

1 **SENATE FLOOR VERSION**

2 February 25, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1001

By: Holt and Shumate of the
Senate

and

Nelson of the House

8
9 An Act relating to schools; amending 70 O.S. 2011,
10 Section 3-132, as amended by Section 1, Chapter 367,
O.S.L. 2012 (70 O.S. Supp. 2012, Section 3-132),
11 which relates to the Oklahoma Charter Schools Act;
authorizing certain school districts to sponsor
12 charter schools; creating the Parent Empowerment Act;
providing short title; providing definitions;
13 creating guidelines for circulation of petition to
transition to a charter school; creating guidelines
14 for circulation of petition to terminate
administrators; establishing petition requirements;
15 establishing signature requirements; providing for
consideration of petition by a school district board
of education; prohibiting certain revocation;
16 providing for finding of signature validity;
providing for certain waivers and extensions;
17 providing for appeal of school district board of
education decisions; allowing a school district to
18 implement petition provisions voluntarily; providing
for a fine if a school district fails to comply with
19 certain requirements; providing for promulgation of
rules; providing for codification; and providing an
20 effective date.

21
22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
24

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

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

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

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

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

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

1 school district and the school district has a school site listed on
2 the school improvement list as determined by the State Board of
3 Education pursuant to the Elementary and Secondary Education Act of
4 1965, as amended or reauthorized;

5 5. By a comprehensive or regional institution that is a member
6 of The Oklahoma State System of Higher Education if the charter
7 school is located in a school district that has an average daily
8 membership of five thousand (5,000) or more and which all or part of
9 the school district is located in a county having more than five
10 hundred thousand (500,000) population according to the latest
11 Federal Decennial Census. In addition, the institution shall have a
12 teacher education program accredited by the Oklahoma Commission for
13 Teacher Preparation and have a branch campus or constituent agency
14 physically located within the school district in which the charter
15 school is located;

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

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

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

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

21 9. By the State Board of Education when the applicant of the
22 charter school is the Statewide Virtual Charter School Board created
23 in Section 3 of this act and the charter school is for the purpose
24 of establishing a full-time statewide virtual charter school; or

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

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

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

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

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

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

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

12 As used in the Parent Empowerment Act:

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

23 2. "Qualifying school" means:
24

- 1 a. a school site that has received a "D" or an "F" under
2 the grading system pursuant to Section 1210.545 of
3 Title 70 of the Oklahoma Statutes for each of the most
4 recent two grading years previous to the date on which
5 a petition is submitted, or
6 b. a school site that has received a "D" or an "F" under
7 the grading system pursuant to Section 1210.545 of
8 Title 70 of the Oklahoma Statutes for two of the three
9 most recent grading years previous to the date on
10 which a petition is submitted, provided that the most
11 recent grade was a "D" or an "F"; and

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

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

18 A. At any time in a qualifying school, a petition may be
19 circulated seeking to transition the school to a charter school, as
20 defined in this act. The petition may be circulated and signed by
21 parents and legal guardians age eighteen (18) and older of students
22 who are enrolled in the school on the date the petition is
23 submitted.
24

1 B. All school sites that meet the requirements of becoming a
2 qualifying school, as defined in this act, shall have the option to
3 petition for transition to a charter school, as defined in this act,
4 except for alternative schools or a school site that is already a
5 charter school.

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

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

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

14 "By signing this petition, I am asking that the school district
15 board of education with oversight of _____ grant a charter
16 to this school. I understand that if granted, the school board will
17 then ask for proposals to operate the new charter school. I
18 understand that the students currently living in the attendance
19 boundary of the school will still be allowed to attend. I am the
20 parent or legal guardian of the student or students on whose behalf
21 I am signing. I understand that if I wish to know more about this
22 process, I can consult the Oklahoma Parent Empowerment Act in
23 Oklahoma Statutes, Title 70, Section 3-146."
24

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

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

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

17 Any signature from a student's parent or legal guardian age
18 eighteen (18) or older is a qualifying signature and may not be
19 invalidated by the objection of another parent or legal guardian of
20 the same student. Multiple signatures from multiple parents or
21 legal guardians of the same student shall count once for each
22 student. Single signatures from a parent or legal guardian of
23 multiple students in the same school shall count as a signature on
24

1 behalf of each student of the parent or legal guardian enrolled at
2 the school site.

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

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

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

20 G. Separate petitions submitted in the same time period by
21 multiple parties before sufficiency has been determined for any
22 petition shall not be combined by the school district board of
23 education. If no single submitted petition has sufficient
24 signatures on its own, all petitions shall fail. If multiple

1 petitions submitted in the same time period each have sufficient
2 signatures, the school district board of education shall follow the
3 guidance of the petition that has the most signatures. If multiple
4 sufficient petitions in the same time period have an identical
5 number of signatures, the school board shall follow the guidance of
6 the petition that was received first.

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

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

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

19 3. The signature is fraudulent; or

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

21 I. The number of students that must be represented by
22 signatures of parents or legal guardians age eighteen (18) and older
23 on the petition to implement the provisions of this act are:
24

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

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

9 J. A petition shall only be deemed insufficient on the grounds
10 that there was an inadequate number of valid signatures or the
11 petition was not properly labeled in a material way, as required in
12 subsection C of this section. If a petition has an adequate number
13 of valid signatures and otherwise meets the requirements of this
14 act, the school board shall deem it sufficient and begin
15 implementation, as provided for in this act.

16 K. If a petition requesting a transition to a charter school is
17 deemed sufficient, the school district board of education shall
18 publicly issue a request for proposals to operate the school site as
19 a charter school within thirty (30) calendar days following the
20 finding of a sufficient petition. The deadline for submitting a
21 proposal shall be no longer than sixty (60) calendar days from the
22 date the request is issued. A selection committee shall be convened
23 to consider the proposals and select an operator. The committee
24 shall consist of four (4) parents or legal guardians who signed the

1 petition and one (1) member of the school district board of
2 education with authority over the school site. The four (4) parents
3 or legal guardians shall be named by the State Board of Education
4 member who represents the congressional district in which the school
5 site is located. The local school district board of education
6 member shall be the member of the board that represents the school
7 site, unless the school board is entirely comprised of at-large
8 members, in which case the school board shall select one member to
9 represent it on the selection committee. The selection committee
10 shall select an operator within forty-five (45) calendar days of the
11 deadline for proposals. At least three (3) members of the committee
12 must agree on the selection. The selection of the operator by the
13 committee shall be binding, however, the school district board of
14 education may select a different applicant only when there is clear
15 and convincing evidence that the operator selected by the committee
16 presented a materially fraudulent application or does not meet
17 minimum charter school industry standards and the requirements for
18 applications as set forth in the Oklahoma Charter Schools Act. A
19 determination by a school district board of education to reject the
20 operator selected by the committee may be appealed to the State
21 Board of Education. If a party or parties wishes to appeal such a
22 determination by a school district board of education, the party or
23 parties may submit a written appeal for a de novo review within ten
24 (10) business days to the State Board of Education. The State Board

1 of Education shall consider the appeal in a public meeting within
2 thirty (30) calendar days of receipt. If the State Board of
3 Education reverses the ruling of the local school board and
4 determines that the local school board did not have adequate cause
5 to reject the committee's selection, that ruling shall be binding on
6 the local school board, which shall then proceed with implementation
7 of the committee's selection. The school district board of
8 education shall grant a charter and agree to a contract with the
9 operator within thirty (30) calendar days of the selection. The
10 school site shall reopen as a charter school, as defined in this
11 act, the next academic year following the conclusion of the
12 implementation process provided for in this act. If no operators
13 submit proposals, then the school board may abandon the process. If
14 any operators submit applications, the board shall grant a charter
15 to one of the applicants, unless no proposal meets minimum charter
16 school industry standards and the requirements for applications as
17 set forth in the Oklahoma Charter Schools Act. Specifically, the
18 school board and the applicants shall follow the charter school
19 requirements set forth in Sections 3-134, 3-135, 3-136, 3-137, 3-
20 138, 3-139, 3-140 and 3-142 of Title 70 of the Oklahoma Statutes.
21 However, for purposes of the Parent Empowerment Act, deadlines and
22 procedures in this act shall supersede the deadlines and procedures
23 set forth in subsections E and G of Section 3-134 of Title 70 of the
24 Oklahoma Statutes. For purposes of paragraph 7 of subsection B of

1 Section 3-134 of Title 70 of the Oklahoma Statutes, the grades
2 served by a charter school created under the provisions of this act
3 shall be the same as were served at the school site before its
4 transition to a charter school. The petition provided for in this
5 act shall satisfy the requirements of paragraph 9 of subsection B of
6 Section 3-134 of Title 70 of the Oklahoma Statutes. For purposes of
7 paragraph 2 of subsection B of Section 3-134 of Title 70 of the
8 Oklahoma Statutes, all applicants seeking to operate a charter
9 school under the Parent Empowerment Act must propose a governing
10 body that includes at least three (3) parents or legal guardians who
11 signed the petition. In addition to the provisions of Section 3-140
12 of Title 70 of the Oklahoma Statutes, a charter school created under
13 the provisions of this act shall give first priority for admission
14 to the students in the same geographic area previously served by the
15 school site before its transition to a charter school. The school
16 district shall contract with the charter school to provide building
17 maintenance support and transportation services to the school site
18 in a like manner as the district did prior to the school site's
19 transition to a charter school. A determination by a school
20 district board of education that none of the applicants have met
21 minimum charter school industry standards and the requirements for
22 applications as set forth in the Oklahoma Charter Schools Act may be
23 appealed to the State Board of Education. If a party or parties
24 wish to appeal such a determination by a school district board of

1 education, the party or parties may submit a written appeal for a de
2 novo review within ten (10) business days to the State Board of
3 Education. The State Board of Education shall consider the appeal
4 in a public meeting within thirty (30) calendar days of receipt. If
5 the State Board of Education reverses the ruling of the local school
6 board and determines that one or more applicants do meet minimum
7 charter school industry standards and the requirements for
8 applications as set forth in the Oklahoma Charter Schools Act, that
9 ruling shall be binding on the local school board, which shall then
10 proceed with implementation of the action requested in the petition.
11 The local school board may add days to any deadline provided for in
12 this section equal to the number of calendar days that passed
13 between the determination of the local school board and the ruling
14 of the State Board of Education. The State Board of Education may
15 grant extensions to any deadline in this subsection for good cause
16 upon written request by the local school board. A selected charter
17 school operator may apply to the State Board of Education for
18 extensions to the deadlines in this subsection for signing of a
19 contract and commencement of operations as a charter school, and the
20 State Board of Education may grant such extensions for good cause.

21 L. If a party or parties wish to appeal a denial of a petition
22 by a school district board of education, the party or parties may
23 submit a written appeal for a de novo review within ten (10)
24 business days to the State Board of Education. The State Board of

1 Education shall consider the appeal in a public meeting within
2 thirty (30) calendar days of receipt. If the State Board of
3 Education reverses the ruling of the local school board, that ruling
4 shall be binding on the local school board, which shall then proceed
5 with implementation of the action requested in the petition. The
6 local school board may add days to any deadline provided for in this
7 section equal to the number of calendar days that passed between the
8 ruling of the local school board and the ruling of the State Board
9 of Education.

10 M. At any time following the submission of a petition, should
11 the school board choose to move forward and implement the option
12 requested in the petition, on the same timetable and in the same
13 manner required by this act, the school board may cease formal
14 consideration of the petition. Following the submission of a
15 petition, even if sufficiency has not been determined, should a
16 school board voluntarily choose to charter the school site as
17 charter schools are defined in this act, it may do so.

18 N. If a school district board of education fails to act on a
19 deadline in this section without a waiver from the State Board of
20 Education, the school board shall receive a daily fine of Five
21 Thousand Dollars (\$5,000.00) until compliance is attained. The
22 State Board of Education shall deduct the fine from any state
23 funding transmitted to the district. Fines may be stacked if
24 multiple deadlines are not met. This provision shall not apply for

1 the deadlines in this act concerning signing of a contract with a
2 charter operator and commencement of charter school operations, if
3 fault lies with the selected charter school operator.

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

8 P. If a school district board of education transitions a school
9 site to a charter school, as defined in this act, either as a result
10 of a petition or voluntarily after a petition has been submitted,
11 such action shall not be reversed within five (5) years. The State
12 Board of Education may grant a waiver to this requirement for good
13 cause after written request from the local school board. If the
14 local school board wishes to change operators for the charter within
15 the five-year period, as provided for in Section 3-137 of Title 70
16 of the Oklahoma Statutes, it must follow the selection procedure for
17 a new operator as provided for in this act.

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

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3-146.3 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:
24

1 A. Parent and legal guardians of students in a school site that
2 meets the requirements of becoming a qualifying school, as defined
3 in this act, and is in a school district that has an average daily
4 membership of five thousand (5,000) or more and which all or part of
5 the school district is located in a county having more than five
6 hundred thousand (500,000) population according to the latest
7 Federal Decennial Census shall have the option to petition for
8 termination of the principal and assistant principals. This option
9 is not available in an alternative school.

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

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

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

21 2. Include the following statement printed in legible, English
22 text at the top of each page of the petition, with the full name of
23 the school inserted:
24

1 "By signing this petition, I am asking that the school district
2 board of education with oversight of _____ terminate the
3 employment of the principals and assistant principals at this
4 school. I understand that if this action is taken, the school board
5 will then hire new administrators for the school. I am the parent
6 or legal guardian of the student or students on whose behalf I am
7 signing. I understand that if I wish to know more about this
8 process, I can consult the Oklahoma Parent Empowerment Act in
9 Oklahoma Statutes, Title 70, Section 3-146."

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

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

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

1 Any signature from a student's parent or legal guardian age
2 eighteen (18) or older 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 at the same school site shall count as a signature
8 on behalf of each student of the parent or legal guardian enrolled
9 at the school site.

10 D. 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 must 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 must take place pursuant to the provisions of the
19 Oklahoma Open Meeting Act.

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

22 F. 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.

3 G. Separate petitions submitted in the same petition time
4 period by multiple parties before sufficiency has been determined
5 for any petition shall not be combined by the school district board
6 of education. If no single submitted petition has sufficient
7 signatures on its own, all 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 H. 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 I. The number of students that must 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 J. 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 this
22 act, the school board shall deem it sufficient and begin
23 implementation, as provided for in this act.

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

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

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

19 N. Following the submission of a petition, should a school
20 district voluntarily choose to terminate the principals and
21 assistant principals or terminate them as the result of a sufficient
22 petition, no terminated principal may be reemployed at the same
23 school site for the following five (5) years. The terminated
24 assistant principals are not subject to this prohibition.

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

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
16 February 25, 2013 - DO PASS AS AMENDED
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