

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1402

By: Dahm

AS INTRODUCED

An Act relating to charter schools; creating the Professional Teacher Charter Act; providing short title; providing purpose; providing definitions; establishing eligibility to sponsor a professional teacher charter school; requiring filing of certain bond or letter of credit; allowing conversion of certain charter school; providing application process; allowing the State Board of Education to disapprove applications for certain reasons; requiring the Board to approve certain applications within certain time period; creating certain cause of action; allowing award of certain costs and fees; providing for governance of professional teacher charter school; providing for term and renewal of charter contract; providing eligibility to assume the terms of a charter contract; establishing powers and duties of a professional teacher charter school; prohibiting a professional teacher charter school from being subject to certain provisions; establishing boundaries of a professional teacher charter school; providing for student enrollment; creating the Professional Teacher Charter Student Revolving Fund; specifying source of fund; providing for expenditures; providing purpose of fund; providing for distribution of funds to certain schools; providing for retention and distribution of certain property; providing for calculation of weighted average daily membership and State Aid for a professional teacher charter school; prohibiting certain school from receiving certain funds; directing the State Board of Education to determine certain policy; requiring use of certain system to report transactions; providing for promulgation of rules; amending 70 O.S. 2021, Section 3-138, which relates to unlawful reprisal against certain

1 employees; adding reference to certain charter
2 school; amending 70 O.S. 2021, Section 3-144, which
3 relates to the Charter Schools Incentive Fund;
4 allowing use of fund for certain purpose; providing
5 for codification; providing an effective date; and
6 declaring an emergency.

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

8 SECTION 1. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3-146 of Title 70, unless there
10 is created a duplication in numbering, reads as follows:

11 A. This act shall be known and may be cited as the
12 "Professional Teacher Charter Act".

13 B. The purpose of the Professional Teacher Charter Act is to
14 provide for the establishment of professional teacher charter
15 schools to:

- 16 1. Improve student learning;
- 17 2. Increase learning opportunities for students;
- 18 3. Allow experienced public school teachers to establish
19 themselves as independent education practitioners;
- 20 4. Encourage the use of different and innovative teaching
21 methods;
- 22 5. Provide additional academic choices for parents and
23 students;
- 24 6. Increase parental knowledge and control of student
25 curriculum;

1 7. Reduce administrative interference in classroom teaching;

2 and

3 8. Increase transparency of student performance outcomes.

4 C. For the purposes of this act:

5 1. "Certified teacher" means a teacher who has been issued a
6 certificate by the State Board of Education in accordance with the
7 Oklahoma Teacher Preparation Act and rules of the Board;

8 2. "Charter school" means a public school established by
9 contract pursuant to this act to provide learning that will improve
10 student achievement and as defined in the Elementary and Secondary
11 Education Act of 1965, 20 U.S.C. 8065; and

12 3. "Parent" means the natural or adoptive parent or legal
13 guardian of a minor child.

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

17 A. A certified teacher who has five (5) years of teaching
18 experience or a consortium of certified teachers who each have five
19 (5) years of teaching experience may sponsor a professional teacher
20 charter school pursuant to the provisions of this act.

21 B. A certified teacher or consortium of certified teachers
22 shall file with the State Board of Education a surety bond or letter
23 of credit in an amount equal to Two Thousand Dollars (\$2,000.00) per
24 student expected to enroll in the professional teacher charter

1 school. The surety bond or letter of credit amount may be adjusted
2 based on actual enrollment of students in the professional teacher
3 charter school as of August 1. In no case shall the amount of
4 surety bond or letter of credit be less than Twenty-five Thousand
5 Dollars (\$25,000.00).

6 C. A charter school established pursuant to the Oklahoma
7 Charter Schools Act may convert to a professional teacher charter
8 school subject to the provisions of this act.

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

12 A. A certified teacher or consortium of certified teachers
13 seeking to establish a professional teacher charter school pursuant
14 to this act shall submit a written application to the State Board of
15 Education. The Board shall make the application available on its
16 website, and applications may be submitted online. The Board shall
17 not charge an application fee. The application shall include:

18 1. The name of the applicant(s) accompanied by copies of
19 certificates to teach issued by the Board and proof that the
20 applicant(s) has five (5) years of teaching experience in this
21 state;

22 2. Proof of filing the surety bond or letter of credit required
23 by Section 2 of this act; and
24

1 3. The designated point of contact between the professional
2 teacher charter school and State Board of Education.

3 B. 1. The State Board of Education may disapprove an
4 application that does not meet one or more of the requirements set
5 forth in this section or Section 4 of this act.

6 2. The State Board of Education shall approve an application
7 that meets the requirements of this section and Section 4 of this
8 act within thirty (30) days of receipt of the application and grant
9 the applicant a charter contract. If an application that meets the
10 requirements of this section and Section 4 of this act is not
11 approved within thirty (30) days of receipt, the applicant(s) shall
12 have a cause of action in district court. The court may award costs
13 and reasonable attorney fees to the prevailing party.

14 C. A professional teacher charter school established pursuant
15 to the provisions of this act may be organized as a sole
16 proprietorship or any other business entity authorized to do
17 business in this state.

18 D. A professional teacher charter school shall be governed by
19 the certified teacher or consortium of certified teachers who
20 applied for the school pursuant to this section and shall have
21 exclusive control over curriculum selection, development, and
22 delivery. Provided, however, a professional teacher charter school
23 may have a non-teacher advisory board.
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1 E. The term of a professional teacher charter school contract
2 shall be five (5) years from the first day of operation. A
3 professional teacher charter school contract may be renewed for
4 successive five-year terms of duration.

5 F. If a certified teacher or consortium of certified teachers
6 granted a professional teacher charter school contract pursuant to
7 the provisions of this section is no longer willing or able to
8 operate the charter school, another certified teacher or consortium
9 of teachers who meets the requirements of subsection A of Section 2
10 of this act may apply to the State Board of Education to assume the
11 terms of the charter contract. The State Board of Education shall
12 approve the transfer of the charter contract if the application
13 meets the requirements of this section and Section 4 of this act.

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

17 A. A professional teacher charter school established pursuant
18 to this act:

19 1. May provide a comprehensive program of instruction for
20 prekindergarten, kindergarten, or any grade between grades one and
21 twelve;

22 2. Shall ensure that each enrolled student takes a nationally
23 norm-referenced test approved by the State Board of Education once
24 each school year. Individual student test results shall be

1 delivered to the student's parents along with aggregated charter
2 school results. Aggregate test data shall be remitted to the State
3 Department of Education and published on the professional teacher
4 charter school's website;

5 3. Shall post on its website a statement describing the extent
6 to which the charter school's curriculum complies with or departs
7 from the subject matter standards adopted by the State Board of
8 Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma
9 Statutes;

10 4. Shall post on its website information regarding curriculum
11 and instructional materials to be used by charter school students
12 and teachers;

13 5. Shall adopt bylaws that:

14 a. ensure compliance with all federal regulations and
15 state and local rules and statutes relating to health,
16 safety, civil rights, and insurance, and

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

19 6. Shall have independent control over curriculum and personnel
20 decisions;

21 7. May enter into contracts, sue, and be sued; and

22 8. Shall not levy taxes or issue bonds.

23 B. A professional teacher charter school established pursuant
24 to this act shall not be subject to any provision of the Oklahoma
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1 Charter Schools Act except as provided for in this act. A
2 professional teacher charter school shall not:

3 1. Be required to participate in the testing required by the
4 Oklahoma School Testing Program Act; however, the charter school may
5 choose to participate;

6 2. Be required to participate in the accountability system
7 established pursuant to Section 1210.545 of Title 70 of the Oklahoma
8 Statutes; however, the charter school may choose to participate;

9 3. Be required to employ persons who have a valid certificate
10 issued by and in accordance with the rules of the State Board of
11 Education;

12 4. Be required to comply with the minimum salary and benefits
13 set forth in Section 18-114.14 of Title 70 of the Oklahoma Statutes;

14 5. Be required to comply with employer-employee bargaining
15 provisions set forth in Sections 509.1 through 509.10 of Title 70 of
16 the Oklahoma Statutes;

17 6. Except as provided for in this act, be exempt from all
18 statutes and rules relating to schools, boards of education, and
19 school districts; and

20 7. Be required to comply with provisions regarding the length
21 of the school day as provided for in Section 1-111 of Title 70 of
22 the Oklahoma Statutes or the length of the school year as provided
23 for in Section 1-109 of Title 70 of the Oklahoma Statutes.
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1 C. 1. A professional teacher charter school established
2 pursuant to this act shall be a statewide charter school, and the
3 geographic boundaries of each professional teacher charter school
4 shall be the borders of the state.

5 2. Any student between the ages of five (5) on or before
6 September 1 and twenty-one (21) years on or before September 1 shall
7 be eligible to submit an enrollment application to a professional
8 teacher charter school.

9 3. A professional teacher charter school shall not limit
10 enrollment or discriminate based on race, sex, or religion.

11 4. The State Board of Education shall not restrict the number
12 of students a professional teacher charter school may enroll.

13 5. A professional teacher charter school may establish
14 enrollment criteria based on objective academic standards and
15 educational emphasis.

16 6. By July 1 each year, a professional teacher charter school
17 shall determine and post on its website the capacity for each grade
18 level offered by the school. If capacity is insufficient to enroll
19 all eligible students, the school shall select students through a
20 lottery selection process.

21 D. A professional teacher charter school may provide student
22 transportation.

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

4 A. There is hereby created in the State Treasury a revolving
5 fund for the State Department of Education to be designated the
6 "Professional Teacher Charter Student Revolving Fund". The fund
7 shall be a continuing fund, not subject to fiscal year limitations,
8 and shall consist of all monies received by the State Department of
9 Education from the surety bond or irrevocable letter of credit
10 required by subsection B of Section 2 of this act. All monies
11 accruing to the credit of the fund are hereby appropriated and may
12 be budgeted and expended by the State Department of Education for
13 the purpose set forth in subsection B of this section. Expenditures
14 from the fund shall be made upon warrants issued by the State
15 Treasurer against claims filed as prescribed by law with the
16 Director of the Office of Management and Enterprise Services for
17 approval and payment.

18 B. 1. In the event that a professional teacher charter school
19 established pursuant to the Professional Teacher Charter Act created
20 in Section 1 of this act permanently ceases operations prior to the
21 end of a school year, the surety bond or irrevocable letter of
22 credit required by subsection B of Section 2 of this act shall be
23 paid to the Professional Teacher Charter Student Revolving Fund
24 created in subsection A of this section. The State Department of

1 Education shall distribute the funds on a pro-rata basis to the
2 school districts or public charter schools established pursuant to
3 the Oklahoma Charter Schools Act in which students who had been
4 attending a professional teacher charter school enroll.

5 2. If a professional teacher charter school permanently ceases
6 operations, any real or personal property purchased by the charter
7 school with public funds shall be retained by the State Board of
8 Education for distribution to the school districts or public charter
9 schools established pursuant to the Oklahoma Charter Schools Act in
10 which students who had been attending a professional teacher charter
11 school enroll. Priority shall be given to public charter schools in
12 which students who had been attending a professional teacher charter
13 school enroll.

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-146.5 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 A. For the purpose of calculating weighted average daily
18 membership pursuant to Section 18-201.1 of Title 70 of the Oklahoma
19 Statutes and State Aid pursuant to Section 18-200.1 of Title 70 of
20 the Oklahoma Statutes, the weighted average daily membership for the
21 first year of operation of a professional teacher charter school
22 established pursuant to the provisions of this act shall be
23 determined by multiplying the actual enrollment of students as of
24 August 1 by 1.333. The professional teacher charter school shall

1 receive revenue equal to that which would be generated by the
2 estimated weighted average daily membership calculated pursuant to
3 this paragraph. At midyear, the allocation for the professional
4 teacher charter school shall be adjusted using the first quarter
5 weighted average daily membership for the professional teacher
6 charter school calculated pursuant to Section 18-201.1 of Title 70
7 of the Oklahoma Statutes.

8 B. A professional teacher charter school shall not be eligible
9 to receive state-dedicated, local, or county revenue; provided, a
10 professional teacher charter school may be eligible to receive any
11 other aid, grants, or revenues allowed to other schools. A
12 professional teacher charter school shall be considered a local
13 education agency for purposes of funding.

14 C. The State Board of Education shall determine the policy and
15 procedure for making payments to a professional teacher charter
16 school.

17 D. A professional teacher charter school shall use the Oklahoma
18 Cost Accounting System to report financial transactions to the State
19 Board of Education.

20 E. Any unexpended funds received by a professional teacher
21 charter school may be reserved and used for future purposes.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3-146.6 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

1 The State Board of Education shall promulgate rules to implement
2 the provisions of this act.

3 SECTION 8. AMENDATORY 70 O.S. 2021, Section 3-138, is
4 amended to read as follows:

5 Section 3-138. A board of education of a school district or an
6 employee of the district who has control over personnel actions
7 shall not take unlawful reprisal action against an employee of the
8 school district for the reason that the employee is directly or
9 indirectly involved in an application to establish a charter school
10 pursuant to the Oklahoma Charter Schools Act or the Professional
11 Teacher Charter Act created in Section 1 of this act. As used in
12 this section, "unlawful reprisal" means an action that is taken by a
13 board of education or a school district employee as a direct result
14 of a lawful application to establish a charter school pursuant to
15 the Oklahoma Charter Schools Act or the Professional Teacher Charter
16 Act created in Section 1 of this act and that is adverse to an
17 employee or an education program.

18 SECTION 9. AMENDATORY 70 O.S. 2021, Section 3-144, is
19 amended to read as follows:

20 Section 3-144. A. There is hereby created in the State
21 Treasury a fund to be designated the "Charter Schools Incentive
22 Fund". The fund shall be a continuing fund, not subject to fiscal
23 year limitations, and shall consist of all monies appropriated by
24 the Legislature, gifts, grants, devises, and donations from any
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1 public or private source. The State Department of Education shall
2 administer the fund for the purpose of providing financial support
3 to charter school applicants and charter schools established
4 pursuant to the Oklahoma Charter Schools Act or the Professional
5 Teacher Charter Act created pursuant to Section 1 of this act for
6 start-up costs and costs associated with renovating or remodeling
7 existing buildings and structures for use by a charter school. The
8 State Department of Education is authorized to allocate funds on a
9 per-pupil basis for purposes of providing matching funds for the
10 federal State Charter School Facilities Incentive Grants Program
11 created pursuant to the No Child Left Behind Act, 20 USCA, Section
12 7221d.

13 B. The State Board of Education shall adopt rules to implement
14 the provisions of this section, including application and
15 notification requirements.

16 SECTION 10. This act shall become effective July 1, 2022.

17 SECTION 11. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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