

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2914

By: Dollens

AS INTRODUCED

An Act relating to charter schools; amending 70 O.S. 2011, Section 3-135, as amended by Section 3, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2017, Section 3-135), which relates to the Oklahoma Charter Schools Act; requiring charter school to comply with employer-employee bargaining laws if certain employee petition is filed; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-135, as amended by Section 3, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2017, Section 3-135), is amended to read as follows:

Section 3-135. A. The sponsor of a charter school shall enter into a written contract with the governing body of the charter school. The contract shall incorporate the provisions of the charter of the charter school and contain, but shall not be limited to, the following provisions:

1. A description of the program to be offered by the school which complies with the purposes outlined in Section 3-136 of this title;

1        2. Admission policies and procedures;

2        3. Management and administration of the charter school,

3 including that a majority of the charter governing board members are  
4 residents of the State of Oklahoma and meet no less than quarterly  
5 in a public meeting within the boundaries of the school district in  
6 which the charter school is located or within the State of Oklahoma  
7 in the instance of multiple charter school locations by the same  
8 sponsor;

9        4. Requirements and procedures for program and financial  
10 audits;

11       5. A description of how the charter school will comply with the  
12 charter requirements set forth in the Oklahoma Charter Schools Act;

13       6. Assumption of liability by the charter school;

14       7. The term of the contract;

15       8. A description of the high standards of expectation and rigor  
16 for charter school plans and assurance that charter school plans  
17 adopted meet at least those standards;

18       9. Policies that require that the charter school be as equally  
19 free and open to all students as traditional public schools;

20       10. Procedures that require students enrolled in the charter  
21 school to be selected by lottery to ensure fairness if more students  
22 apply than a school has the capacity to accommodate;

1 11. Policies that require the charter school to be subject to  
2 the same academic standards and expectations as existing public  
3 schools; and

4 12. A description of the requirements and procedures for the  
5 charter school to receive funding in accordance with statutory  
6 requirements and guidelines for existing public schools.

7 B. A charter school shall not enter into an employment contract  
8 with any teacher or other personnel until the charter school has a  
9 contract with a sponsoring school district. The employment contract  
10 shall set forth the personnel policies of the charter school,  
11 including, but not limited to, policies related to certification,  
12 professional development evaluation, suspension, dismissal and  
13 nonreemployment, sick leave, personal business leave, emergency  
14 leave, and family and medical leave. The contract shall also  
15 specifically set forth the salary, hours, fringe benefits, and work  
16 conditions. The contract may provide for employer-employee  
17 bargaining, but the charter school shall ~~not~~ be required to comply  
18 with the provisions of Sections 509.1 through 509.10 of this title  
19 only if an employee petition filed by or on behalf of thirty-five  
20 percent (35%) or more of the employees in a unit is received in  
21 compliance with paragraph 1 of subsection B of Section 509.2 of this  
22 title. The contract shall conform to all applicable provisions set  
23 forth in Section 3-136 of this title.

1       Upon contracting with any teacher or other personnel, the  
2 governing body of the charter school shall, in writing, disclose  
3 employment rights of the employees in the event the charter school  
4 closes or the charter is not renewed.

5       No charter school may begin serving students without a charter  
6 contract executed in accordance with the provisions of the Oklahoma  
7 Charter Schools Act and approved in an open meeting of the sponsor.  
8 The sponsor may establish reasonable preopening requirements or  
9 conditions to monitor the start-up progress of newly approved  
10 charter schools and ensure that each school is prepared to open  
11 smoothly on the date agreed and to ensure that each school meets all  
12 building, health, safety, insurance and other legal requirements for  
13 the opening of a school.

14       C. The performance provisions within the charter contract shall  
15 be based on a performance framework that clearly sets forth the  
16 academic and operational performance indicators, measures and  
17 metrics that will guide the evaluations of the charter school by the  
18 sponsor. The sponsor shall require a charter school to submit the  
19 data required in this section in the identical format that is  
20 required by the State Department of Education of all public schools  
21 in order to avoid duplicative administrative efforts or allow a  
22 charter school to provide permission to the Department to share all  
23 required data with the sponsor of the charter school. The  
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performance framework shall include indicators, measures and metrics for, at a minimum:

1. Student academic proficiency;
2. Student academic growth;
3. Achievement gaps in both proficiency and growth between major student subgroups;
4. Student attendance;
5. Recurrent enrollment from year to year as determined by the methodology used for public schools in Oklahoma;
6. In the case of high schools, graduation rates as determined by the methodology used for public schools in Oklahoma;
7. In the case of high schools, postsecondary readiness;
8. Financial performance and sustainability; and
9. Governing board performance and stewardship, including compliance with all applicable laws, regulations and terms of the charter contract.

D. The sponsor shall not request any metric or data from a charter school that it does not produce or publish for all school sites in the district or under its sponsorship, unless the metric or data is unique to a charter school.

E. A charter contract may provide for one or more schools by an applicant to the extent approved by the sponsor and consistent with applicable law. An applicant or the governing board of an applicant may hold one or more charter contracts. Each charter school that is

1 part of a charter contract shall be separate and distinct from any  
2 other charter school under the same charter contract.

3 SECTION 2. This act shall become effective November 1, 2018.

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