

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1001 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jason Nelson

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

PROPOSED SUBCOMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1001

By: Holt, Shumate, Loveless and
Shortey of the Senate

and

Nelson of the House

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 3-132, as amended by Section 1, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-132), 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.

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

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

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

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

13 2. By a school district which has a school site listed on the
14 school improvement list as determined by the State Board of
15 Education pursuant to the Elementary and Secondary Education Act of
16 1965, as amended or reauthorized;

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

24

1 4. 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 and the school district has a school site listed on
4 the 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 5. 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 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. In addition, the institution shall have a
14 teacher education program accredited by the Oklahoma Commission for
15 Teacher Preparation and have a branch campus or constituent agency
16 physically located within the school district in which the charter
17 school is located;

18 6. By a comprehensive or regional institution that is a member
19 of the Oklahoma State System of Higher Education if the charter
20 school is located in a school district that has a school site listed
21 on the school improvement list as determined by the State Board of
22 Education pursuant to the Elementary and Secondary Education Act of
23 1965, as amended or reauthorized. In addition, the institution
24 shall have a teacher education program accredited by the Oklahoma

1 Commission for Teacher Preparation and have a branch campus or
2 constituent agency physically located within the school district in
3 which the charter school is located;

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

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

22 9. By the State Board of Education when the applicant of the
23 charter school is the Statewide Virtual Charter School Board created
24 in Section ~~3~~ 3-145.1 of this ~~act~~ title and the charter school is for

1 the purpose of establishing a full-time statewide virtual charter
2 school; or

3 10. By a school district that has received a sufficient
4 petition, as defined in the Parent Empowerment Act, requesting
5 transition to a charter school under the provisions of the Parent
6 Empowerment Act. A charter school sponsored pursuant to the Parent
7 Empowerment Act is subject to the provisions of the Parent
8 Empowerment Act in addition to the provisions of the Oklahoma
9 Charter Schools Act.

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

19 C. For purposes of the Oklahoma Charter Schools Act, "charter
20 school" means a public school established by contract with a board
21 of education of a school district, an area vocational-technical
22 school district, a higher education institution, a federally
23 recognized Indian tribe, or the State Board of Education pursuant to
24 the Oklahoma Charter Schools Act to provide learning that will

1 improve student achievement and as defined in the Elementary and
2 Secondary Education Act of 1965, 20 U.S.C. 8065.

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

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

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

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

14 As used in the Parent Empowerment Act:

15 1. "Charter school" means a school site that maintains an
16 attendance boundary where students in the same geographic area
17 previously served by the school site before its transition to a
18 charter school may still attend the school site, serves the same
19 grade levels as were served at the school site before its transition
20 to a charter school, and receives building maintenance support and
21 transportation services from its sponsoring school district in a
22 like manner as it did before its transition to a charter school, but
23 is otherwise subject to the provisions of the Oklahoma Charter
24 Schools Act, unless otherwise provided for in this act;

1 2. "Qualifying school" means:

- 2 a. a school site that has received a "D" or an "F" under
3 the grading system pursuant to Section 1210.545 of
4 Title 70 of the Oklahoma Statutes for each of the most
5 recent two (2) grading years previous to the date on
6 which a petition is submitted and which is located in
7 a school district that has an average daily membership
8 of five thousand (5,000) or more and all or part of
9 which school district is located in a county having
10 more than five hundred thousand (500,000) population
11 according to the latest Federal Decennial Census, or
12 b. a school site that has received a "D" or an "F" under
13 the grading system pursuant to Section 1210.545 of
14 Title 70 of the Oklahoma Statutes for two (2) of the
15 three (3) most recent grading years previous to the
16 date on which a petition is submitted, provided that
17 the most recent grade was a "D" or an "F", and which
18 is located in a school district that has an average
19 daily membership of five thousand (5,000) or more and
20 all or part of which school district is located in a
21 county having more than five hundred thousand
22 (500,000) population according to the latest Federal
23 Decennial Census; and
24

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

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

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

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

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

20 1. Be signed only by parents or legal guardians age eighteen
21 (18) and older of students enrolled on the date that the petition is
22 submitted; and
23
24

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

4 "By signing this petition, I am asking that the school district
5 board of education with oversight of _____ grant a charter
6 to this school. I understand that if granted, the school board will
7 then ask for proposals to operate the new charter school. I
8 understand that the students currently living in the attendance
9 boundary of the school will still be allowed to attend. I am the
10 parent or legal guardian of the student or students on whose behalf
11 I am signing. I understand that if I wish to know more about this
12 process, I can consult the Parent Empowerment Act in Sections 3-
13 146.1 through 3-146.4 of Title 70 of the Oklahoma Statutes."

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

19 For each signature on the petition, the petition shall include a
20 signature, a printed name, a physical address and the name of the
21 student or students on whose behalf the parent or legal guardian is
22 signing. There shall be the ability to verify a valid signature as
23 having been made by a parent or legal guardian of a student or
24

1 students of the school site on the date that the petition is
2 submitted.

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

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

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

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

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

5 F. 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 to the superintendent.

10 G. Separate petitions submitted in the same time period by
11 multiple parties before sufficiency has been determined for any
12 petition shall not be combined by the school district board of
13 education. If no single submitted petition has sufficient
14 signatures on its own, all 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 H. 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 I. The number of students represented by signatures of parents
12 or legal guardians age eighteen (18) and older on the petition to
13 implement the provisions of this act shall be:

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

1 the selection. The selection of the operator by the committee shall
2 be binding, however, the school district board of education may
3 select a different applicant only when there is clear and convincing
4 evidence that the operator selected by the committee presented a
5 materially fraudulent application or does not meet minimum charter
6 school industry standards and the requirements for applications as
7 set forth in the Oklahoma Charter Schools Act. A determination by a
8 school district board of education to reject the operator selected
9 by the committee may be appealed to the State Board of Education.
10 If a party or parties wishes to appeal such a determination by a
11 school district board of education, the party or parties may submit
12 a written appeal for a de novo review within ten (10) business days
13 to the State Board of Education. The State Board of Education shall
14 consider the appeal in a public meeting within thirty (30) calendar
15 days of receipt. If the State Board of Education reverses the
16 ruling of the local school board and determines that the local
17 school board did not have adequate cause to reject the selection of
18 the committee, that ruling shall be binding on the local school
19 board, which shall then proceed with implementation of the selection
20 of the committee. The school district board of education shall
21 grant a charter and agree to a contract with the operator within
22 thirty (30) calendar days of the selection. The school site shall
23 reopen as a charter school, as defined in this act, the next
24 academic year following the conclusion of the implementation process

1 provided for in this act. If no operators submit proposals, then
2 the school board may abandon the process. If any operators submit
3 applications, the board shall grant a charter to one of the
4 applicants, unless no proposal meets minimum charter school industry
5 standards and the requirements for applications as set forth in the
6 Oklahoma Charter Schools Act. Specifically, the school board and
7 the applicants shall follow the charter school requirements set
8 forth in Sections 3-134, 3-135, 3-136, 3-137, 3-138, 3-139, 3-140
9 and 3-142 of Title 70 of the Oklahoma Statutes. However, for
10 purposes of the Parent Empowerment Act, deadlines and procedures in
11 this act shall supersede the deadlines and procedures set forth in
12 subsections E and G of Section 3-134 of Title 70 of the Oklahoma
13 Statutes. For purposes of paragraph 7 of subsection B of Section 3-
14 134 of Title 70 of the Oklahoma Statutes, the grades served by a
15 charter school created under the provisions of this act shall be the
16 same as were served at the school site before its transition to a
17 charter school. The petition provided for in this act shall satisfy
18 the requirements of paragraph 9 of subsection B of Section 3-134 of
19 Title 70 of the Oklahoma Statutes. For purposes of paragraph 2 of
20 subsection B of Section 3-134 of Title 70 of the Oklahoma Statutes,
21 all applicants seeking to operate a charter school under the Parent
22 Empowerment Act shall propose a governing body that includes at
23 least three parents or legal guardians who signed the petition. In
24 addition to the provisions of Section 3-140 of Title 70 of the

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

1 section equal to the number of calendar days that passed between the
2 determination of the local school board and the ruling of the State
3 Board of Education. The State Board of Education may grant
4 extensions to any deadline in this subsection for good cause upon
5 written request by the local school board. A selected charter
6 school operator may apply to the State Board of Education for
7 extensions to the deadlines in this subsection for signing of a
8 contract and commencement of operations as a charter school, and the
9 State Board of Education may grant such extensions for good cause.

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

23 M. At any time following the submission of a petition, should
24 the school board choose to move forward and implement the option

1 requested in the petition, on the same timetable and in the same
2 manner required by this act, the school board may cease formal
3 consideration of the petition. Following the submission of a
4 petition, even if sufficiency has not been determined, should a
5 school board voluntarily choose to charter the school site as
6 charter schools are defined in this act, it may do so.

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

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

21 P. If a school district board of education transitions a school
22 site to a charter school, as defined in this act, either as a result
23 of a petition or voluntarily after a petition has been submitted,
24 such action shall not be reversed within five (5) years. The State

1 Board of Education may grant a waiver to this requirement for good
2 cause after written request from the local school board. If the
3 local school board wishes to change operators for the charter within
4 the five-year period, as provided for in Section 3-137 of Title 70
5 of the Oklahoma Statutes, it shall follow the selection procedure
6 for a new operator as provided for in this act.

7 Q. The State Board of Education shall promulgate rules as
8 necessary to implement the provisions of this section in accordance
9 with the Administrative Procedures Act.

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

13 A. Parent and legal guardians of students in a school site that
14 meets the requirements of a qualifying school, as defined in the
15 Parental Empowerment Act, shall have the option to petition for
16 termination of the principal and assistant principals. This option
17 is not available in an alternative school.

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

24

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 Parent Empowerment Act in Sections 3-
17 146.1 through 3-146.4 of Title 70 of the Oklahoma Statutes."

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

23 For each signature on the petition, the petition shall include a
24 signature, a printed name, a physical address and the name of the

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

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

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

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

1 considered shall be posted, and any related consideration and
2 discussion shall take place pursuant to the provisions of the
3 Oklahoma Open Meeting Act.

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

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

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

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

1 presumed valid. Signatures shall not be invalidated on
2 technicalities where the intent of the signer was clear. Individual
3 signatures may be challenged on the following grounds only:

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

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

10 3. The signature is fraudulent; or

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

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

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

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

23 J. A petition shall only be deemed insufficient on the grounds
24 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 administrators of the school by the end of the current annual contract of the administrators.

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.

1 N. Following the submission of a petition, should a school
2 district voluntarily choose to terminate the principals and
3 assistant principals or to terminate them as the result of a
4 sufficient petition, the terminated principals may not be reemployed
5 at the same school site for the following five (5) years. The
6 terminated assistant principals shall not be subject to this
7 prohibition.

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

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

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

21 SECTION 6. This act shall become effective November 1, 2013.

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