

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1663

By: Ford

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to charter schools; amending 70 O.S.
9 2011, Section 3-137, which relates to charter school
10 contracts; directing a sponsor to terminate a charter
11 school contract if the school receives certain grades
12 for a certain amount of time; providing certain
13 exemption; amending Section 5, Chapter 367, O.S.L.
14 2012, as amended by Section 5, Chapter 212, O.S.L.
15 2013 (70 O.S. Supp. 2013, Section 3-145.3), which
16 relates to the Statewide Virtual Charter School
17 Board; directing the Statewide Virtual Charter School
18 Board to terminate a statewide virtual charter school
19 contract if the school receives certain grades for a
20 certain amount of time; providing certain exemption;
21 providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-137, is
amended to read as follows:

Section 3-137. A. An approved contract for a charter school
shall be effective for not longer than five (5) years from the first
day of operation. Prior to the beginning of the fifth year of
operation, the charter school may apply for renewal of the contract

1 with the sponsor. The sponsor may deny the request for renewal if
2 it determines the charter school has failed to complete the
3 obligations of the contract or comply with the provisions of the
4 Oklahoma Charter Schools Act. A sponsor shall give written notice
5 of its intent to deny the request for renewal at least eight (8)
6 months prior to expiration of the contract.

7 B. If a sponsor denies a request for renewal, the governing
8 board may proceed to mediation or binding arbitration or both as
9 provided for in subsection G of Section 3-134 of this title.

10 C. A sponsor may terminate a contract during the term of the
11 contract for failure to meet the requirements for student
12 performance contained in the contract, failure to meet the standards
13 of fiscal management, violations of the law, or other good cause.
14 The sponsor shall give at least ninety (90) days' written notice to
15 the governing board prior to terminating the contract. The
16 governing board may request, in writing, an informal hearing before
17 the sponsor within fourteen (14) days of receiving notice. The
18 sponsor shall conduct an informal hearing before taking action. If
19 a sponsor decides to terminate a contract, the governing board may
20 proceed to mediation or binding arbitration or both as provided for
21 in subsection G of Section 3-134 of this title.

22 D. 1. Beginning with the 2014-15 school year, a sponsor shall
23 terminate a contract during the term of the contract if the charter
24 school has received a grade of "D" or lower for three (3)

1 consecutive years or has received a letter grade of "F" for two (2)
2 consecutive years under the grading system established pursuant to
3 Section 1210.545 of this title. Provided, however, that charter
4 schools designated as alternative schools or alternative education
5 programs serving students who are most at risk of not completing a
6 high school education pursuant to Section 1210.568 of this title
7 shall be exempt from this provision.

8 2. The sponsor shall give at least ninety (90) days' written
9 notice to the governing board prior to terminating the contract.
10 The sponsor shall notify the State Board of Education when it
11 revokes the sponsorship of a charter school pursuant to this
12 subsection.

13 E. If a contract is not renewed, the governing board of the
14 charter school may submit an application to a proposed new sponsor
15 as provided for in Section 3-134 of this title.

16 ~~E.~~ F. If a contract is not renewed or is terminated according
17 to this section, a student who attended the charter school may
18 enroll in the resident school district of the student or may apply
19 for a transfer in accordance with Section 8-103 of this title.

20 SECTION 2. AMENDATORY Section 5, Chapter 367, O.S.L.
21 2012, as amended by Section 5, Chapter 212, O.S.L. 2013 (70 O.S.
22 Supp. 2013, Section 3-145.3), is amended to read as follows:
23
24

1 Section 3-145.3. A. Subject to the requirements of the
2 Oklahoma Charter Schools Act, the Statewide Virtual Charter School
3 Board shall:

4 1. Provide oversight of the operations of statewide virtual
5 charter schools in this state; and

6 2. Establish a procedure for accepting, approving and
7 disapproving statewide virtual charter school applications and a
8 process for renewal or revocation of approved charter school
9 contracts which minimally meet the procedures set forth in the
10 Oklahoma Charter Schools Act.

11 B. Each statewide virtual charter school which has been
12 approved and sponsored by the Board or any virtual charter school
13 for which the Board has assumed sponsorship of as provided for in
14 Section 3-145.5 of this title shall be considered a statewide
15 virtual charter school and the geographic boundaries of each
16 statewide virtual charter school shall be the borders of the state.

17 C. Each statewide virtual charter school approved by the
18 Statewide Virtual Charter School Board shall be eligible to receive
19 federal funds generated by students enrolled in the charter school
20 for the applicable year. Each statewide virtual charter school
21 shall be considered a separate local education agency for purposes
22 of reporting and accountability.

23 D. As calculated as provided for in Section 3-142 of this
24 title, a statewide virtual charter school shall receive the State

1 Aid allocation and any other state-appropriated revenue generated by
2 students enrolled in the virtual charter school for the applicable
3 year, less up to five percent (5%) of the State Aid allocation,
4 which may be retained by the Statewide Virtual Charter School Board
5 for administrative expenses and to support the mission of the Board.
6 A statewide virtual charter school shall be eligible for any other
7 funding any other charter school is eligible for as provided for in
8 Section 3-142 of this title. Each statewide virtual charter school
9 shall be considered a separate local education agency for purposes
10 of reporting and accountability.

11 E. Students enrolled full-time in a statewide virtual charter
12 school sponsored by the Statewide Virtual Charter School Board shall
13 not be authorized to participate in any activities administered by
14 the Oklahoma Secondary Schools Activities Association. However, the
15 students may participate in intramural activities sponsored by a
16 statewide virtual charter school, an online provider for the charter
17 school or any other outside organization.

18 F. 1. Beginning with the 2014-15 school year, the Statewide
19 Virtual Charter School Board shall terminate the charter contract of
20 a statewide virtual charter school during the term of the contract
21 if the school has received a letter grade of "D" or lower for three
22 (3) consecutive years or has received a letter grade of "F" for two
23 (2) consecutive years under the grading system established pursuant
24 to Section 1210.545 of this title. Provided, however, that

1 statewide virtual charter schools designated as alternative schools
2 or alternative education programs serving students who are most at
3 risk of not completing a high school education pursuant to Section
4 1210.568 of this title shall be exempt from this provision. The
5 Statewide Virtual Charter School Board shall give at least ninety
6 (90) days' written notice to the statewide virtual charter school
7 prior to terminating the contract.

8 2. The decision of the Statewide Virtual Charter School Board
9 to deny, nonrenew or terminate the charter contract of a statewide
10 virtual charter school may be appealed to the State Board of
11 Education within thirty (30) days of the decision by the Statewide
12 Virtual Charter School Board. The State Board of Education shall
13 act on the appeal within sixty (60) days of receipt of the request
14 from the statewide virtual charter school applicant. The State
15 Board of Education may reverse the decision of the Statewide Virtual
16 Charter School Board or may remand the matter back to the Statewide
17 Virtual Charter School Board for further proceeding as directed.

18 SECTION 3. This act shall become effective July 1, 2014.

19 SECTION 4. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.