

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 2132

By: Nelson

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-132), which relates to the Oklahoma Charter Schools Act; authorizing certain school districts to sponsor charter schools; creating the Parent Empowerment Act; providing short title; providing definitions; creating guidelines for circulation of petition to transition to a charter school; creating guidelines for circulation of petition to terminate administrators; establishing petition requirements; establishing signature requirements; providing for consideration of petition by a school district board of education; prohibiting certain revocation; providing for finding of signature validity; providing for certain waivers and extensions; providing for appeal of school district board of 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 last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, 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 that has been
10 identified as in need of improvement by the State Board of Education
11 pursuant to the Elementary and Secondary Education Act of 1965, as
12 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 that has
23 been identified as in need of improvement 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 that
17 has been identified as in need of improvement 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;

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; ~~or~~

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 a school district that has received a sufficient
20 petition, as defined in the Parent Empowerment Act, requesting
21 transition to a charter school under the provisions of the Parent
22 Empowerment Act. A charter school sponsored pursuant to the Parent
23 Empowerment Act is subject to the provisions of the Parent
24

1 Empowerment Act in addition to the provisions of the Oklahoma
2 Charter Schools Act.

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

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-146.1 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 Sections 2 through 5 of this act shall be known and may be cited
18 as the "Parent Empowerment Act".

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

22 As used in the Parent Empowerment Act:

23 1. "Charter school" means a school site that maintains an
24 attendance boundary where students in the same geographic area

1 previously served by the school site before its transition to a
2 charter school may still attend the school site, serves the same
3 grade levels as were served at the school site before its transition
4 to a charter school, and receives building maintenance support and
5 transportation services from its sponsoring school district in a
6 like manner as it did before its transition to a charter school, but
7 is otherwise subject to the provisions of the Oklahoma Charter
8 Schools Act, unless otherwise provided for in this act;

9 2. "Qualifying school" means:

- 10 a. a school site that has received a "D" or an "F" under
11 the grading system pursuant to Section 1210.545 of
12 Title 70 of the Oklahoma Statutes for each of the most
13 recent two (2) grading years previous to the date on
14 which a petition is submitted, or
15 b. a school site that has received a "D" or an "F" under
16 the grading system pursuant to Section 1210.545 of
17 Title 70 of the Oklahoma Statutes for two (2) of the
18 three (3) most recent grading years previous to the
19 date on which a petition is submitted, provided that
20 the most recent grade was a "D" or an "F"; and

21 3. "Sufficient petition" means a petition that represents the
22 minimum number of students, as represented by their parents or legal
23 guardians, as required by this act.
24

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-146.3 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. At any time in a qualifying school, a petition may be
5 circulated seeking to transition the school to a charter school, as
6 defined in the Parent Empowerment Act. The petition may be
7 circulated and signed by parents and legal guardians age eighteen
8 (18) and older of students who are enrolled in the school on the
9 date the petition is submitted.

10 B. All school sites that meet the requirements of becoming a
11 qualifying school, as defined in Section 3 of this act, shall have
12 the option to petition for transition to a charter school, as
13 defined in Section 3 of this act, except for alternative schools or
14 a school site that is already a charter school.

15 C. A petition circulated by parents and legal guardians
16 pursuant to subsection A of this section shall:

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

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

23 "By signing this petition, I am asking that the school district
24 board of education with oversight of _____ grant a charter

1 to this school. I understand that if granted, the school board will
2 then ask for proposals to operate the new charter school. I
3 understand that the students currently living in the attendance
4 boundary of the school will still be allowed to attend. I am the
5 parent or legal guardian of the student or students on whose behalf
6 I am signing. I understand that if I wish to know more about this
7 process, I can consult the Oklahoma Parent Empowerment Act."

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

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

20 F. No signature shall be considered valid if the student
21 represented by the parent or legal guardian was not an enrolled
22 student at the school site on the date that the petition was
23 submitted.
24

1 G. Any signature from a parent or legal guardian age eighteen
2 (18) or older of a student is a qualifying signature and may not be
3 invalidated by the objection of another parent or legal guardian of
4 the same student. Multiple signatures from multiple parents or
5 legal guardians of the same student shall count once for each
6 student. Single signatures from a parent or legal guardian of
7 multiple students in the same school shall count as a signature on
8 behalf of each student of the parent or legal guardian enrolled at
9 the school site.

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

20 I. No petition may be revoked once submitted to the
21 superintendent.

22 J. For purposes of determining the number of valid signatures
23 required to implement the provisions of this act, the total number
24 of students considered to be enrolled at the school site shall be

1 the same as the student population on the date that the petition was
2 submitted to the superintendent.

3 K. Separate petitions submitted in the same time period by
4 multiple parties before sufficiency has been determined for any
5 petition shall not be combined by the school district board of
6 education. If no single submitted petition has sufficient
7 signatures, all submitted petitions shall fail. If multiple
8 petitions submitted in the same time period each have sufficient
9 signatures, the school district board of education shall follow the
10 guidance of the petition that has the most signatures. If multiple
11 sufficient petitions in the same time period have an identical
12 number of signatures, the school board shall follow the guidance of
13 the petition that was received first.

14 L. Individual signatures on a petition may be challenged by any
15 party when the school district board of education considers the
16 petition in a public meeting. Signatures not challenged are
17 presumed valid. Signatures shall not be invalidated on
18 technicalities where the intent of the signer was clear. Individual
19 signatures may be challenged on the following grounds only:

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

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

4 3. The signature is fraudulent; or

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

6 M. The number of students that shall be represented by
7 signatures of parents or legal guardians age eighteen (18) and older
8 on the petition to implement the provisions of this act are:

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

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

17 N. A petition shall only be deemed insufficient on the grounds
18 that there was an inadequate number of valid signatures or the
19 petition was not properly labeled in a material way, as required in
20 subsection C of this section. If a petition has an adequate number
21 of valid signatures and otherwise meets the requirements of the
22 Parent Empowerment Act, the school board shall deem it sufficient
23 and begin implementation, as provided for in this act.
24

1 O. If a petition requesting a transition to a charter school is
2 deemed sufficient, the school district board of education shall
3 publicly issue a request for proposals to operate the school site as
4 a charter school within thirty (30) calendar days following the
5 finding of a sufficient petition. The deadline for submitting a
6 proposal shall be no longer than sixty (60) calendar days from the
7 date the request is issued. A selection committee shall be convened
8 to consider the proposals and select an operator. The committee
9 shall consist of four parents or legal guardians who signed the
10 petition and one member of the school district board of education
11 with authority over the school site. The four parents or legal
12 guardians shall be named by the State Board of Education member who
13 represents the congressional district in which the school site is
14 located. The local school district board of education member shall
15 be the member of the board that represents the school site, unless
16 the school board is entirely comprised of at-large members, in which
17 case the school board shall select one member to represent it on the
18 selection committee. The selection committee shall select an
19 operator within forty-five (45) calendar days of the deadline for
20 proposals. At least three members of the committee shall agree on
21 the selection. The selection of the operator by the committee shall
22 be binding; however, the school district board of education may
23 select a different applicant only when there is clear and convincing
24 evidence that the operator selected by the committee presented a

1 materially fraudulent application or does not meet minimum charter
2 school industry standards and the requirements for applications as
3 set forth in the Oklahoma Charter Schools Act. A determination by a
4 school district board of education to reject the operator selected
5 by the committee may be appealed to the State Board of Education.
6 If a party or parties wishes to appeal such a determination by a
7 school district board of education, the party or parties may submit
8 a written appeal for a de novo review within ten (10) business days
9 to the State Board of Education. The State Board of Education shall
10 consider the appeal in a public meeting within thirty (30) calendar
11 days of receipt. If the State Board of Education reverses the
12 ruling of the local school board and determines that the local
13 school board did not have adequate cause to reject the selection of
14 the committee, that ruling shall be binding on the local school
15 board, which shall then proceed with implementation of the
16 committee's selection. The school district board of education shall
17 grant a charter and agree to a contract with the operator within
18 thirty (30) calendar days of the selection. The school site shall
19 reopen as a charter school, as defined in Section 3 of this act, the
20 next academic year following the conclusion of the implementation
21 process provided for in this act. If no operators submit proposals,
22 then the school board may abandon the process. If any operators
23 submit applications, the board shall grant a charter to one of the
24 applicants, unless no proposal meets minimum charter school industry

standards and the requirements for applications as set forth in the Oklahoma Charter Schools Act. Specifically, the school board and the applicants shall follow the charter school requirements set forth in Sections 3-134, 3-135, 3-136, 3-137, 3-138, 3-139, 3-140 and 3-142 of Title 70 of the Oklahoma Statutes. However, for purposes of the Parent Empowerment Act, deadlines and procedures in this act shall supersede the deadlines and procedures set forth in subsections E and G of Section 3-134 of Title 70 of the Oklahoma Statutes. For purposes of paragraph 7 of subsection B of Section 3-134 of Title 70 of the Oklahoma Statutes, the grades served by a charter school created under the provisions of this act shall be the same as were served at the school site before its transition to a charter school. The petition provided for in this act shall satisfy the requirements of paragraph 9 of subsection B of Section 3-134 of Title 70 of the Oklahoma Statutes. For purposes of paragraph 2 of subsection B of Section 3-134 of Title 70 of the Oklahoma Statutes, all applicants seeking to operate a charter school under the Parent Empowerment Act must propose a governing body that includes at least three parents or legal guardians who signed the petition. In addition to the provisions of Section 3-140 of Title 70 of the Oklahoma Statutes, a charter school created under the provisions of this act shall give first priority for admission to the students in the same geographic area previously served by the school site before its transition to a charter school. The school district shall

1 contract with the charter school to provide building maintenance
2 support and transportation services to the school site in a like
3 manner as the district did prior to the transition to a charter
4 school. A determination by a school district board of education
5 that none of the applicants have met minimum charter school industry
6 standards and the requirements for applications as set forth in the
7 Oklahoma Charter Schools Act may be appealed to the State Board of
8 Education. If a party or parties wish to appeal such a
9 determination by a school district board of education, the party or
10 parties may submit a written appeal for a de novo review within ten
11 (10) business days to the State Board of Education. The State Board
12 of Education shall consider the appeal in a public meeting within
13 thirty (30) calendar days of receipt. If the State Board of
14 Education reverses the ruling of the local school board and
15 determines that one or more applicants meet the minimum charter
16 school industry standards and the requirements for applications as
17 set forth in the Oklahoma Charter Schools Act, that ruling shall be
18 binding on the local school board, which shall then proceed with
19 implementation of the action requested in the petition. The local
20 school board may add days to any deadline provided for in this
21 section equal to the number of calendar days that passed between the
22 determination of the local school board and the ruling of the State
23 Board of Education. The State Board of Education may grant
24 extensions to any deadline in this subsection for good cause upon

1 written request by the local school board. A selected charter
2 school operator may apply to the State Board of Education for
3 extensions to the deadlines in this subsection for signing of a
4 contract and commencement of operations as a charter school, and the
5 State Board of Education may grant such extensions for good cause.

6 P. If a party or parties wish to appeal a denial of a petition
7 by a school district board of education, the party or parties may
8 submit a written appeal for a de novo review within ten (10)
9 business days to the State Board of Education. The State Board of
10 Education shall consider the appeal in a public meeting within
11 thirty (30) calendar days of receipt. If the State Board of
12 Education reverses the ruling of the local school board, that ruling
13 shall be binding on the local school board, which shall then proceed
14 with implementation of the action requested in the petition. The
15 local school board may add days to any deadline provided for in this
16 section equal to the number of calendar days that passed between the
17 ruling of the local school board and the ruling of the State Board
18 of Education.

19 Q. At any time following the submission of a petition, should
20 the school board choose to move forward and implement the option
21 requested in the petition, on the same timetable and in the same
22 manner required by this act, the school board may cease formal
23 consideration of the petition. Following the submission of a
24 petition, even if sufficiency has not been determined, should a

1 school board voluntarily choose to charter the school site as a
2 charter school as defined in Section 3 of this act, it may do so.

3 R. If a school district board of education fails to act on a
4 deadline in this section without a waiver from the State Board of
5 Education, the school board shall receive a daily fine of Five
6 Thousand Dollars (\$5,000.00) until compliance is attained. The
7 State Board of Education shall deduct the fine from any state
8 funding transmitted to the district. Fines may be stacked if
9 multiple deadlines are not met. This provision shall not apply for
10 the deadlines in this act concerning signing of a contract with a
11 charter operator and commencement of charter school operations, if
12 fault lies with the selected charter school operator.

13 S. Once a petition has been successfully submitted, accepted
14 and implemented, no petition may be accepted again at the same
15 school site until three (3) years following the date that the
16 petition was submitted.

17 T. If a school district board of education transitions a school
18 site to a charter school, as defined in Section 3 of this act,
19 either as a result of a petition or voluntarily after a petition has
20 been submitted, such action shall not be reversed within five (5)
21 years. The State Board of Education may grant a waiver to this
22 requirement for good cause after written request from the local
23 school board. If the local school board wishes to change operators
24 for the charter within the five-year period, as provided for in

1 Section 3-137 of Title 70 of the Oklahoma Statutes, it must follow
2 the selection procedure for a new operator as provided for in this
3 act.

4 U. The State Board of Education shall promulgate rules as
5 necessary to implement the provisions of this section in accordance
6 with the Administrative Procedures Act.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3-146.4 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Parents and legal guardians of students in a school site
11 that meets the requirements of becoming a qualifying school, as
12 defined in Section 3 of this act, and is in a school district that
13 has an average daily membership of five thousand (5,000) or more and
14 which all or part of the school district is located in a county
15 having more than five hundred thousand (500,000) population
16 according to the latest Federal Decennial Census shall have the
17 option to petition for termination of the principal and assistant
18 principals. This option is not available in an alternative school.

19 B. At any time in a qualifying school, a petition may be
20 circulated seeking the dismissal of the principals and assistant
21 principals of the school. The petition may be circulated and signed
22 by parents and legal guardians age eighteen (18) and older of
23 students who are enrolled in the school on the date that the
24 petition was submitted.

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

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

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

9 "By signing this petition, I am asking that the school district
10 board of education with oversight of _____ terminate the
11 employment of the principals and assistant principals at this
12 school. I understand that if this action is taken, the school board
13 will then hire new administrators for the school. I am the parent
14 or legal guardian of the student or students on whose behalf I am
15 signing. I understand that if I wish to know more about this
16 process, I can consult the Oklahoma Parent Empowerment Act."

17 D. A signature by a parent or legal guardian age eighteen (18)
18 or older of a student constitutes endorsement of the statement
19 printed at the top of the petition. A parent or legal guardian
20 shall not revoke a signature once the petition has been submitted to
21 the superintendent.

22 E. For each signature on the petition, the petition shall
23 include a signature, a printed name, a physical address and the name
24 of the student or students on whose behalf the parent or legal

1 guardian is signing. A valid signature shall have the ability to be
2 verified as having been made by a parent or legal guardian of a
3 student or students of the school site on the date that the petition
4 was submitted.

5 F. No signature shall be considered valid if the student
6 represented by the parent or legal guardian was not an enrolled
7 student on the date that the petition was submitted.

8 G. Any signature from a parent or legal guardian age eighteen
9 (18) or older of a student is a qualifying signature and may not be
10 invalidated by the objection of another parent or legal guardian of
11 the same student. Multiple signatures from multiple parents or
12 legal guardians of the same student shall count once for each
13 student. Single signatures from a parent or legal guardian of
14 multiple students at the same school site shall count as a signature
15 on behalf of each student of the parent or legal guardian enrolled
16 at the school site.

17 H. A petition must be submitted to the office of the
18 superintendent of the school district. The superintendent shall
19 present the petition to the school district board of education in a
20 public meeting. The board shall render a final decision as to the
21 sufficiency of a petition in a public meeting within sixty (60)
22 calendar days from the submission of the petition to the
23 superintendent. Any school board meeting in which the petition is
24 considered shall be posted, and any related consideration and

1 discussion shall take place pursuant to the provisions of the
2 Oklahoma Open Meeting Act.

3 I. No petition may be revoked once submitted to the
4 superintendent.

5 J. For purposes of determining the number of valid signatures
6 required to implement the provisions of this act, the total number
7 of students considered to be enrolled at the school site shall be
8 the same as the student population on the date that the petition was
9 submitted.

10 K. Separate petitions submitted in the same petition time
11 period by multiple parties before sufficiency has been determined
12 for any petition shall not be combined by the school district board
13 of education. If no single submitted petition has sufficient
14 signatures, all submitted petitions shall fail. If multiple
15 petitions submitted in the same time period each have sufficient
16 signatures, the school district board of education shall follow the
17 guidance of the petition that has the most signatures. If multiple
18 sufficient petitions in the same time period have an identical
19 number of signatures, the school board shall follow the guidance of
20 the petition that was received first.

21 L. Individual signatures on a petition may be challenged by any
22 party when the school district board of education considers the
23 petition in a public meeting. Signatures not challenged are
24 presumed valid. Signatures shall not be invalidated on

1 technicalities where the intent of the signer was clear. Individual
2 signatures may be challenged on the following grounds only:

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

6 2. The student represented by the parent or legal guardian was
7 not enrolled at the school site on the date that the petition was
8 submitted;

9 3. The signature is fraudulent; or

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

11 M. The number of students that shall be represented by
12 signatures of parents or legal guardians age eighteen (18) and older
13 on the petition to implement the provisions of this act are:

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

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

22 N. A petition shall only be deemed insufficient on the grounds
23 that there was an inadequate number of valid signatures or the
24 petition was not properly labeled in a material way, as required in

1 subsection C of this section. If a petition has an adequate number
2 of valid signatures and otherwise meets the requirements of this
3 act, the school board shall deem it sufficient and begin
4 implementation, as provided for in this act.

5 O. If a petition requesting termination of the principals and
6 assistant principals is deemed sufficient, the school district board
7 of education shall terminate the administrators by the end of the
8 administrator's current annual contract.

9 P. If a party or parties wish to appeal a denial of a petition
10 by a school district board of education, the party or parties may
11 submit a written appeal for a de novo review within ten (10)
12 business days to the State Board of Education. The State Board of
13 Education shall consider the appeal in a public meeting within
14 thirty (30) calendar days of receipt. If the State Board of
15 Education reverses the ruling of the local school board, that ruling
16 shall be binding on the local school board, which shall then proceed
17 with implementation of the action requested in the petition.

18 Q. At any time following the submission of a petition, should
19 the school board choose to move forward and implement the option
20 requested in the petition, on the same timetable required by this
21 act, the school board may cease formal consideration of the
22 petition.

23 R. Following the submission of a petition, should a school
24 district voluntarily choose to terminate the principals and

1 assistant principals or terminate them as the result of a sufficient
2 petition, no terminated principal may be reemployed at the same
3 school site for the following five (5) years. The terminated
4 assistant principals shall not be subject to this prohibition.

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

11 T. Once a petition has been successfully submitted, accepted
12 and implemented, no petition may be accepted again at the same
13 school site until three (3) years following the date that the
14 petition was submitted.

15 U. The State Board of Education shall promulgate rules to
16 implement the provisions of this Section in accordance with the
17 Administrative Procedures Act.

18 SECTION 6. This act shall become effective November 1, 2015.

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20 55-1-6286 KB 01/02/15
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