

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 321

By: Seifried

AS INTRODUCED

An Act relating to charter schools; amending 70 O.S. 2021, Section 3-132, as amended by Section 1, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022, Section 3-132), which relates to charter school sponsorship; updating statutory language; adding sponsor; amending 70 O.S. 2021, Section 3-134, as amended by Section 2, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022, Section 3-134), which relates to charter sponsor proposals; adding sponsor; updating statutory reference; providing an effective date; 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, as amended by Section 1, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022, 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~~ this state, 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;

1 2. By a technology center school district if the charter school
2 is located in a school district served by the technology center
3 school district in which all or part of the school district is
4 located in a county having more than five hundred thousand (500,000)
5 population according to the latest Federal Decennial Census;

6 3. By a technology center school district if the charter school
7 is located in a school district served by the technology center
8 school district and the school district has a school site that has
9 been identified as in need of improvement by the State Board of
10 Education pursuant to the Elementary and Secondary Education Act of
11 1965, as amended or reauthorized;

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

18 5. By a comprehensive or regional institution that is a member
19 of The Oklahoma State System of Higher Education if the charter
20 school is located in a school district that has a school site that
21 has been identified as in need of improvement by the State Board of
22 Education pursuant to the Elementary and Secondary Education Act of
23 1965, as amended or reauthorized. In addition, the institution
24 shall have a teacher education program accredited by the ~~Oklahoma~~

1 ~~Commission for Teacher Preparation~~ Commission for Educational
2 Quality and Accountability and have a branch campus or constituent
3 agency physically located within the school district in which the
4 charter school is located in ~~the State of Oklahoma~~ this state;

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

14 7. By the State Board of Education when the applicant of the
15 charter school is the Office of Juvenile Affairs or the applicant
16 has a contract with the Office of Juvenile Affairs and the charter
17 school is for the purpose of providing education services to youth
18 in the custody or supervision of the state. Not more than two
19 charter schools shall be sponsored by the Board as provided for in
20 this paragraph during the period of time beginning July 1, 2010,
21 through July 1, 2016;

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

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

3 9. By a private institution of higher learning located within
4 this state and accredited pursuant to Section 4103 of this title; or

5 10. By the State Board of Education when the applicant has
6 first been denied a charter by the local school district in which it
7 seeks to operate. In counties with fewer than five hundred thousand
8 (500,000) population, according to the latest Federal Decennial
9 Census, the State Board of Education shall not sponsor more than
10 five charter schools per year each year for the first five (5) years
11 after ~~the effective date of this act~~ August 21, 2015, with not more
12 than one charter school sponsored in a single school district per
13 year. In order to authorize a charter school under this section,
14 the State Board of Education shall find evidence of all of the
15 following:

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

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

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

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

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

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

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

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

4 6. A financial structure that ensures that funds attributable
5 to each charter school within a network and required by law to be
6 utilized by a school remain with and are used to benefit that
7 school.

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

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

21 2. Prior to the board of education of a school district
22 converting all or any part of a traditional public school to a
23 conversion school, the board shall prepare a conversion plan. The
24 conversion plan shall include documentation that demonstrates and

1 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,
2 19, 20, 21, 22, 23, 24, 34, and 35 of subsection B of Section 3-134
3 of this title. The conversion plan and all documents shall be in
4 writing and shall be available to the public pursuant to the
5 requirements of the Oklahoma Open Records Act. All votes by the
6 board of education of a school district to approve a conversion plan
7 shall be held in an open public session. If the board of education
8 of a school district votes to approve a conversion plan, the board
9 shall notify the State Board of Education within sixty (60) days
10 after the vote. The notification shall include a copy of the
11 minutes for the board meeting at which the conversion plan was
12 approved.

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

23 4. The board of education of a school district may vote to
24 revert a conversion school back to a traditional public school at

1 any time; provided, the change shall only occur during a break
2 between school years.

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

6 F. A charter school may consist of a new school site, new
7 school sites, or all or any portion of an existing school site. An
8 entire school district may not become a charter school site.

9 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-134, as
10 amended by Section 2, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022,
11 Section 3-134), is amended to read as follows:

12 Section 3-134. A. For written applications filed after January
13 1, 2008, prior to submission of the application to a proposed
14 sponsor seeking to establish a charter school, the applicant shall
15 be required to complete training which shall not exceed ten (10)
16 hours provided by the State Department of Education on the process
17 and requirements for establishing a charter school. The Department
18 shall develop and implement the training by January 1, 2008. The
19 Department may provide the training in any format and manner that
20 the Department determines to be efficient and effective including,
21 but not limited to, web-based training.

22 B. Except as otherwise provided for in Section 3-137 of this
23 title, an applicant seeking to establish a charter school shall
24

1 submit a written application to the proposed sponsor as prescribed
2 in subsection E of this section. The application shall include:

3 1. A mission statement for the charter school;

4 2. A description including, but not limited to, background
5 information of the organizational structure and the governing body
6 of the charter school;

7 3. A financial plan for the first five (5) years of operation
8 of the charter school and a description of the treasurer or other
9 officers or persons who shall have primary responsibility for the
10 finances of the charter school. Such person shall have demonstrated
11 experience in school finance or the equivalent thereof;

12 4. A description of the hiring policy of the charter school;

13 5. The name of the applicant or applicants and requested
14 sponsor;

15 6. A description of the facility and location of the charter
16 school;

17 7. A description of the grades being served;

18 8. An outline of criteria designed to measure the effectiveness
19 of the charter school;

20 9. A demonstration of support for the charter school from
21 residents of the school district which may include but is not
22 limited to a survey of the school district residents or a petition
23 signed by residents of the school district;

- 1 10. Documentation that the applicants completed charter school
2 training as set forth in subsection A of this section;
- 3 11. A description of the minimum and maximum enrollment planned
4 per year for each term of the charter contract;
- 5 12. The proposed calendar for the charter school and sample
6 daily schedule;
- 7 13. Unless otherwise authorized by law or regulation, a
8 description of the academic program aligned with state standards;
- 9 14. A description of the instructional design of the charter
10 school, including the type of learning environment, class size and
11 structure, curriculum overview, and teaching methods;
- 12 15. The plan for using internal and external assessments to
13 measure and report student progress on the performance framework
14 developed by the applicant in accordance with subsection C of
15 Section 3-135 of this title;
- 16 16. The plans for identifying and successfully serving students
17 with disabilities, students who are English language learners, and
18 students who are academically behind;
- 19 17. A description of cocurricular or extracurricular programs
20 and how they will be funded and delivered;
- 21 18. Plans and time lines for student recruitment and
22 enrollment, including lottery procedures;
- 23 19. The student discipline policies for the charter school,
24 including those for special education students;

1 20. An organizational chart that clearly presents the
2 organizational structure of the charter school, including lines of
3 authority and reporting between the governing board, staff, any
4 related bodies such as advisory bodies or parent and teacher
5 councils, and any external organizations that will play a role in
6 managing the school;

7 21. A clear description of the roles and responsibilities for
8 the governing board, the leadership and management team for the
9 charter school, and any other entities shown in the organizational
10 chart;

11 22. The leadership and teacher employment policies for the
12 charter school;

13 23. Proposed governing bylaws;

14 24. Explanations of any partnerships or contractual
15 partnerships central to the operations or mission of the charter
16 school;

17 25. The plans for providing transportation, food service, and
18 all other significant operational or ancillary services;

19 26. Opportunities and expectations for parental involvement;

20 27. A detailed school start-up plan that identifies tasks, time
21 lines, and responsible individuals;

22 28. A description of the financial plan and policies for the
23 charter school, including financial controls and audit requirements;

1 29. A description of the insurance coverage the charter school
2 will obtain;

3 30. Start-up and five-year budgets with clearly stated
4 assumptions;

5 31. Start-up and first-year cash-flow projections with clearly
6 stated assumptions;

7 32. Evidence of anticipated fundraising contributions, if
8 claimed in the application;

9 33. A sound facilities plan, including backup or contingency
10 plans if appropriate;

11 34. A requirement that the charter school governing board meet
12 at a minimum quarterly in the state and that for those charter
13 schools outside of counties with a population of five hundred
14 thousand (500,000) or more, that a majority of members are residents
15 within the geographic boundary of the sponsoring entity; and

16 35. A requirement that the charter school follow the
17 requirements of the Oklahoma Open Meeting Act and Oklahoma Open
18 Records Act.

19 C. A board of education of a public school district, public
20 body, public or private college or university, private person, or
21 private organization may contract with a sponsor to establish a
22 charter school. A private school shall not be eligible to contract
23 for a charter school under the provisions of the Oklahoma Charter
24 Schools Act.

1 D. The sponsor of a charter school is the board of education of
2 a school district, the board of education of a technology center
3 school district, a higher education institution, a private
4 institution of higher learning, the State Board of Education, or a
5 federally recognized Indian tribe which meets the criteria
6 established in Section 3-132 of this title. Any board of education
7 of a school district in the state may sponsor one or more charter
8 schools. The physical location of a charter school sponsored by a
9 board of education of a school district or a technology center
10 school district shall be within the boundaries of the sponsoring
11 school district. The physical location of a charter school
12 otherwise sponsored by the State Board of Education pursuant to
13 paragraph ~~8~~ 10 of subsection A of Section 3-132 of this title shall
14 be in the school district in which the application originated.

15 E. An applicant for a charter school may submit an application
16 to a proposed sponsor which shall either accept or reject
17 sponsorship of the charter school within ninety (90) days of receipt
18 of the application. If the proposed sponsor rejects the
19 application, it shall notify the applicant in writing of the reasons
20 for the rejection. The applicant may submit a revised application
21 for reconsideration to the proposed sponsor within thirty (30) days
22 after receiving notification of the rejection. The proposed sponsor
23 shall accept or reject the revised application within thirty (30)
24 days of its receipt. Should the sponsor reject the application on

1 reconsideration, the applicant may appeal the decision to the State
2 Board of Education with the revised application for review pursuant
3 to paragraph & 10 of subsection A of Section 3-132 of this title.
4 The State Board of Education shall hear the appeal no later than
5 sixty (60) days from the date received by the Board.

6 F. A board of education of a school district, board of
7 education of a technology center school district, higher education
8 institution, private institution of higher learning, or federally
9 recognized Indian tribe sponsor of a charter school shall notify the
10 State Board of Education when it accepts sponsorship of a charter
11 school. The notification shall include a copy of the charter of the
12 charter school.

13 G. Applicants for charter schools proposed to be sponsored by
14 an entity other than a school district pursuant to paragraph 1 of
15 subsection A of Section 3-132 of this title may, upon rejection of
16 the revised application, proceed to binding arbitration under the
17 commercial rules of the American Arbitration Association with costs
18 of the arbitration to be borne by the proposed sponsor. Applicants
19 for charter schools proposed to be sponsored by school districts
20 pursuant to paragraph 1 of subsection A of Section 3-132 of this
21 title may not proceed to binding arbitration but may be sponsored by
22 the State Board of Education as provided in paragraph & 10 of
23 subsection A of Section 3-132 of this title.
24

1 H. If a board of education of a technology center school
2 district, a higher education institution, a private institution of
3 higher learning, the State Board of Education, or a federally
4 recognized Indian tribe accepts sponsorship of a charter school, the
5 administrative, fiscal, and oversight responsibilities of the
6 technology center school district, the higher education institution,
7 the private institution of higher learning, or the federally
8 recognized Indian tribe shall be listed in the contract. No
9 responsibilities shall be delegated to a school district unless the
10 ~~local~~ school district agrees to assume the responsibilities.

11 I. A sponsor of a public charter school shall have the
12 following powers and duties:

13 1. Provide oversight of the operations of charter schools in
14 the state through annual performance reviews of charter schools and
15 reauthorization of charter schools for which it is a sponsor;

16 2. Solicit and evaluate charter applications;

17 3. Approve quality charter applications that meet identified
18 educational needs and promote a diversity of educational choices;

19 4. Decline to approve weak or inadequate charter applications;

20 5. Negotiate and execute sound charter contracts with each
21 approved public charter school;

22 6. Monitor, in accordance with charter contract terms, the
23 performance and legal compliance of charter schools; and

1 7. Determine whether each charter contract merits renewal,
2 nonrenewal, or revocation.

3 J. Sponsors shall establish a procedure for accepting,
4 approving, and disapproving charter school applications in
5 accordance with subsection E of this section.

6 K. Sponsors shall be required to develop and maintain
7 chartering policies and practices consistent with recognized
8 principles and standards for quality charter authorizing as
9 established by the State Department of Education in all major areas
10 of authorizing responsibility, including organizational capacity and
11 infrastructure, soliciting and evaluating charter applications,
12 performance contracting, ongoing charter school oversight, and
13 evaluation and charter renewal decision-making.

14 L. Sponsors acting in their official capacity shall be immune
15 from civil and criminal liability with respect to all activities
16 related to a charter school with which they contract.

17 SECTION 3. This act shall become effective July 1, 2023.

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

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