in this act, and is 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 shall have the option to petition for  
4 termination of the principal and assistant principals. This option  
5 is not available in an alternative school.

6 B. At any time in a qualifying school, a petition may be  
7 circulated seeking the dismissal of the school's principals and  
8 assistant principals. The petition may be circulated and signed by  
9 parents and legal guardians age eighteen (18) and older of students  
10 who are enrolled in the school on the date that the petition was  
11 submitted.

12 C. A petition circulated by parents and legal guardians  
13 pursuant to subsection B of this section shall:

14 1. Be signed only by parents or legal guardians age eighteen  
15 (18) and older of students enrolled on the date that the petition  
16 was submitted; and

17 2. Include the following statement printed in legible, English  
18 text at the top of each page of the petition, with the full name of  
19 the school inserted:

20 "By signing this petition, I am asking that the school district  
21 board of education with oversight of \_\_\_\_\_ terminate the  
22 employment of the principals and assistant principals at this  
23 school. I understand that if this action is taken, the school board  
24 will then hire new administrators for the school. I am the parent

1 or legal guardian of the student or students on whose behalf I am  
2 signing. I understand that if I wish to know more about this  
3 process, I can consult the Oklahoma Parent Empowerment Act in  
4 Oklahoma Statutes, Title 70, Section 3-146."

5 A signature by a parent or legal guardian age eighteen (18) or  
6 older of a student constitutes endorsement of the statement printed  
7 at the top of the petition. A parent or legal guardian shall not  
8 revoke a signature once the petition has been submitted to the  
9 superintendent.

10 For each signature on the petition, the petition shall include a  
11 signature, a printed name, a physical address and the name of the  
12 student or students on whose behalf the parent or legal guardian is  
13 signing. A valid signature must have the ability to be verified as  
14 having been made by a parent or legal guardian of a student or  
15 students of the school site on the date that the petition was  
16 submitted.

17 No signature shall be considered valid if the student  
18 represented by the parent or legal guardian was not an enrolled  
19 student on the date that the petition was submitted.

20 Any signature from a student's parent or legal guardian age  
21 eighteen (18) or older is a qualifying signature and may not be  
22 invalidated by the objection of another parent or legal guardian of  
23 the same student. Multiple signatures from multiple parents or  
24 legal guardians of the same student shall count once for each

1 student. Single signatures from a parent or legal guardian of  
2 multiple students at the same school site shall count as a signature  
3 on behalf of each student of the parent or legal guardian enrolled  
4 at the school site.

5 D. A petition must be submitted to the office of the  
6 superintendent of the school district. The superintendent shall  
7 present the petition to the school district board of education in a  
8 public meeting. The board must render a final decision as to the  
9 sufficiency of a petition in a public meeting within sixty (60)  
10 calendar days from the submission of the petition to the  
11 superintendent. Any school board meeting in which the petition is  
12 considered shall be posted, and any related consideration and  
13 discussion must take place pursuant to the provisions of the  
14 Oklahoma Open Meeting Act.

15 E. No petition may be revoked once submitted to the  
16 superintendent.

17 F. For purposes of determining the number of valid signatures  
18 required to implement the provisions of this act, the total number  
19 of students considered to be enrolled at the school site shall be  
20 the same as the student population on the date that the petition was  
21 submitted.

22 G. Separate petitions submitted in the same petition time  
23 period by multiple parties before sufficiency has been determined  
24 for any petition shall not be combined by the school district board

1 of education. If no single submitted petition has sufficient  
2 signatures on its own, all petitions shall fail. If multiple  
3 petitions submitted in the same time period each have sufficient  
4 signatures, the school district board of education shall follow the  
5 guidance of the petition that has the most signatures. If multiple  
6 sufficient petitions in the same time period have an identical  
7 number of signatures, the school board shall follow the guidance of  
8 the petition that was received first.

9 H. Individual signatures on a petition may be challenged by any  
10 party when the school district board of education considers the  
11 petition in a public meeting. Signatures not challenged are  
12 presumed valid. Signatures shall not be invalidated on  
13 technicalities where the intent of the signer was clear. Individual  
14 signatures may be challenged on the following grounds only:

15 1. The signer was not the parent or legal guardian age eighteen  
16 (18) or older of an enrolled student on the date that the petition  
17 was submitted;

18 2. The student represented by the parent or legal guardian was  
19 not enrolled at the school site on the date that the petition was  
20 submitted;

21 3. The signature is fraudulent; or

22 4. The signature lacks sufficient information to be validated.

23

24

1 I. The number of students that must be represented by  
2 signatures of parents or legal guardians age eighteen (18) and older  
3 on the petition to implement the provisions of this act are:

4 1. If the total number of students enrolled at the school site  
5 on the date that the petition is submitted is an even number, the  
6 number of students required to be represented on the petition shall  
7 be the total number of students divided by two (2), plus one (1); or

8 2. If the total number of students enrolled at the school site  
9 on the date that the petition is submitted is an odd number, the  
10 number of students required to be represented on the petition is the  
11 total number of students divided by two (2), plus one-half (1/2).

12 J. A petition shall only be deemed insufficient on the grounds  
13 that there was an inadequate number of valid signatures or the  
14 petition was not properly labeled in a material way, as required in  
15 subsection C of this section. If a petition has an adequate number  
16 of valid signatures and otherwise meets the requirements of this  
17 act, the school board shall deem it sufficient and begin  
18 implementation, as provided for in this act.

19 K. If a petition requesting termination of the principals and  
20 assistant principals is deemed sufficient, the school district board  
21 of education shall terminate the school's administrators by the end  
22 of the administrator's current annual contract.

23 L. If a party or parties wish to appeal a denial of a petition  
24 by a school district board of education, the party or parties may

1 submit a written appeal for a de novo review within ten (10)  
2 business days to the State Board of Education. The State Board of  
3 Education shall consider the appeal in a public meeting within  
4 thirty (30) calendar days of receipt. If the State Board of  
5 Education reverses the ruling of the local school board, that ruling  
6 shall be binding on the local school board, which shall then proceed  
7 with implementation of the action requested in the petition.

8 M. At any time following the submission of a petition, should  
9 the school board choose to move forward and implement the option  
10 requested in the petition, on the same timetable required by this  
11 act, the school board may cease formal consideration of the  
12 petition.

13 N. Following the submission of a petition, should a school  
14 district voluntarily choose to terminate the principals and  
15 assistant principals or terminate them as the result of a sufficient  
16 petition, no terminated principal may be reemployed at the same  
17 school site for the following five (5) years. The terminated  
18 assistant principals are not subject to this prohibition.

19 O. If a school district board of education fails to act on a  
20 deadline in this section, the school board shall receive a daily  
21 fine of Five Thousand Dollars (\$5,000.00) until compliance is  
22 attained. The State Board of Education shall deduct the fine from  
23 any state funding transmitted to the district. Fines may be stacked  
24 if multiple deadlines are not met.

1 P. Once a petition has been successfully submitted, accepted  
2 and implemented, no petition may be accepted again at the same  
3 school site until three (3) years following the date that the  
4 petition was submitted.

5 Q. The State Board of Education shall promulgate rules to  
6 implement the provisions of this act in accordance with the  
7 Administrative Procedures Act.

8 SECTION 7. This act shall become effective November 1, 2013.

9

10 54-1-60 EB 1/17/2013 5:15:32 PM

11

12

13

14

15

16

17

18

19

20

21

22

23

24