

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 259

6 By: Stanislawski

7 COMMITTEE SUBSTITUTE

8 An Act relating to charter schools; allowing the  
9 governing board of a charter school to submit a  
10 request to certain school district board of education  
11 to participate in certain bond election; requiring  
12 request to be considered received upon certain date;  
13 requiring the request to include certain information;  
14 requiring the board of education to consider the  
15 request within certain time period; requiring the  
16 school district board of education and the governing  
17 body of the charter school to enter into certain  
18 agreement if the request is approved; providing  
19 criteria for agreement; directing a board of  
20 education to provide a requesting charter school with  
21 certain information if a request is denied; allowing  
22 a question to issue bonds to include certain  
23 information; allowing charter schools right of first  
24 refusal to purchase or lease certain public school  
property; providing for codification; providing an  
effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 3-136.1 of Title 70, unless  
there is created a duplication in numbering, reads as follows:

1           A. The governing board of a charter school approved pursuant to  
2 Section 3-132 of Title 70 of the Oklahoma Statutes may submit a  
3 written request to the board of education of the school district in  
4 which the charter school is located to participate in a local bond  
5 election authorized by Section 26 of Article X of the Oklahoma  
6 Constitution. The written request shall be considered received as  
7 of the next regularly scheduled meeting of the school district board  
8 of education. The request shall include:

9           1. A description of the capital construction to be financed by  
10 the bonded indebtedness and an estimated timeline for completion;  
11 and

12           2. An estimate of the total cost of completing the capital  
13 construction to be financed by bond indebtedness and an explanation  
14 why revenue sources other than bond indebtedness are inadequate to  
15 fully finance the project.

16           B. The school district board of education shall consider the  
17 request and shall issue a written response within thirty (30) days  
18 of receipt to approve the request or deny the request.

19           C. If the school district board of education approves a charter  
20 school's request to participate in a local bond election, prior to  
21 submitting the ballot question to the voters of the school district,  
22 the school district board of education and the governing board of  
23 the charter school shall enter into a written agreement. The  
24 agreement shall include at a minimum:

- 1        1. The question to be posed to electors;
- 2        2. A statement that the cost of submitting the ballot question
- 3 shall be borne by both the district and the charter school in
- 4 proportion to their respective portions of the total bond proceeds
- 5 to be received unless the parties agree to a different cost-sharing
- 6 agreement;
- 7        3. A statement that investment and interest earnings on bond
- 8 proceeds shall be distributed on a pro rata basis to the
- 9 participating charter school after the management fees have been
- 10 collected unless the parties agree to a different cost-sharing
- 11 agreement;
- 12        4. An agreement as to the amount, timing and process by which
- 13 the bond proceeds and investment and interest earnings on the
- 14 proceeds shall be distributed to the charter school;
- 15        5. A statement that construction standards for the charter
- 16 school's capital construction project shall meet applicable state
- 17 building code requirements;
- 18        6. A statement that construction and renovation, payment of
- 19 overrun costs and other capital construction project issues will be
- 20 managed by the charter school and the school district will be held
- 21 harmless; and
- 22        7. A plan for disposition of the property if the charter
- 23 school's sponsor revokes or does not renew the charter contract.
- 24

1 The plan may include conveyance of the property to the school  
2 district following payments to senior secured creditors, if any.

3 D. If the school district board of education denies the charter  
4 school's request, the board of education shall provide the charter  
5 school with a written statement specifying the reasons for denying  
6 the request. The charter school shall have an opportunity to  
7 address any issues raised by the board of education and resubmit a  
8 request. A revised request shall be considered part of the original  
9 request for the purposes of subsection A of this section.

10 E. When a school district board of education submits to the  
11 qualified electors the question of whether the board of education  
12 shall be empowered to issue negotiable bonds of the school district  
13 pursuant to Section 26 of Article X of the Oklahoma Constitution, it  
14 may include the charter school's capital construction needs as part  
15 of a ballot question for approval of bonded indebtedness to be  
16 submitted by the district to the voters of the district consistent  
17 with the terms of the agreement entered into pursuant to subsection  
18 C of this section. Nothing in this section shall alter the  
19 prohibition against a charter school's ability to independently levy  
20 taxes or issue bonds as set forth in Section 3-136 of Title 70 of  
21 the Oklahoma Statutes.

22 F. If a school district board of education decides to sell or  
23 lease a public school property, a charter school located within the  
24

1 school district shall have the right of first refusal to purchase or  
2 lease the property at or below fair market value.

3 SECTION 2. This act shall become effective July 1, 2017.

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

8

9 56-1-1543 EB 3/1/2017 11:56:55 AM

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24