

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1037

By: Smalley

4
5
6 AS INTRODUCED

7 An Act relating to charter schools; amending 70 O.S.
8 2011, Section 3-132, as last amended by Section 1,
9 Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2015, Section
10 3-132), which relates to charter school sponsorship;
11 modifying certain population threshold for
12 sponsorship by certain entities; providing an
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as
16 last amended by Section 1, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
17 2015, Section 3-132), is amended to read as follows:

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

21 1. By any school district located in the State of Oklahoma,
22 provided such charter school shall only be located within the
23 geographical boundaries of the sponsoring district and subject to
24 the restrictions of Section 3-145.6 of this title;

1 2. By a technology center school district if the charter school
2 is located in a school district served by the technology center
3 school district in which all or part of the school district is
4 located in a county having more than five hundred thousand (500,000)
5 population according to the latest Federal Decennial Census;

6 3. By a technology center school district if the charter school
7 is located in a school district served by the technology center
8 school district and the school district has a school site that has
9 been identified as in need of improvement by the State Board of
10 Education pursuant to the Elementary and Secondary Education Act of
11 1965, as amended or reauthorized;

12 4. By an accredited comprehensive or regional institution that
13 is a member of The Oklahoma State System of Higher Education or a
14 community college if the charter school is located in a school
15 district in which all or part of the school district is located in a
16 county having more than ~~five hundred thousand (500,000)~~ twenty-five
17 thousand (25,000) population according to the latest Federal
18 Decennial Census;

19 5. By a comprehensive or regional institution that is a member
20 of The Oklahoma State System of Higher Education if the charter
21 school is located in a school district that has a school site that
22 has been identified as in need of improvement by the State Board of
23 Education pursuant to the Elementary and Secondary Education Act of
24 1965, as amended or reauthorized. In addition, the institution

1 shall have a teacher education program accredited by the Oklahoma
2 Commission for Teacher Preparation and have a branch campus or
3 constituent agency physically located within the school district in
4 which the charter school is located in the State of Oklahoma;

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

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

23 8. By the State Board of Education when the applicant has first
24 been denied a charter by the local school district in which it seeks

1 to operate. In counties with fewer than five hundred thousand
2 (500,000) population, according to the latest Federal Decennial
3 Census, the State Board of Education shall not sponsor more than
4 five charter schools per year each year for the first five (5) years
5 after the effective date of this act, with not more than one charter
6 school sponsored in a single school district per year. In order to
7 authorize a charter school under this section, the State Board of
8 Education shall find evidence of all of the following:

- 9 a. a thorough and high-quality charter school application
10 from the applicant based on the authorizing standards
11 in subsection B of Section 3-134 of this title,
- 12 b. a clear demonstration of community support for the
13 charter school, and
- 14 c. the grounds and basis of objection by the school
15 district for denying the operation of the charter are
16 not supported by the greater weight of evidence and
17 the strength of the application.

18 B. An eligible non-school-district sponsor shall give priority
19 to opening charter schools that serve at-risk student populations or
20 students from low-performing traditional public schools.

21 C. An eligible non-school-district sponsor shall give priority
22 to applicants that have demonstrated a record of operating at least
23 one school or similar program that demonstrates academic success and
24 organizational viability and serves student populations similar to

1 those the proposed charter school seeks to serve. In assessing the
2 potential for quality replication of a charter school, a sponsor
3 shall consider the following factors before approving a new site or
4 school:

5 1. Evidence of a strong and reliable record of academic success
6 based primarily on student performance data, as well as other viable
7 indicators, including financial and operational success;

8 2. A sound, detailed, and well-supported growth plan;

9 3. Evidence of the ability to transfer successful practices to
10 a potentially different context that includes reproducing critical
11 cultural, organizational and instructional characteristics;

12 4. Any management organization involved in a potential
13 replication is fully vetted, and the academic, financial and
14 operational records of the schools it operates are found to be
15 satisfactory;

16 5. Evidence the program seeking to be replicated has the
17 capacity to do so successfully without diminishing or putting at
18 risk its current operations; and

19 6. A financial structure that ensures that funds attributable
20 to each charter school within a network and required by law to be
21 utilized by a school remain with and are used to benefit that
22 school.

23 D. For purposes of the Oklahoma Charter Schools Act, "charter
24 school" means a public school established by contract with a board

1 of education of a school district, a conversion charter school, an
2 area vocational-technical school district, a higher education
3 institution, a federally recognized Indian tribe, or the State Board
4 of Education pursuant to the Oklahoma Charter Schools Act to provide
5 learning that will improve student achievement and as defined in the
6 Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

7 E. For the purposes of the Oklahoma Charter Schools Act,
8 "conversion charter school" means a charter school created by
9 converting all or any part of a traditional public school into a
10 charter school which may be operated by the school district board of
11 education or by an independent operating board elected by and
12 accountable to the school district board of education.

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

16 SECTION 2. This act shall become effective July 1, 2016.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21
22 55-2-2461 EB 2/18/2016 6:50:01 PM
23
24