

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3872 _____
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: Logan Phillips

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3872

By: Phillips

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2021,
Section 3-132, which relates to the Oklahoma Charter
Schools Act; modifying sponsorship of certain schools
which contract with the Office of Juvenile Affairs;
and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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 any school district located in the State of Oklahoma,
provided such charter school shall only be located within the
geographical boundaries of the sponsoring district and subject to
the restrictions of Section 3-145.6 of this title;

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

1 school district in which all or part of the school district is
2 located in a county having more than five hundred thousand (500,000)
3 population according to the latest Federal Decennial Census;

4 3. By a technology center school district if the charter school
5 is located in a school district served by the technology center
6 school district and the school district has a school site that has
7 been identified as in need of improvement by the State Board of
8 Education pursuant to the Elementary and Secondary Education Act of
9 1965, as amended or reauthorized;

10 4. By an accredited comprehensive or regional institution that
11 is a member of The Oklahoma State System of Higher Education or a
12 community college if the charter school is located in a school
13 district in which all or part of the school district is located in a
14 county having more than five hundred thousand (500,000) population
15 according to the latest Federal Decennial Census;

16 5. 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 that
19 has been identified as in need of improvement 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 in the State of Oklahoma;

3 6. 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 7. 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;

21 8. By a federally recognized Indian tribe only when the charter
22 school is located within the former reservation or treaty area
23 boundaries of the tribe on property held in trust by the Bureau of
24

1 Indian Affairs of the United States Department of the Interior for
2 the benefit of the tribe; or

3 9. By the State Board of Education when the applicant has first
4 been denied a charter by the local school district in which it seeks
5 to operate. In counties with fewer than five hundred thousand
6 (500,000) population, according to the latest Federal Decennial
7 Census, the State Board of Education shall not sponsor more than
8 five charter schools per year each year for the first five (5) years
9 after the effective date of this act, with not more than one charter
10 school sponsored in a single school district per year. In order to
11 authorize a charter school under this section, the State Board of
12 Education shall find evidence of all of the following:

- 13 a. a thorough and high-quality charter school application
14 from the applicant based on the authorizing standards
15 in subsection B of Section 3-134 of this title,
- 16 b. a clear demonstration of community support for the
17 charter school, and
- 18 c. the grounds and basis of objection by the school
19 district for denying the operation of the charter are
20 not supported by the greater weight of evidence and
21 the strength of the application.

22 B. An eligible non-school-district sponsor shall give priority
23 to opening charter schools that serve at-risk student populations or
24 students from low-performing traditional public schools.

1 C. An eligible non-school-district sponsor shall give priority
2 to applicants that have demonstrated a record of operating at least
3 one school or similar program that demonstrates academic success and
4 organizational viability and serves student populations similar to
5 those the proposed charter school seeks to serve. In assessing the
6 potential for quality replication of a charter school, a sponsor
7 shall consider the following factors before approving a new site or
8 school:

9 1. Evidence of a strong and reliable record of academic success
10 based primarily on student performance data, as well as other viable
11 indicators, including financial and operational success;

12 2. A sound, detailed, and well-supported growth plan;

13 3. Evidence of the ability to transfer successful practices to
14 a potentially different context that includes reproducing critical
15 cultural, organizational and instructional characteristics;

16 4. Any management organization involved in a potential
17 replication is fully vetted, and the academic, financial and
18 operational records of the schools it operates are found to be
19 satisfactory;

20 5. Evidence the program seeking to be replicated has the
21 capacity to do so successfully without diminishing or putting at
22 risk its current operations; and

23 6. A financial structure that ensures that funds attributable
24 to each charter school within a network and required by law to be

1 utilized by a school remain with and are used to benefit that
2 school.

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

11 E. 1. For the purposes of the Oklahoma Charter Schools Act,
12 "conversion school" means a school created by converting all or any
13 part of a traditional public school in order to access any or all
14 flexibilities afforded to a charter school.

15 2. Prior to the board of education of a school district
16 converting all or any part of a traditional public school to a
17 conversion school, the board shall prepare a conversion plan. The
18 conversion plan shall include documentation that demonstrates and
19 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,
20 19, 20, 21, 22, 23, 24, 34 and 35 of subsection B of Section 3-134
21 of this title. The conversion plan and all documents shall be in
22 writing and shall be available to the public pursuant to the
23 requirements of the Oklahoma Open Records Act. All votes by the
24 board of education of a school district to approve a conversion plan

1 shall be held in an open public session. If the board of education
2 of a school district votes to approve a conversion plan, the board
3 shall notify the State Board of Education within sixty (60) days
4 after the vote. The notification shall include a copy of the
5 minutes for the board meeting at which the conversion plan was
6 approved.

7 3. A conversion school shall comply with all the same
8 accountability measures as are required of a charter school as
9 defined in subsection D of this section. The provisions of Sections
10 3-140 and 3-142 of this title shall not apply to a conversion
11 school. Conversion schools shall comply with the same laws and
12 State Board of Education rules relating to student enrollment which
13 apply to traditional public schools. Conversion schools shall be
14 funded by the board of education of the school district as a school
15 site within the school district and funding shall not be affected by
16 the conversion of the school.

17 4. The board of education of a school district may vote to
18 revert a conversion school back to a traditional public school at
19 any time; provided, the change shall only occur during a break
20 between school years.

21 5. Unless otherwise provided for in this subsection, a
22 conversion school shall retain the characteristics of a traditional
23 public school.

1 F. 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. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8

9 58-2-10559 EK 02/15/22

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24