

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1912

By: Jordan

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Sections 3-132 as last amended by Section 1, Chapter
9 212, O.S.L. 2013, 3-134, 3-135, 3-137 and 3-140 as
10 last amended by Section 2, Chapter 212, O.S.L. 2013
11 (70 O.S. Supp. 2014, Sections 3-132 and 3-140), which
12 relate to the Oklahoma Charter Schools Act; modifying
13 list of authorized sponsors of charter schools;
14 deleting certain conditions on certain sponsors;
15 allowing certain charter schools to be located
16 outside the boundaries of the sponsoring school
17 district under certain conditions; deleting certain
18 mediation and binding arbitration requirements;
19 allowing an unsuccessful applicant to appeal to the
20 State Board of Education; modifying provisions
21 required in the charter contract; adding provisions
22 required in the charter contract; changing the
23 duration of the charter contract; prohibiting the
24 sponsor of a charter school from restricting the
number of students enrolled in a charter school;
requiring the governing body of the charter school to
determine capacity; specifying considerations;
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. 2011, Section 3-132, as
last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp.
2014, Section 3-132), is amended to read as follows:

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

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

9 2. ~~By a school district which has a school site that has been~~
10 ~~identified as in need of improvement by the State Board of Education~~
11 ~~pursuant to the Elementary and Secondary Education Act of 1965, as~~
12 ~~amended or reauthorized;~~

13 ~~3.~~ 2. By a technology center school district if the charter
14 school is located in a school district served by the technology
15 center school district ~~and the school district has an average daily~~
16 ~~membership of five thousand (5,000) or more and which all or part of~~
17 ~~the school district is located in a county having more than five~~
18 ~~hundred thousand (500,000) population according to the latest~~
19 ~~Federal Decennial Census;~~

20 4. ~~By a technology center school district if the charter school~~
21 ~~is located in a school district served by the technology center~~
22 ~~school district and the school district has a school site that has~~
23 ~~been identified as in need of improvement by the State Board of~~
24

1 ~~Education pursuant to the Elementary and Secondary Education Act of~~
2 ~~1965, as amended or reauthorized;~~

3 ~~5. 3. By a comprehensive or regional institution or community~~
4 ~~college that is a member of The Oklahoma State System of Higher~~
5 ~~Education or a private educational institution that has a campus or~~
6 ~~multiple campuses in the state if the charter school is located in a~~
7 ~~school district that has an average daily membership of five~~
8 ~~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. In addition, the institution shall have a teacher~~
12 ~~education program accredited by the Oklahoma Commission for Teacher~~
13 ~~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 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~~

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

3 ~~7. 4. 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; or~~

12 ~~8. 5. 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 B. For purposes of the Oklahoma Charter Schools Act, "charter
22 school" means a public school established by contract with a board
23 of education of a school district, an area vocational-technical
24 school district, a higher education institution, a federally

1 recognized Indian tribe, or the State Board of Education pursuant to
2 the Oklahoma Charter Schools Act to provide learning that will
3 improve student achievement and as defined in the Elementary and
4 Secondary Education Act of 1965, 20 U.S.C. 8065.

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

8 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-134, is
9 amended to read as follows:

10 Section 3-134.A. For written applications filed after January
11 1, 2008, prior to submission of the application to a proposed
12 sponsor seeking to establish a charter school, the applicant shall
13 be required to complete training which shall not exceed ten (10)
14 hours provided by the State Department of Education on the process
15 and requirements for establishing a charter school. The Department
16 shall develop and implement the training by January 1, 2008. The
17 Department may provide the training in any format and manner that
18 the Department determines to be efficient and effective including,
19 but not limited to, web-based training.

20 B. Except as otherwise provided for in Section 3-137 of this
21 title, an applicant seeking to establish a charter school shall
22 submit a written application to the proposed sponsor as prescribed
23 in subsection E of this section. The application shall include:

24 1. A mission statement for the charter school;

- 1 2. A description of the organizational structure and the
2 governing body of the charter school;
- 3 3. A financial plan for the first three (3) years of operation
4 of the charter school and a description of the treasurer or other
5 officers or persons who shall have primary responsibility for the
6 finances of the charter school. Such person shall have demonstrated
7 experience in school finance or the equivalent thereof;
- 8 4. A description of the hiring policy of the charter school;
- 9 5. The name of the applicant or applicants and requested
10 sponsor;
- 11 6. A description of the facility and location of the charter
12 school;
- 13 7. A description of the grades being served;
- 14 8. An outline of criteria designed to measure the effectiveness
15 of the charter school;
- 16 9. A demonstration of support for the charter school from
17 residents of the school district which may include but is not
18 limited to a survey of the school district residents or a petition
19 signed by residents of the school district; and
- 20 10. Documentation that the applicants completed charter school
21 training as set forth in subsection A of this section.
- 22 C. A board of education of a public school district, public
23 body, public or private college or university, private person, or
24 private organization may contract with a sponsor to establish a

1 charter school. A private school shall not be eligible to contract
2 for a charter school under the provisions of the Oklahoma Charter
3 Schools Act.

4 D. The sponsor of a charter school is the board of education of
5 a school district, the board of education of a technology center
6 school district, a higher education institution, the State Board of
7 Education, or a federally recognized Indian tribe which meets the
8 criteria established in Section 3-132 of this title. Any board of
9 education of a school district in the state may sponsor one or more
10 charter schools. The physical location of a charter school
11 sponsored by a board of education of a school district or a
12 technology center school district ~~shall~~ may be within or outside the
13 boundaries of the sponsoring school district as long the charter
14 school is located within the borders of the state and enrolls only
15 students who are residents of the state. The physical location of a
16 charter school sponsored by the State Board of Education when the
17 applicant of the charter school is the Office of Juvenile Affairs
18 shall be where an Office of Juvenile Affairs facility for youth is
19 located.

20 E. An applicant for a charter school may submit an application
21 to a proposed sponsor which shall either accept or reject
22 sponsorship of the charter school within ninety (90) days of receipt
23 of the application. If the proposed sponsor rejects the
24 application, it shall notify the applicant in writing of the reasons

1 for the rejection. The applicant may submit a revised application
2 for reconsideration to the proposed sponsor within thirty (30) days
3 after receiving notification of the rejection. The proposed sponsor
4 shall accept or reject the revised application within thirty (30)
5 days of its receipt.

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

12 G. If a proposed sponsor rejects the revised application for a
13 charter school, the applicant may proceed to mediation or binding
14 arbitration or both mediation and binding arbitration ~~as provided in~~
15 ~~the Dispute Resolution Act and the rules promulgated pursuant~~
16 ~~thereto. The applicant shall contact the early settlement program~~
17 ~~for the county in which the charter school would be located. If the~~
18 ~~parties proceed to binding arbitration, a panel of three arbitrators~~
19 ~~shall be appointed by the director of the early settlement program~~
20 ~~handling the dispute. The proposed sponsor shall pay the cost for~~
21 any mediation or arbitration requested pursuant to this section. If
22 the mediation or arbitration is unsuccessful, the applicant may
23 appeal to the State Board of Education.

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

10 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-135, is
11 amended to read as follows:

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

17 1. A description of the program to be offered by the school
18 which complies with the purposes outlined in Section ~~44~~ 3-136 of
19 this ~~act~~ title;

20 2. Admission policies and procedures that require the charter
21 school to be equally free and open to all students as public schools
22 are required to be and which requires students to be selected for
23 enrollment by lottery to ensure fairness if more students apply than
24 a school has the capacity to accommodate;

- 1 3. Management and administration of the charter school;
- 2 4. Requirements and procedures for program and financial
- 3 audits;
- 4 5. A description of how the charter school will comply with the
- 5 charter requirements set forth in the Oklahoma Charter Schools Act;
- 6 6. Assumption of liability by the charter school; ~~and~~
- 7 7. The term of the contract;
- 8 8. A description of the high standards of expectation and rigor
- 9 of the charter school and the plan to meet those high standards;
- 10 9. A description of how the charter school will be subject to
- 11 the same academic standards and expectations as all public schools;
- 12 and
- 13 10. Requirements and procedures for receiving funding based on
- 14 student enrollment in accordance with state law.

15 B. A charter school shall not enter into an employment contract
16 with any teacher or other personnel until the charter school has a
17 contract with a sponsoring school district. The employment contract
18 shall set forth the personnel policies of the charter school,
19 including, but not limited to, policies related to certification,
20 professional development evaluation, suspension, dismissal and
21 nonreemployment, sick leave, personal business leave, emergency
22 leave, and family and medical leave. The contract shall also
23 specifically set forth the salary, hours, fringe benefits, and work
24 conditions. The contract may provide for employer-employee

1 bargaining, but the charter school shall not be required to comply
2 with the provisions of Sections 509.1 through 509.10 of Title 70 of
3 the Oklahoma Statutes. The contract shall conform to all applicable
4 provisions set forth in Section ~~11~~ 3-136 of this ~~act~~ title.

5 Upon contracting with any teacher or other personnel, the
6 governing body of the charter school shall, in writing, disclose
7 employment rights of the employees in the event the charter school
8 closes or the charter is not renewed.

9 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-137, is
10 amended to read as follows:

11 Section 3-137. A. An approved contract for a charter school
12 shall be effective for ~~not longer than~~ five (5) years from the first
13 day of operation. Prior to the beginning of the fifth year of
14 operation, the charter school may apply for renewal of the contract
15 with the sponsor. The sponsor may deny the request for renewal if
16 it determines the charter school has failed to complete the
17 obligations of the contract or comply with the provisions of the
18 Oklahoma Charter Schools Act. A sponsor shall give written notice
19 of its intent to deny the request for renewal at least eight (8)
20 months prior to expiration of the contract.

21 B. If a sponsor denies a request for renewal, the governing
22 board may proceed to mediation or binding arbitration or both as
23 provided for in subsection G of Section 3-134 of this title.

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1 C. A sponsor may terminate a contract during the term of the
2 contract for failure to meet the requirements for student
3 performance contained in the contract, failure to meet the standards
4 of fiscal management, violations of the law, or other good cause.
5 The sponsor shall give at least ninety (90) days' written notice to
6 the governing board prior to terminating the contract. The
7 governing board may request, in writing, an informal hearing before
8 the sponsor within fourteen (14) days of receiving notice. The
9 sponsor shall conduct an informal hearing before taking action. If
10 a sponsor decides to terminate a contract, the governing board may
11 proceed to mediation or binding arbitration or both as provided for
12 in subsection G of Section 3-134 of this title.

13 D. If a contract is not renewed, the governing board of the
14 charter school may submit an application to a proposed new sponsor
15 as provided for in Section 3-134 of this title.

16 E. If a contract is not renewed or is terminated according to
17 this section, a student who attended the charter school may enroll
18 in the resident school district of the student or may apply for a
19 transfer in accordance with Section 8-103 of this title.

20 SECTION 5. AMENDATORY 70 O.S. 2011, Section 3-140, as
21 last amended by Section 2, Chapter 212, O.S.L. 2013 (70 O.S. Supp.
22 2014, Section 3-140), is amended to read as follows:

23 Section 3-140. A. Except for a charter school sponsored by the
24 State Board of Education, a charter school shall enroll those

1 students whose legal residence is within the boundaries of the
2 school district in which the charter school is located and who
3 submit a timely application, or those students who transfer to the
4 district in which the charter school is located in accordance with
5 Section 8-103 or 8-104 of this title, unless the number of
6 applications exceeds the capacity of a program, class, grade level,
7 or building. Students who reside in a school district where a
8 charter school is located shall not be required to obtain a transfer
9 in order to attend a charter school in the school district of
10 residence. If capacity is insufficient to enroll all eligible
11 students, the charter school shall select students through a lottery
12 selection process. Except for a charter school sponsored by the
13 State Board of Education, a charter school shall give enrollment
14 preference to eligible students who reside within the boundaries of
15 the school district in which the charter school is located. Except
16 for a charter school sponsored by the State Board of Education, a
17 charter school created after the effective date of this act shall
18 give enrollment preference to eligible students who reside within
19 the boundaries of the school district in which the charter school is
20 located and who attend a school site that has been identified as in
21 need of improvement by the State Board of Education pursuant to the
22 Elementary and Secondary Education Act of 1965, as amended or
23 reauthorized. A charter school may limit admission to students
24 within a given age group or grade level. A charter school sponsored

1 by the State Board of Education when the applicant of the charter
2 school is the Office of Juvenile Affairs shall limit admission to
3 youth that are in the custody or supervision of the Office of
4 Juvenile Affairs.

5 B. Except for a charter school sponsored by the State Board of
6 Education, a charter school shall admit students who reside in the
7 attendance area of a school or in a school district that is under a
8 court order of desegregation or that is a party to an agreement with
9 the United States Department of Education Office for Civil Rights
10 directed towards mediating alleged or proven racial discrimination
11 unless notice is received from the resident school district that
12 admission of the student would violate the court order or agreement.

13 C. A charter school may designate a specific geographic area
14 within the school district in which the charter school is located as
15 an academic enterprise zone and may limit admissions to students who
16 reside within that area. An academic enterprise zone shall be a
17 geographic area in which sixty percent (60%) or more of the children
18 who reside in the area qualify for the free or reduced school lunch
19 program.

20 D. Except as provided in subsections B and C of this section, a
21 charter school shall not limit admission based on ethnicity,
22 national origin, gender, income level, disabling condition,
23 proficiency in the English language, measures of achievement,
24 aptitude, or athletic ability.

1 E. The sponsor of a charter school shall not restrict the
2 number of students the charter school may enroll. The capacity of
3 the charter school shall be determined annually by the governing
4 board of the charter school, taking into consideration the ability
5 of the charter school to facilitate the academic success of the
6 students, to achieve the other objectives specified in the charter
7 contract and to ensure that student enrollment does not exceed the
8 capacity of the facility or site.

9 SECTION 6. This act shall become effective July 1, 2015.

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

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