

1 STATE OF OKLAHOMA

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

3 SENATE BILL 187

By: Holt

4
5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 3-132, as last amended by Section 1, Chapter
9 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-132),
10 which relates to the Oklahoma Charter Schools Act;
11 authorizing certain school districts to sponsor
12 charter schools; creating the Parent Empowerment Act;
13 providing short title; providing definitions;
14 creating guidelines for circulation of petition to
15 transition to a charter school; creating guidelines
16 for circulation of petition to terminate
17 administrators; establishing petition requirements;
18 establishing signature requirements; providing for
19 consideration of petition by a school district board
20 of education; prohibiting certain revocation;
21 providing for finding of signature validity;
22 requiring certain actions upon determinations of
23 petition's sufficiency; providing for certain waivers
24 and extensions; providing for certain termination;
providing for appeal of school district board of
education decisions; allowing a school district to
implement petition provisions voluntarily;
prohibiting certain reemployment; providing for fine
if school district fails to comply with certain
requirements; prohibiting certain acceptance;
providing for promulgation of rules; providing for
codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as
2 last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp.
3 2014, Section 3-132), is amended to read as follows:

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

7 1. By a school district with an average daily membership of
8 five 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;

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

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

23 4. By a technology center school district if the charter school
24 is located in a school district served by the technology center

1 school district and the school district has a school site that has
2 been identified as in need of improvement by the State Board of
3 Education pursuant to the Elementary and Secondary Education Act of
4 1965, as amended or reauthorized;

5 5. By a comprehensive or regional institution that is a member
6 of The Oklahoma State System of Higher Education if the charter
7 school is located in a school district that has an average daily
8 membership of five thousand (5,000) or more and which all or part of
9 the school district is located in a county having more than five
10 hundred thousand (500,000) population according to the latest
11 Federal Decennial Census. In addition, the institution shall have a
12 teacher education program accredited by the Oklahoma Commission for
13 Teacher 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
24

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

3 7. 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. 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; or

21 9. By a school district that has received a sufficient
22 petition, as defined in Section 3 of this act, requesting transition
23 to a charter school under the provisions of this act. A charter
24 school sponsored pursuant to this act is subject to the provisions

1 of this act in addition to the provisions of the Oklahoma Charter
2 Schools Act.

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

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-146 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 Sections 3 through 5 of this act shall be known and may be cited
18 as the "Parent Empowerment Act".

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-146.1 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 As used in the Parent Empowerment Act:

23 1. "Charter school" means a school site that maintains an
24 attendance boundary where students in the same geographic area

1 previously served by the school site before its transition to a
2 charter school may still attend the school site, serves the same
3 grade levels as were served at the school site before its transition
4 to a charter school, and receives building maintenance support and
5 transportation services from its sponsoring school district in a
6 like manner as it did before its transition to a charter school, but
7 is otherwise subject to the provisions of the Oklahoma Charter
8 Schools Act, unless otherwise provided for in this act;

9 2. "Qualifying school" means:

10 a. a school site that has received a "D" or an "F" under
11 the grading system pursuant to Section 1210.545 of
12 Title 70 of the Oklahoma Statutes for each of the most
13 recent two grading years previous to the date on which
14 a petition is submitted, or

15 b. a school site that has received a "D" or an "F" under
16 the grading system pursuant to Section 1210.545 of
17 Title 70 of the Oklahoma Statutes for two of the three
18 most recent grading years previous to the date on
19 which a petition is submitted, provided that the most
20 recent grade was a "D" or an "F"; and

21 3. "Sufficient petition" means a petition that represents the
22 minimum number of students, as represented by their parents or legal
23 guardians, as required by this act.

24

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-146.2 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. At any time in a qualifying school a petition may be
5 circulated seeking to transition the school to a charter school as
6 defined in this act. The petition may be circulated and signed by
7 parents and legal guardians age eighteen (18) and older of students
8 who are enrolled in the school on the date the petition is
9 submitted.

10 B. A school site that meets the requirements of becoming a
11 qualifying school, as defined in this act, located in a school
12 district that has an average daily membership of five thousand
13 (5,000) or more, and of which all or part of the school district is
14 located in a county having more than five hundred thousand (500,000)
15 population, according to the latest Federal Decennial Census, shall
16 have the option to petition for transition to a charter school, as
17 defined in this act, except for an alternative school or a school
18 site that is already a charter school.

19 C. A petition circulated by parents and legal guardians
20 pursuant to paragraph 1 of subsection A of this section shall:

21 1. Be signed only by parents or legal guardians age eighteen
22 (18) and older of students enrolled on the date that the petition is
23 submitted; and
24

1 2. Include the following statement printed in legible, English
2 text at the top of each page of the petition, with the full name of
3 the school inserted:

4 "By signing this petition, I am asking that the school district
5 board of education with oversight of _____ grant a charter
6 to this school. I understand that if granted, the school board will
7 then ask for proposals to operate the new charter school. I
8 understand that the students currently living in the attendance
9 boundary of the school will still be allowed to attend. I am the
10 parent or legal guardian of the student or students on whose behalf
11 I am signing. I understand that if I wish to know more about this
12 process, I can consult the Oklahoma Parent Empowerment Act."

13 A signature by a parent or legal guardian age eighteen (18) or
14 older of a student constitutes endorsement of the statement printed
15 at the top of the petition. A parent or legal guardian shall not
16 revoke a signature once the petition has been submitted to the
17 superintendent.

18 For each signature on the petition, the petition shall include a
19 signature, a printed name, a physical address and the name of the
20 student or students on whose behalf the parent or legal guardian is
21 signing. A valid signature must have the ability to be verified as
22 having been made by a parent or legal guardian of a student or
23 students of the school site on the date that the petition is
24 submitted.

1 No signature shall be considered valid if the student
2 represented by the parent or legal guardian was not an enrolled
3 student at the school site on the date that the petition was
4 submitted.

5 Any signature from a student's parent or legal guardian age
6 eighteen (18) or older is a qualifying signature and may not be
7 invalidated by the objection of another parent or legal guardian of
8 the same student. Multiple signatures from multiple parents or
9 legal guardians of the same student shall count once for each
10 student. Single signatures from a parent or legal guardian of
11 multiple students in the same school shall count as a signature on
12 behalf of each student of the parent or legal guardian enrolled at
13 the school site.

14 D. A petition must be submitted to the office of the
15 superintendent of the school district. The superintendent shall
16 present the petition to the school district board of education in a
17 public meeting. The board must render a final decision as to the
18 sufficiency of a petition in a public meeting within sixty (60)
19 calendar days from the submission of the petition to the
20 superintendent. Any school board meeting in which the petition is
21 considered shall be posted, and any related consideration and
22 discussion must take place pursuant to the provisions of the
23 Oklahoma Open Meeting Act.

24

1 E. No petition may be revoked once submitted to the
2 superintendent.

3 F. For purposes of determining the number of valid signatures
4 required to implement the provisions of this act, the total number
5 of students considered to be enrolled at the school site shall be
6 the same as the student population on the date that the petition was
7 submitted to the superintendent.

8 G. Separate petitions submitted in the same time period by
9 multiple parties before sufficiency has been determined for any
10 petition shall not be combined by the school district board of
11 education. If no single submitted petition has sufficient
12 signatures on its own, all petitions shall fail. If multiple
13 petitions submitted in the same time period each have sufficient
14 signatures, the school district board of education shall follow the
15 guidance of the petition that has the most signatures. If multiple
16 sufficient petitions in the same time period have an identical
17 number of signatures, the school board shall follow the guidance of
18 the petition that was received first.

19 H. Individual signatures on a petition may be challenged by any
20 party when the school district board of education considers the
21 petition in a public meeting. Signatures not challenged are
22 presumed valid. Signatures shall not be invalidated on
23 technicalities where the intent of the signer was clear. Individual
24 signatures may be challenged on the following grounds only:

1 1. The signer was not the parent or legal guardian age eighteen
2 (18) or older of an enrolled student on the date that the petition
3 was submitted;

4 2. The student represented by the parent or legal guardian was
5 not enrolled at the school site on the date that the petition was
6 submitted;

7 3. The signature is fraudulent; or

8 4. The signature lacks sufficient information to be validated.

9 I. The number of students that must be represented by
10 signatures of parents or legal guardians age eighteen (18) and older
11 on the petition to implement the provisions of this act are:

12 1. If the total number of students enrolled at the school site
13 on the date that the petition is submitted is an even number, the
14 number of students required to be represented on the petition shall
15 be the total number of students divided by two (2), plus one (1); or

16 2. If the total number of students enrolled at the school site
17 on the date that the petition is submitted is an odd number, the
18 number of students required to be represented on the petition is the
19 total number of students divided by two (2), plus one-half (1/2).

20 J. A petition shall only be deemed insufficient on the grounds
21 that there was an inadequate number of valid signatures or the
22 petition was not properly labeled in a material way, as required in
23 subsection C of this section. If a petition has an adequate number
24 of valid signatures and otherwise meets the requirements of this

1 act, the school board shall deem it sufficient and begin
2 implementation, as provided for in this act.

3 K. If a petition requesting a transition to a charter school is
4 deemed sufficient, the school district board of education shall
5 publicly issue a request for proposals to operate the school site as
6 a charter school within thirty (30) calendar days following the
7 finding of a sufficient petition. The deadline for submitting a
8 proposal shall be no longer than sixty (60) calendar days from the
9 date the request is issued. A selection committee shall be convened
10 to consider the proposals and select an operator. The committee
11 shall consist of four (4) parents or legal guardians who signed the
12 petition and one (1) member of the school district board of
13 education with authority over the school site. The four (4) parents
14 or legal guardians shall be named by the State Board of Education
15 member who represents the congressional district in which the school
16 site is located. The local school district board of education
17 member shall be the member of the board that represents the school
18 site, unless the school board is entirely comprised of at-large
19 members, in which case the school board shall select one member to
20 represent it on the selection committee. The selection committee
21 shall select an operator within forty-five (45) calendar days of the
22 deadline for proposals. At least three (3) members of the committee
23 must agree on the selection. The selection of the operator by the
24 committee shall be binding, however, the school district board of

1 education may select a different applicant only when there is clear
2 and convincing evidence that the operator selected by the committee
3 presented a materially fraudulent application or does not meet
4 minimum charter school industry standards and the requirements for
5 applications as set forth in the Oklahoma Charter Schools Act. A
6 determination by a school district board of education to reject the
7 operator selected by the committee may be appealed to the State
8 Board of Education. If a party or parties wishes to appeal such a
9 determination by a school district board of education, the party or
10 parties may submit a written appeal for a de novo review within ten
11 (10) business days to the State Board of Education. The State Board
12 of Education shall consider the appeal in a public meeting within
13 thirty (30) calendar days of receipt. If the State Board of
14 Education reverses the ruling of the local school board and
15 determines that the local school board did not have adequate cause
16 to reject the committee's selection, that ruling shall be binding on
17 the local school board, which shall then proceed with implementation
18 of the committee's selection. The school district board of
19 education shall grant a charter and agree to a contract with the
20 operator within thirty (30) calendar days of the selection. The
21 school site shall reopen as a charter school, as defined in this
22 act, the next academic year following the conclusion of the
23 implementation process provided for in this act. If no operators
24 submit proposals, then the school board may abandon the process. If

1 any operators submit applications, the board shall grant a charter
2 to one of the applicants, unless no proposal meets minimum charter
3 school industry standards and the requirements for applications as
4 set forth in the Oklahoma Charter Schools Act. Specifically, the
5 school board and the applicants shall follow the charter school
6 requirements set forth in Sections 3-134, 3-135, 3-136, 3-137, 3-
7 138, 3-139, 3-140 and 3-142 of Title 70 of the Oklahoma Statutes.
8 However, for purposes of the Parent Empowerment Act, deadlines and
9 procedures in this act shall supersede the deadlines and procedures
10 set forth in subsections E and G of Section 3-134 of Title 70 of the
11 Oklahoma Statutes. For purposes of paragraph 7 of subsection B of
12 Section 3-134 of Title 70 of the Oklahoma Statutes, the grades
13 served by a charter school created under the provisions of this act
14 shall be the same as were served at the school site before its
15 transition to a charter school. The petition provided for in this
16 act shall satisfy the requirements of paragraph 9 of subsection B of
17 Section 3-134 of Title 70 of the Oklahoma Statutes. For purposes of
18 paragraph 2 of subsection B of Section 3-134 of Title 70 of the
19 Oklahoma Statutes, all applicants seeking to operate a charter
20 school under the Parent Empowerment Act must propose a governing
21 body that includes at least three (3) parents or legal guardians who
22 signed the petition. In addition to the provisions of Section 3-140
23 of Title 70 of the Oklahoma Statutes, a charter school created under
24 the provisions of this act shall give first priority for admission

1 to the students in the same geographic area previously served by the
2 school site before its transition to a charter school. The school
3 district shall contract with the charter school to provide building
4 maintenance support and transportation services to the school site
5 in a like manner as the district did prior to the school site's
6 transition to a charter school. A determination by a school
7 district board of education that none of the applicants have met
8 minimum charter school industry standards and the requirements for
9 applications as set forth in the Oklahoma Charter Schools Act may be
10 appealed to the State Board of Education. If a party or parties
11 wish to appeal such a determination by a school district board of
12 education, the party or parties may submit a written appeal for a de
13 novo review within ten (10) business days to the State Board of
14 Education. The State Board of Education shall consider the appeal
15 in a public meeting within thirty (30) calendar days of receipt. If
16 the State Board of Education reverses the ruling of the local school
17 board and determines that one or more applicants do meet minimum
18 charter school industry standards and the requirements for
19 applications as set forth in the Oklahoma Charter Schools Act, that
20 ruling shall be binding on the local school board, which shall then
21 proceed with implementation of the action requested in the petition.
22 The local school board may add days to any deadline provided for in
23 this section equal to the number of calendar days that passed
24 between the determination of the local school board and the ruling

1 of the State Board of Education. The State Board of Education may
2 grant extensions to any deadline in this subsection for good cause
3 upon written request by the local school board. A selected charter
4 school operator may apply to the State Board of Education for
5 extensions to the deadlines in this subsection for signing of a
6 contract and commencement of operations as a charter school, and the
7 State Board of Education may grant such extensions for good cause.

8 L. If a party or parties wish to appeal a denial of a petition
9 by a school district board of education, the party or parties may
10 submit a written appeal for a de novo review within ten (10)
11 business days to the State Board of Education. The State Board of
12 Education shall consider the appeal in a public meeting within
13 thirty (30) calendar days of receipt. If the State Board of
14 Education reverses the ruling of the local school board, that ruling
15 shall be binding on the local school board, which shall then proceed
16 with implementation of the action requested in the petition. The
17 local school board may add days to any deadline provided for in this
18 section equal to the number of calendar days that passed between the
19 ruling of the local school board and the ruling of the State Board
20 of Education.

21 M. At any time following the submission of a petition, should
22 the school board choose to move forward and implement the option
23 requested in the petition, on the same timetable and in the same
24 manner required by this act, the school board may cease formal

1 consideration of the petition. Following the submission of a
2 petition, even if sufficiency has not been determined, should a
3 school board voluntarily choose to charter the school site as
4 charter schools are defined in this act, it may do so.

5 N. If a school district board of education fails to act on a
6 deadline in this section without a waiver from the State Board of
7 Education, the school board shall receive a daily fine of Five
8 Thousand Dollars (\$5,000.00) until compliance is attained. The
9 State Board of Education shall deduct the fine from any state
10 funding transmitted to the district. Fines may be stacked if
11 multiple deadlines are not met. This provision shall not apply for
12 the deadlines in this act concerning signing of a contract with a
13 charter operator and commencement of charter school operations, if
14 fault lies with the selected charter school operator.

15 O. Once a petition has been successfully submitted, accepted
16 and implemented, no petition may be accepted again at the same
17 school site until three (3) years following the date that the
18 petition was submitted.

19 P. If a school district board of education transitions a school
20 site to a charter school, as defined in this act, either as a result
21 of a petition or voluntarily after a petition has been submitted,
22 such action shall not be reversed within five (5) years. The State
23 Board of Education may grant a waiver to this requirement for good
24 cause after written request from the local school board. If the

1 local school board wishes to change operators for the charter within
2 the five-year period, as provided for in Section 3-137 of Title 70
3 of the Oklahoma Statutes, it must follow the selection procedure for
4 a new operator as provided for in this act.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3-146.3 of Title 70, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Parent and legal guardians of students in a school site that
9 meets the requirements of becoming a qualifying school, as defined
10 in this act, and is in a school district that has an average daily
11 membership of five thousand (5,000) or more and which all or part of
12 the school district is located in a county having more than five
13 hundred thousand (500,000) population according to the latest
14 Federal Decennial Census shall have the option to petition for
15 termination of the principal and assistant principals. This option
16 is not available in an alternative school.

17 B. At any time in a qualifying school, a petition may be
18 circulated seeking the dismissal of the school's principals and
19 assistant principals. The petition may be circulated and signed by
20 parents and legal guardians age eighteen (18) and older of students
21 who are enrolled in the school on the date that the petition was
22 submitted.

23 C. A petition circulated by parents and legal guardians
24 pursuant to subsection B of this section shall:

1 1. Be signed only by parents or legal guardians age eighteen
2 (18) and older of students enrolled on the date that the petition
3 was submitted; and

4 2. Include the following statement printed in legible, English
5 text at the top of each page of the petition, with the full name of
6 the school inserted:

7 "By signing this petition, I am asking that the school district
8 board of education with oversight of _____ terminate the
9 employment of the principals and assistant principals at this
10 school. I understand that if this action is taken, the school board
11 will then hire new administrators for the school. I am the parent
12 or legal guardian of the student or students on whose behalf I am
13 signing. I understand that if I wish to know more about this
14 process, I can consult the Oklahoma Parent Empowerment Act."

15 A signature by a parent or legal guardian age eighteen (18) or
16 older of a student constitutes endorsement of the statement printed
17 at the top of the petition. A parent or legal guardian shall not
18 revoke a signature once the petition has been submitted to the
19 superintendent.

20 For each signature on the petition, the petition shall include a
21 signature, a printed name, a physical address and the name of the
22 student or students on whose behalf the parent or legal guardian is
23 signing. A valid signature must have the ability to be verified as
24 having been made by a parent or legal guardian of a student or

1 students of the school site on the date that the petition was
2 submitted.

3 No signature shall be considered valid if the student
4 represented by the parent or legal guardian was not an enrolled
5 student on the date that the petition was submitted.

6 Any signature from a student's parent or legal guardian age
7 eighteen (18) or older is a qualifying signature and may not be
8 invalidated by the objection of another parent or legal guardian of
9 the same student. Multiple signatures from multiple parents or
10 legal guardians of the same student shall count once for each
11 student. Single signatures from a parent or legal guardian of
12 multiple students at the same school site shall count as a signature
13 on behalf of each student of the parent or legal guardian enrolled
14 at the school site.

15 D. A petition must be submitted to the office of the
16 superintendent of the school district. The superintendent shall
17 present the petition to the school district board of education in a
18 public meeting. The board must render a final decision as to the
19 sufficiency of a petition in a public meeting within sixty (60)
20 calendar days from the submission of the petition to the
21 superintendent. Any school board meeting in which the petition is
22 considered shall be posted, and any related consideration and
23 discussion must take place pursuant to the provisions of the
24 Oklahoma Open Meeting Act.

1 E. No petition may be revoked once submitted to the
2 superintendent.

3 F. For purposes of determining the number of valid signatures
4 required to implement the provisions of this act, the total number
5 of students considered to be enrolled at the school site shall be
6 the same as the student population on the date that the petition was
7 submitted.

8 G. Separate petitions submitted in the same petition time
9 period by multiple parties before sufficiency has been determined
10 for any petition shall not be combined by the school district board
11 of education. If no single submitted petition has sufficient
12 signatures on its own, all petitions shall fail. If multiple
13 petitions submitted in the same time period each have sufficient
14 signatures, the school district board of education shall follow the
15 guidance of the petition that has the most signatures. If multiple
16 sufficient petitions in the same time period have an identical
17 number of signatures, the school board shall follow the guidance of
18 the petition that was received first.

19 H. Individual signatures on a petition may be challenged by any
20 party when the school district board of education considers the
21 petition in a public meeting. Signatures not challenged are
22 presumed valid. Signatures shall not be invalidated on
23 technicalities where the intent of the signer was clear. Individual
24 signatures may be challenged on the following grounds only:

1 1. The signer was not the parent or legal guardian age eighteen
2 (18) or older of an enrolled student on the date that the petition
3 was submitted;

4 2. The student represented by the parent or legal guardian was
5 not enrolled at the school site on the date that the petition was
6 submitted;

7 3. The signature is fraudulent; or

8 4. The signature lacks sufficient information to be validated.

9 I. The number of students that must be represented by
10 signatures of parents or legal guardians age eighteen (18) and older
11 on the petition to implement the provisions of this act are:

12 1. If the total number of students enrolled at the school site
13 on the date that the petition is submitted is an even number, the
14 number of students required to be represented on the petition shall
15 be the total number of students divided by two (2), plus one (1); or

16 2. If the total number of students enrolled at the school site
17 on the date that the petition is submitted is an odd number, the
18 number of students required to be represented on the petition is the
19 total number of students divided by two (2), plus one-half (1/2).

20 J. A petition shall only be deemed insufficient on the grounds
21 that there was an inadequate number of valid signatures or the
22 petition was not properly labeled in a material way, as required in
23 subsection C of this section. If a petition has an adequate number
24 of valid signatures and otherwise meets the requirements of this

1 act, the school board shall deem it sufficient and begin
2 implementation, as provided for in this act.

3 K. If a petition requesting termination of the principals and
4 assistant principals is deemed sufficient, the school district board
5 of education shall terminate the school's administrators by the end
6 of the administrator's current annual contract.

7 L. If a party or parties wish to appeal a denial of a petition
8 by a school district board of education, the party or parties may
9 submit a written appeal for a de novo review within ten (10)
10 business days to the State Board of Education. The State Board of
11 Education shall consider the appeal in a public meeting within
12 thirty (30) calendar days of receipt. If the State Board of
13 Education reverses the ruling of the local school board, that ruling
14 shall be binding on the local school board, which shall then proceed
15 with implementation of the action requested in the petition.

16 M. At any time following the submission of a petition, should
17 the school board choose to move forward and implement the option
18 requested in the petition, on the same timetable required by this
19 act, the school board may cease formal consideration of the
20 petition.

21 N. Following the submission of a petition, should a school
22 district voluntarily choose to terminate the principals and
23 assistant principals or terminate them as the result of a sufficient
24 petition, no terminated principal may be reemployed at the same

1 school site for the following five (5) years. The terminated
2 assistant principals are not subject to this prohibition.

3 O. If a school district board of education fails to act on a
4 deadline in this section, the school board shall receive a daily
5 fine of Five Thousand Dollars (\$5,000.00) until compliance is
6 attained. The State Board of Education shall deduct the fine from
7 any state funding transmitted to the district. Fines may be stacked
8 if multiple deadlines are not met.

9 P. Once a petition has been successfully submitted, accepted
10 and implemented, no petition may be accepted again at the same
11 school site until three (3) years following the date that the
12 petition was submitted.

13 Q. The State Board of Education shall promulgate rules to
14 implement the provisions of this act in accordance with the
15 Administrative Procedures Act.

16 SECTION 6. This act shall become effective November 1, 2015.

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18 55-1-951 EB 1/13/2015 3:19:07 PM

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