

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 53

By: Sharp

4  
5  
6 AS INTRODUCED

7 An Act relating to charter schools; amending 70 O.S.  
8 2011, Section 3-132, as last amended by Section 29,  
9 Chapter 42, O.S.L. 2017 (70 O.S. Supp. 2018, Section  
10 3-132), which relates to charter school sponsorship;  
11 prohibiting conversion schools from entering into a  
12 contract with a management organization; prohibiting  
13 a dependent school district from converting an  
14 existing or new school site into a conversion school;  
15 updating statutory references; providing an effective  
16 date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as  
19 last amended by Section 29, Chapter 42, O.S.L. 2017 (70 O.S. Supp.  
20 2018, Section 3-132), is amended to read as follows:

21 Section 3-132. A. The Oklahoma Charter Schools Act shall apply  
22 only to charter schools formed and operated under the provisions of  
23 ~~the act~~ Section 3-130 et seq. of this title. Charter schools shall  
24 be sponsored only as follows:

25 1. By any school district located in the State of Oklahoma,  
26 provided such charter school shall only be located within the

1 geographical boundaries of the sponsoring district and subject to  
2 the restrictions of Section 3-145.6 of this title;

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

8 3. By a technology center school district if the charter school  
9 is located in a school district served by the technology center  
10 school district and the school district has a school site that has  
11 been identified as in need of improvement by the State Board of  
12 Education pursuant to the Elementary and Secondary Education Act of  
13 1965, as amended or reauthorized;

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

20 5. By a comprehensive or regional institution that is a member  
21 of The Oklahoma State System of Higher Education if the charter  
22 school is located in a school district that has a school site that  
23 has been identified as in need of improvement by the State Board of  
24 Education pursuant to the Elementary and Secondary Education Act of

1 1965, as amended or reauthorized. In addition, the institution  
2 shall have a teacher education program accredited by the Oklahoma  
3 Commission for Teacher Preparation and have a branch campus or  
4 constituent agency physically located within the school district in  
5 which the charter school is located in the State of Oklahoma;

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

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

1           8. By a federally recognized Indian tribe only when the charter  
2 school is located within the former reservation or treaty area  
3 boundaries of the tribe on property held in trust by the Bureau of  
4 Indian Affairs of the United States Department of the Interior for  
5 the benefit of the tribe; or

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

- 17           a. a thorough and high-quality charter school application
- 18                 from the applicant based on the authorizing standards
- 19                 in subsection B of Section 3-134 of this title,
- 20           b. a clear demonstration of community support for the
- 21                 charter school, and
- 22           c. the grounds and basis of objection by the school
- 23                 district for denying the operation of the charter are

1 not supported by the greater weight of evidence and  
2 the strength of the application.

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

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

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

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

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

21 4. Any management organization involved in a potential  
22 replication is fully vetted, and the academic, financial and  
23 operational records of the schools it operates are found to be  
24 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, or the State Board of Education pursuant to  
13 the Oklahoma Charter Schools Act to provide learning that will  
14 improve student achievement and as defined in the Elementary and  
15 Secondary Education Act of 1965, 20 U.S.C. 8065.

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

20           2. Prior to the board of education of a school district  
21 converting all or any part of a traditional public school to a  
22 conversion school, the board shall prepare a conversion plan. The  
23 conversion plan shall include documentation that demonstrates and  
24 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,

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

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

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

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 6. A conversion school shall be prohibited from entering into a  
7 contract with any management organization.

8 7. A dependent school district shall be prohibited from  
9 converting all or any part of an existing school district to a  
10 conversion school, or establishing a new school site or sites as a  
11 conversion school, in order to offer grades above the eighth grade.

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

15 SECTION 2. This act shall become effective July 1, 2019.

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

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21 57-1-58

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