

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1099

By: Sharp

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5
6 AS INTRODUCED

7 An Act relating to charter school sponsors; amending
8 70 O.S. 2011, Section 3-134, as amended by Section 2,
9 Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2019, Section
10 3-134), which relates to charter school sponsorship
11 applications; requiring a charter school sponsor to
12 review at least annually certain items; requiring a
13 sponsor to monitor compliance with certain written
14 contract; providing an effective date; and declaring
15 an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-134, as
18 amended by Section 2, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2019,
19 Section 3-134), is amended to read as follows:

20 Section 3-134. A. For written applications filed after January
21 1, 2008, prior to submission of the application to a proposed
22 sponsor seeking to establish a charter school, the applicant shall
23 be required to complete training which shall not exceed ten (10)
24 hours provided by the State Department of Education on the process
and requirements for establishing a charter school. The Department
shall develop and implement the training by January 1, 2008. The

1 Department may provide the training in any format and manner that
2 the Department determines to be efficient and effective including,
3 but not limited to, web-based training.

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

8 1. A mission statement for the charter school;

9 2. A description including, but not limited to, background
10 information of the organizational structure and the governing body
11 of the charter school;

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

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

18 5. The name of the applicant or applicants and requested
19 sponsor;

20 6. A description of the facility and location of the charter
21 school;

22 7. A description of the grades being served;

23 8. An outline of criteria designed to measure the effectiveness
24 of the charter school;

1 9. A demonstration of support for the charter school from
2 residents of the school district which may include but is not
3 limited to a survey of the school district residents or a petition
4 signed by residents of the school district;

5 10. Documentation that the applicants completed charter school
6 training as set forth in subsection A of this section;

7 11. A description of the minimum and maximum enrollment planned
8 per year for each term of the charter contract;

9 12. The proposed calendar for the charter school and sample
10 daily schedule;

11 13. Unless otherwise authorized by law or regulation, a
12 description of the academic program aligned with state standards;

13 14. A description of the instructional design of the charter
14 school, including the type of learning environment, class size and
15 structure, curriculum overview and teaching methods;

16 15. The plan for using internal and external assessments to
17 measure and report student progress on the performance framework
18 developed by the applicant in accordance with subsection C of
19 Section 3-135 of this title;

20 16. The plans for identifying and successfully serving students
21 with disabilities, students who are English language learners and
22 students who are academically behind;

23 17. A description of cocurricular or extracurricular programs
24 and how they will be funded and delivered;

- 1 18. Plans and time lines for student recruitment and
2 enrollment, including lottery procedures;
- 3 19. The student discipline policies for the charter school,
4 including those for special education students;
- 5 20. An organizational chart that clearly presents the
6 organizational structure of the charter school, including lines of
7 authority and reporting between the governing board, staff, any
8 related bodies such as advisory bodies or parent and teacher
9 councils and any external organizations that will play a role in
10 managing the school;
- 11 21. A clear description of the roles and responsibilities for
12 the governing board, the leadership and management team for the
13 charter school and any other entities shown in the organizational
14 chart;
- 15 22. The leadership and teacher employment policies for the
16 charter school;
- 17 23. Proposed governing bylaws;
- 18 24. Explanations of any partnerships or contractual
19 partnerships central to the operations or mission of the charter
20 school;
- 21 25. The plans for providing transportation, food service and
22 all other significant operational or ancillary services;
- 23 26. Opportunities and expectations for parental involvement;
- 24

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

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

5 29. A description of the insurance coverage the charter school
6 will obtain;

7 30. Start-up and five-year budgets with clearly stated
8 assumptions;

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

11 32. Evidence of anticipated fundraising contributions, if
12 claimed in the application;

13 33. A sound facilities plan, including backup or contingency
14 plans if appropriate;

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

20 35. A requirement that the charter school follow the
21 requirements of the Oklahoma Open Meeting Act and Oklahoma Open
22 Records Act.

23 C. A board of education of a public school district, public
24 body, public or private college or university, private person, or

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

5 D. The sponsor of a charter school is the board of education of
6 a school district, the board of education of a technology center
7 school district, a higher education institution, the State Board of
8 Education, or a federally recognized Indian tribe which meets the
9 criteria established in Section 3-132 of this title. Any board of
10 education of a school district in the state may sponsor one or more
11 charter schools. The physical location of a charter school
12 sponsored by a board of education of a school district or a
13 technology center school district shall be within the boundaries of
14 the sponsoring school district. The physical location of a charter
15 school sponsored by the State Board of Education when the applicant
16 of the charter school is the Office of Juvenile Affairs shall be
17 where an Office of Juvenile Affairs facility for youth is located.
18 The physical location of a charter school otherwise sponsored by the
19 State Board of Education pursuant to paragraph 8 of subsection A of
20 Section 3-132 of this title shall be in the school district in which
21 the application originated.

22 E. An applicant for a charter school may submit an application
23 to a proposed sponsor which shall either accept or reject
24 sponsorship of the charter school within ninety (90) days of receipt

1 of the application. If the proposed sponsor rejects the
2 application, it shall notify the applicant in writing of the reasons
3 for the rejection. The applicant may submit a revised application
4 for reconsideration to the proposed sponsor within thirty (30) days
5 after receiving notification of the rejection. The proposed sponsor
6 shall accept or reject the revised application within thirty (30)
7 days of its receipt. Should the sponsor reject the application on
8 reconsideration, the applicant may appeal the decision to the State
9 Board of Education with the revised application for review pursuant
10 to paragraph 8 of subsection A of Section 3-132 of this title. The
11 State Board of Education shall hear the appeal no later than sixty
12 (60) days from the date received by the Board.

13 F. A board of education of a school district, board of
14 education of a technology center school district, higher education
15 institution, or federally recognized Indian tribe sponsor of a
16 charter school shall notify the State Board of Education when it
17 accepts sponsorship of a charter school. The notification shall
18 include a copy of the charter of the charter school.

19 G. Applicants for charter schools proposed to be sponsored by
20 an entity other than a school district pursuant to paragraph 1 of
21 subsection A of Section 3-132 of this title may, upon rejection of
22 the revised application, proceed to binding arbitration under the
23 commercial rules of the American Arbitration Association with costs
24 of the arbitration to be borne by the proposed sponsor. Applicants

1 for charter schools proposed to be sponsored by school districts
2 pursuant to paragraph 1 of subsection A of Section 3-132 of this
3 title may not proceed to binding arbitration but may be sponsored by
4 the State Board of Education as provided in paragraph 8 of
5 subsection A of Section 3-132 of this title.

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

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

17 1. Provide oversight of the operations of charter schools in
18 the state through annual performance reviews of charter schools and
19 reauthorization of charter schools for which it is a sponsor. The
20 oversight required by this subsection shall include reviewing at
21 least annually:

22 a. the State Aid allocations and average daily membership
23 (ADM) calculations made pursuant to Section 3-142 of
24 this title,

- 1 b. compliance with the required number of hours or days
2 of instruction to be offered pursuant to Section 1-109
3 of this title,
- 4 c. the performance of students enrolled in a charter
5 school on the statewide system of assessments required
6 by Section 1210.508 of this section. The review
7 required by this subparagraph shall be conducted in a
8 public meeting and shall comply with the Family
9 Educational Rights and Privacy Act (FERPA),
- 10 d. the itemized expenditure information for goods or
11 services provided by an educational management
12 organization with which a charter school may be
13 contracted pursuant to Section 5-200 of this title.
14 The review required by this subparagraph shall be
15 conducted in a public meeting,
- 16 e. the cost of administrative services for a charter
17 school. For the purposes of this subsection,
18 "administrative services" shall have the same meaning
19 set forth in Section 18-124 of this title,
- 20 f. the salary schedule adopted for teachers who are under
21 contract with a charter school,
- 22 g. the subjects and grades taught by teachers who are
23 under contract with a charter school and who are
24 certified pursuant to Section 6-187 of this title and

1 the subjects and grades taught by teachers who are not
2 certified and who are under contract with a charter
3 school, and

4 h. whether teachers, administrators and other personnel
5 are employed by a charter school or an educational
6 management organization, as defined in Section 5-200
7 of this title;

8 2. Solicit and evaluate charter applications;

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

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

12 5. Negotiate and execute sound charter contracts with each
13 approved public charter school;

14 6. Monitor, in accordance with charter contract terms, the
15 performance and legal compliance of charter schools including but
16 not limited to compliance with the terms of the written contract
17 entered into pursuant to Section 3-135 of this title; and

18 7. Determine whether each charter contract merits renewal,
19 nonrenewal or revocation.

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

23 K. Sponsors shall be required to develop and maintain
24 chartering policies and practices consistent with recognized

1 principles and standards for quality charter authorizing as
2 established by the State Department of Education in all major areas
3 of authorizing responsibility, including organizational capacity and
4 infrastructure, soliciting and evaluating charter applications,
5 performance contracting, ongoing charter school oversight and
6 evaluation and charter renewal decision-making.

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

10 SECTION 2. This act shall become effective July 1, 2020.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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