STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 187 By: Holt

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; requiring certain actions upon determinations of petition's sufficiency; providing for certain waivers and extensions; providing for certain termination; providing for appeal of school district board of education decisions; allowing a school district to implement petition provisions voluntarily; prohibiting certain reemployment; providing for fine if school district fails to comply with certain requirements; prohibiting certain acceptance; 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:

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

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

2. By a school district which has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

3. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has an average daily membership of 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 thousand (500,000) population according to the latest Federal Decennial Census;

4. By a technology center school district if the charter school is located in a school district served by the technology center

school district and the school district has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;

5. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has an average daily membership of 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 thousand (500,000) population according to the latest Federal Decennial Census. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located;

6. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or

constituent agency physically located within the school district in which the charter school is located;

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

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

9. By a school district that has received a sufficient petition, as defined in Section 3 of this act, requesting transition to a charter school under the provisions of this act. A charter school sponsored pursuant to this act is subject to the provisions

of this act in addition to the provisions of the Oklahoma Charter Schools Act.

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

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

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

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

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

As used in the Parent Empowerment Act:

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

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

2. "Qualifying school" means:

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

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

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

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

A. At any time in a qualifying school a petition may be circulated seeking to transition the school to a charter school as defined in this act. The petition may be circulated and signed by parents and legal guardians age eighteen (18) and older of students who are enrolled in the school on the date the petition is submitted.

B. A school site that meets the requirements of becoming a qualifying school, as defined in this act, located in a school district that has an average daily membership of five thousand (5,000) or more, and of which all or part of the school district is located in a county having more than five hundred thousand (500,000) population, according to the latest Federal Decennial Census, shall have the option to petition for transition to a charter school, as defined in this act, except for an alternative school or a school site that is already a charter school.

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

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

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

"By signing this petition, I am asking that the school district board of education with oversight of _____ grant a charter to this school. I understand that if granted, the school board will then ask for proposals to operate the new charter school. I understand that the students currently living in the attendance boundary of the school will still be allowed to attend. I am the parent or legal guardian of the student or students on whose behalf I am signing. I understand that if I wish to know more about this process, I can consult the Oklahoma Parent Empowerment Act."

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

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

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

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

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

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

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

G. Separate petitions submitted in the same time period by multiple parties before sufficiency has been determined for any petition shall not be combined by the school district board of education. If no single submitted petition has sufficient signatures on its own, all petitions shall fail. If multiple petitions submitted in the same time period each have sufficient signatures, the school district board of education shall follow the guidance of the petition that has the most signatures. If multiple sufficient petitions in the same time period have an identical number of signatures, the school board shall follow the guidance of the petition that was received first.

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

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

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

3. The signature is fraudulent; or

4. The signature lacks sufficient information to be validated.

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

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

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

J. A petition shall only be deemed insufficient on the grounds that there was an inadequate number of valid signatures or the petition was not properly labeled in a material way, as required in subsection C of this section. If a petition has an adequate number of valid signatures and otherwise meets the requirements of this

act, the school board shall deem it sufficient and begin implementation, as provided for in this act.

K. If a petition requesting a transition to a charter school is deemed sufficient, the school district board of education shall publicly issue a request for proposals to operate the school site as a charter school within thirty (30) calendar days following the finding of a sufficient petition. The deadline for submitting a proposal shall be no longer than sixty (60) calendar days from the date the request is issued. A selection committee shall be convened to consider the proposals and select an operator. The committee shall consist of four (4) parents or legal guardians who signed the petition and one (1) member of the school district board of education with authority over the school site. The four (4) parents or legal guardians shall be named by the State Board of Education member who represents the congressional district in which the school site is located. The local school district board of education member shall be the member of the board that represents the school site, unless the school board is entirely comprised of at-large members, in which case the school board shall select one member to represent it on the selection committee. The selection committee shall select an operator within forty-five (45) calendar days of the deadline for proposals. At least three (3) members of the committee must agree on the selection. The selection of the operator by the committee shall be binding, however, the school district board of

education may select a different applicant only when there is clear and convincing evidence that the operator selected by the committee presented a materially fraudulent application or does not meet minimum charter school industry standards and the requirements for applications as set forth in the Oklahoma Charter Schools Act. A determination by a school district board of education to reject the operator selected by the committee may be appealed to the State Board of Education. If a party or parties wishes to appeal such a determination by a school district board of education, the party or parties may submit a written appeal for a de novo review within ten (10) business days to the State Board of Education. The State Board of Education shall consider the appeal in a public meeting within thirty (30) calendar days of receipt. If the State Board of Education reverses the ruling of the local school board and determines that the local school board did not have adequate cause to reject the committee's selection, that ruling shall be binding on the local school board, which shall then proceed with implementation of the committee's selection. The school district board of education shall grant a charter and agree to a contract with the operator within thirty (30) calendar days of the selection. The school site shall reopen as a charter school, as defined in this act, the next academic year following the conclusion of the implementation process provided for in this act. If no operators submit proposals, then the school board may abandon the process. If

any operators submit applications, the board shall grant a charter to one of the 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 (3) 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 contract with the charter school to provide building maintenance support and transportation services to the school site in a like manner as the district did prior to the school site's transition to a charter school. A determination by a school district board of education that none of the applicants have met minimum charter school industry standards and the requirements for applications as set forth in the Oklahoma Charter Schools Act may be appealed to the State Board of Education. If a party or parties wish to appeal such a determination by a school district board of education, the party or parties may submit a written appeal for a de novo review within ten (10) business days to the State Board of Education. The State Board of Education shall consider the appeal in a public meeting within thirty (30) calendar days of receipt. If the State Board of Education reverses the ruling of the local school board and determines that one or more applicants do meet minimum charter school industry standards and the requirements for applications as set forth in the Oklahoma Charter Schools Act, that ruling shall be binding on the local school board, which shall then proceed with implementation of the action requested in the petition. The local school board may add days to any deadline provided for in this section equal to the number of calendar days that passed between the determination of the local school board and the ruling

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

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

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

consideration of the petition. Following the submission of a petition, even if sufficiency has not been determined, should a school board voluntarily choose to charter the school site as charter schools are defined in this act, it may do so.

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

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

P. If a school district board of education transitions a school site to a charter school, as defined in this act, either as a result of a petition or voluntarily after a petition has been submitted, such action shall not be reversed within five (5) years. The State Board of Education may grant a waiver to this requirement for good cause after written request from the local school board. If the

local school board wishes to change operators for the charter within the five-year period, as provided for in Section 3-137 of Title 70 of the Oklahoma Statutes, it must follow the selection procedure for a new operator as provided for in this act.

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

A. Parent and legal guardians of students in a school site that meets the requirements of becoming a qualifying school, as defined in this act, and is in a school district that has an average daily membership of 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 thousand (500,000) population according to the latest Federal Decennial Census shall have the option to petition for termination of the principal and assistant principals. This option is not available in an alternative school.

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

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

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

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

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

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

For each signature on the petition, the petition shall include a signature, a printed name, a physical address and the name of the student or students on whose behalf the parent or legal guardian is signing. A valid signature must have the ability to be verified as having been made by a parent or legal guardian of a student or

students of the school site on the date that the petition was submitted.

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

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

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

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

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

G. Separate petitions submitted in the same petition time period by multiple parties before sufficiency has been determined for any petition shall not be combined by the school district board of education. If no single submitted petition has sufficient signatures on its own, all petitions shall fail. If multiple petitions submitted in the same time period each have sufficient signatures, the school district board of education shall follow the guidance of the petition that has the most signatures. If multiple sufficient petitions in the same time period have an identical number of signatures, the school board shall follow the guidance of the petition that was received first.

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

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

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

3. The signature is fraudulent; or

4. The signature lacks sufficient information to be validated.

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

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

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

J. A petition shall only be deemed insufficient on the grounds that there was an inadequate number of valid signatures or the petition was not properly labeled in a material way, as required in subsection C of this section. If a petition has an adequate number of valid signatures and otherwise meets the requirements of this

act, the school board shall deem it sufficient and begin implementation, as provided for in this act.

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

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

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

N. Following the submission of a petition, should a school district voluntarily choose to terminate the principals and assistant principals or terminate them as the result of a sufficient petition, no terminated principal may be reemployed at the same

school site for the following five (5) years. The terminated assistant principals are not subject to this prohibition.

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

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

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

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

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