

1 STATE OF OKLAHOMA

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

3 SENATE BILL 683

By: Ford

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5
6 AS INTRODUCED

7 An Act relating to charter schools; amending 70 O.S.
8 2011, Sections 3-132, as amended by Section 1,
9 Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012, Section
10 3-132), 3-134 and 3-142, which relate to sponsorship,
11 applications and funding for charter schools;
12 allowing community foundations meeting certain
13 criteria to sponsor a charter school; providing an
14 effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as
17 amended by Section 1, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,
18 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~~ Section 3-130 et seq. of this title. Charter schools shall
22 be sponsored only as follows:

23 1. By a school district with an average daily membership of
24 five thousand (5,000) or more and which all or part of the school
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;

17 7. By a federally recognized Indian tribe, operating a high
18 school under the authority of the Bureau of Indian Affairs as of
19 November 1, 2010, if the charter school is for the purpose of
20 demonstrating native language immersion instruction, and is located
21 within its former reservation or treaty area boundaries. For
22 purposes of this paragraph, native language immersion instruction
23 shall require that educational instruction and other activities

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

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

12 9. By the State Board of Education when the applicant of the
13 charter school is the Statewide Virtual Charter School Board created
14 in Section ~~3~~ 3-145.1 of this ~~act~~ title and the charter school is for
15 the purpose of establishing a full-time statewide virtual charter
16 school; or

17 10. By a community foundation exempt from taxation pursuant to
18 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended,
19 provided that the community foundation has Five Hundred Million
20 Dollars (\$500,000,000.00) or more in assets and is located in a
21 county having more than five hundred thousand (500,000) population
22 according to the latest Federal Decennial Census, and 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.

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

13 C. For purposes of the Oklahoma Charter Schools Act, "charter
14 school" means a public school established by contract with a board
15 of education of a school district, an area vocational-technical
16 school district, a higher education institution, a federally
17 recognized Indian tribe, ~~or~~ the State Board of Education, or a
18 community foundation pursuant to the Oklahoma Charter Schools Act to
19 provide learning that will improve student achievement and as
20 defined in the Elementary and Secondary Education Act of 1965, 20
21 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. AMENDATORY 70 O.S. 2011, Section 3-134, is
2 amended to read as follows:

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

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

17 1. A mission statement for the charter school;

18 2. A description of the organizational structure and the
19 governing body of the charter school;

20 3. A financial plan for the first three (3) years of operation
21 of the charter school and a description of the treasurer or other
22 officers or persons who shall have primary responsibility for the
23 finances of the charter school. Such person shall have demonstrated
24 experience in school finance or the equivalent thereof;

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

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

4 6. A description of the facility and location of the charter
5 school;

6 7. A description of the grades being served;

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

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

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

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

21 D. The sponsor of a charter school is the board of education of
22 a school district, the board of education of a technology center
23 school district, a higher education institution, the State Board of
24 Education, ~~or~~ a federally recognized Indian tribe, or a community

1 foundation which meets the criteria established in Section 3-132 of
2 this title. Any board of education of a school district in the
3 state may sponsor one or more charter schools. The physical
4 location of a charter school sponsored by a board of education of a
5 school district or a technology center school district shall be
6 within the boundaries of the sponsoring school district. The
7 physical location of a charter school sponsored by the State Board
8 of Education when the applicant of the charter school is the Office
9 of Juvenile Affairs shall be where an Office of Juvenile Affairs
10 facility for youth is located.

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

21 F. A board of education of a school district, board of
22 education of a technology center school district, higher education
23 institution, ~~or~~ federally recognized Indian tribe, or a community
24 foundation sponsor of a charter school shall notify the State Board

1 of Education when it accepts sponsorship of a charter school. The
2 notification shall include a copy of the charter of the charter
3 school.

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

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

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1 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-142, is
2 amended to read as follows:

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

1 the State Board of Education and not more than five percent (5%) of
2 the State Aid allocation may be charged by the sponsor as a fee for
3 administrative services rendered. The State Board of Education
4 shall determine the policy and procedure for making payments to a
5 charter school. The fee for administrative services as authorized
6 in this subsection shall only be assessed on the State Aid
7 allocation amount and shall not be assessed on any other
8 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, the State Board of
22 Education, ~~or~~ a federally recognized Indian tribe, or a community
23 foundation shall be considered a local education agency for purposes
24 of funding. A charter school sponsored by a board of education of a

1 school district shall be considered a local education agency for
2 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 E. Any charter school which chooses to lease property shall be
8 eligible to receive current government lease rates.

9 SECTION 4. This act shall become effective July 1, 2013.

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

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