

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 516

By: Pugh of the Senate

and

Echols of the House

8 An Act relating to charter schools; creating the
9 Statewide Charter School Board; providing authority
10 of board beginning on certain date; providing for
11 membership; requiring initial appointments by certain
12 date; providing terms of members; providing for
13 annual election of chair and vice chair; providing
14 for removal of members; providing for filling of
15 vacancies; prohibiting certain legislators from
16 serving as members; providing for travel
17 reimbursement; requiring first meeting to be held by
18 certain date; providing for frequency of meetings;
19 specifying quorum requirements; requiring virtual
20 charter schools to only be sponsored by the Statewide
21 Charter School Board beginning on certain date;
22 abolishing the Statewide Virtual Charter School Board
23 upon certain date; providing for succession to
24 certain rights, responsibilities, and agreements
executed prior to certain date; providing for
transfer of powers, duties, personnel, property, and
other items; directing the Director of the Office of
Management and Enterprise Services to coordinate
certain transfers; providing for succession of
certain contracts; providing for virtual charter
school sponsorship contract renewal; providing for
enforceability of certain administrative rules;
granting rulemaking authority; providing for
succession to certain rights, responsibilities, and
agreements executed by the State Board of Education
prior to certain date; directing Statewide Charter
School Board to assume certain sponsorships;
providing for certain sponsorship renewal; permitting
certain charter schools to apply for sponsorship
renewal with the Statewide Charter School Board;

1 establishing powers and duties of the Statewide
2 Charter School Board; reserving certain powers and
3 duties for the State Board of Education; defining
4 terms; providing for preparation of a conversion
5 plan; providing for contents of plan; exempting
6 conversion schools from certain laws; providing for
7 funding of conversion schools; describing process for
8 conversion school reversion; requiring Board to make
9 publicly available a list of certain courses
10 beginning on certain date; directing the Board, in
11 certain conjunction, to negotiate and enter into
12 contracts with certain providers; creating the
13 Statewide Charter School Board Revolving Fund;
14 specifying sources of fund; providing for
15 expenditures; providing purpose of fund; amending 70
16 O.S. 2021, Section 3-104, which relates to powers and
17 duties of the State Board of Education; updating
18 statutory references; modifying reference from the
19 Statewide Virtual Charter School Board to the
20 Statewide Charter School Board; amending 70 O.S.
21 2021, Sections 3-132, as amended by Section 1,
22 Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022, Section
23 3-132), 3-134, as amended by Section 2, Chapter 222,
24 O.S.L. 2022 (70 O.S. Supp. 2022, Section 3-134), 3-
136, 3-137, 3-139, 3-140, 3-142, 3-143, and 3-144,
which relate to implementation of the Oklahoma
Charter Schools Act; modifying eligibility of certain
entities to sponsor charter schools; updating
statutory language; exempting certain charter schools
from certain limitation; striking duplicative
language; transferring certain training duty from the
State Department of Education to the Statewide
Charter School Board; requiring training after
certain date for certain sponsors; establishing
deadline for training development and implementation;
modifying application process and contents for
certain schools; removing references to charter
schools sponsored by certain entities; requiring
certain charter application to be submitted first to
certain school district; removing certain appeals
process; prohibiting delegation of certain
responsibilities to a school district without a
contract; providing for powers and duties of charter
school and virtual charter school sponsors; requiring
Statewide Charter School Board to post certain
information on its website; modifying contents of
certain written contracts beginning on certain date;

1 directing certain charter schools to be separate and
2 distinct; defining term; modifying language regarding
3 employment contracts; prohibiting certain schools
4 from serving certain students without certain
5 contract; authorizing sponsor to establish certain
6 requirements or conditions for certain schools;
7 updating references; directing certain charter
8 schools to be included in certain bond planning
9 conversations; providing for increase in length of
10 certain charter contracts; prescribing a performance
11 report prior to the final year of a charter contract
12 renewal; permitting sponsor to require charter school
13 to develop certain corrective action plan;
14 authorizing nonrenewal of contract in certain cases;
15 removing requirement of sponsor to appear before the
16 State Board of Education in certain circumstances;
17 requiring certain school to disclose revocation or
18 nonrenewal in a subsequent application; including
19 virtual charter schools in teacher salary and hiring
20 provisions; updating statutory language; prescribing
21 geographic boundaries for virtual charter schools;
22 prohibiting certain students from participating in
23 certain activities; designating certain students as
24 transfer students; prescribing process for enrollment
in virtual charter school; requiring transmission of
student records within certain time period; directing
certain notification if technology infrastructure is
inadequate; prescribing limitation of student
transfers; defining term; prohibiting additional
transfer without certain concurrence; providing a
grace period for withdrawal; requiring certain
notification; providing for transfer for students who
have a parent or guardian in the military;
prescribing process for transfer; defining terms;
prohibiting the Statewide Charter School Board from
charging a fee for administrative or other services;
specifying how sponsor fee is to be used; directing
development of certain data codes for reporting
expenditures; requiring sponsor to publish certain
report on its website and present report in certain
meeting; modifying language regarding calculation of
certain weighted average daily membership; updating
statutory language; transferring oversight authority
of the Charter School Closure Reimbursement Revolving
Fund; reassigning duty to submit certain annual
report; modifying authority over the Charter Schools
Incentive Fund; amending 70 O.S. 2021, Sections 3-

1 145.5, as amended by Section 2, Chapter 153, O.S.L.
2 2022 (70 O.S. Supp. 2022, Section 3-145.5), 3-145.7,
3 and 3-145.8, which relate to virtual charter schools;
4 removing outdated language; granting Statewide
5 Virtual Charter School Board authority over certain
6 revolving fund until certain date; transferring funds
7 to certain revolving fund on certain date; updating
8 statutory references; requiring sponsor governing
9 board to designate representative to complete annual
10 sponsor workshop requirement; amending 70 O.S. 2021,
11 Section 5-200, which relates to management
12 organizations; updating statutory language; requiring
13 amounts paid to certain organizations be pursuant to
14 contract terms; mandating disclosure pursuant to
15 certain guidelines; updating statutory citations;
16 amending 70 O.S. 2021, Section 18-124, which relates
17 to limitations on administrative services
18 expenditures; providing applicability of limitation
19 to certain schools; clarifying calculation for
20 specified schools; modifying definition; amending 70
21 O.S. 2021, Section 1210.704, which relates to the
22 provision of advanced placement courses; updating
23 statutory language; repealing 70 O.S. 2021, Sections
24 3-135, 3-145.1, 3-145.2, 3-145.3, and 3-145.4, which
relate to sponsor contract guidelines, meetings, and
rule promulgation of the Statewide Virtual Charter
School Board; providing for codification; and
providing effective dates.

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 3-132.1 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. There is hereby created the Statewide Charter School Board.
Beginning July 1, 2024, the Board shall have the sole authority to
sponsor statewide virtual charter schools in this state and may

1 sponsor charter schools in this state. The Board shall be composed
2 of nine (9) voting members as follows:

3 1. Three members appointed by the Governor;

4 2. Two members appointed by the President Pro Tempore of the
5 Senate;

6 3. Two members appointed by the Speaker of the House of
7 Representatives;

8 4. The Superintendent of Public Instruction or his or her
9 designee; and

10 5. The State Auditor and Inspector or his or her designee.

11 B. Initial appointments shall be made by October 31, 2023. The
12 President Pro Tempore of the Senate and the Speaker of the House of
13 Representatives shall each appoint one member for one (1) year and
14 one member for two (2) years. The Governor shall appoint one member
15 for one (1) year and two members for two (2) years. Members shall
16 serve until their successors are duly appointed for a term of three
17 (3) years. Appointments shall be made by and take effect on July 31
18 of the year in which the appointment is made. Annually by December
19 30 the Board shall elect from its membership a chair and vice chair.

20 C. A member may be removed from the Board by the appointing
21 authority for cause which shall include but not be limited to:

22 1. Being found guilty by a court of competent jurisdiction of a
23 felony or any offense involving moral turpitude;

24

1 2. Being found guilty of malfeasance, misfeasance, or
2 nonfeasance in relation to Board duties;

3 3. Being found mentally incompetent by a court of competent
4 jurisdiction; or

5 4. Failing to attend three successive meetings of the Board
6 without just cause, as determined by the Board.

7 D. Vacancies shall be filled by the appointing authority.

8 E. No member of the Senate or House of Representatives may be
9 appointed to the Board while serving as a member of the Legislature
10 or for two (2) full years following the expiration of the term of
11 office.

12 F. Members of the Statewide Charter School Board shall not
13 receive compensation but shall be reimbursed for necessary travel
14 expenses pursuant to the provisions of the State Travel
15 Reimbursement Act.

16 G. The Statewide Charter School Board shall meet at the call of
17 the chair. The first meeting of the Board shall be held no later
18 than sixty (60) days after the effective date of this act.

19 H. Five members of the Board shall constitute a quorum, and an
20 affirmative vote of at least five members shall be required for the
21 Board to take any final action.

22 I. Beginning July 1, 2024, statewide virtual charter schools
23 shall be sponsored only by the Statewide Charter School Board
24 created pursuant to this section. Effective July 1, 2024, the

1 Statewide Virtual Charter School Board shall be abolished and the
2 Statewide Charter School Board shall succeed to any contractual
3 rights and responsibilities and settlement agreements incurred by
4 the Statewide Virtual Charter School Board in a virtual charter
5 school sponsorship contract executed prior to July 1, 2024.

6 1. All powers, duties, responsibilities, policies, personnel,
7 property, equipment, supplies, records, assets, funds, current and
8 future liabilities, encumbrances, obligations, and indebtedness of
9 the Statewide Virtual Charter School Board or associated with a
10 virtual charter school sponsorship contract entered into by the
11 Statewide Virtual Charter School Board prior to July 1, 2024, shall
12 be transferred to the Statewide Charter School Board. No items
13 shall be expended or used for any purpose other than the performance
14 of duties and responsibilities as directed and required in this act.
15 Appropriate conveyances and other documents shall be executed to
16 effectuate the transfer of property associated with a sponsorship
17 contract. The Statewide Charter School Board may contract for
18 additional legal and administrative services as necessary to
19 effectuate the transfers provided in this subsection.

20 2. The Director of the Office of Management and Enterprise
21 Services shall coordinate the transfer of funds, allotments,
22 purchase orders, and outstanding financial obligations and
23 encumbrances relating to the regulation of virtual charter schools
24 as transferred pursuant to the provisions of this act.

1 3. Upon succession of sponsorship contracts, the Statewide
2 Charter School Board shall assume sponsorship of the virtual charter
3 schools for the remainder of the term of the contracts. Prior to
4 the end of the current term of the contract, the Statewide Charter
5 School Board shall allow a virtual charter school to apply for
6 renewal of the sponsorship contract in accordance with the renewal
7 procedures established pursuant to Section 3-137 of Title 70 of the
8 Oklahoma Statutes.

9 4. Effective July 1, 2024, all administrative rules promulgated
10 by the Statewide Virtual Charter School Board relating to the
11 implementation and enforcement of the Oklahoma Charter Schools Act
12 shall be enforceable by the Statewide Charter School Board. The
13 rules shall continue in force and effect and the Statewide Charter
14 School Board shall have authority to amend, repeal, recodify, or
15 make additions to the rules pursuant to the Administrative
16 Procedures Act.

17 J. Effective July 1, 2024, the Statewide Charter School Board
18 shall succeed to any contractual rights and responsibilities and
19 settlement agreements incurred by the State Board of Education in a
20 charter school sponsorship contract executed prior to July 1, 2024.
21 All property, equipment, supplies, records, assets, funds, current
22 and future liabilities, encumbrances, obligations, and indebtedness
23 associated with a charter school sponsorship contract entered into
24 by the State Board of Education prior to July 1, 2024, shall be

1 transferred to the Statewide Charter School Board. Appropriate
2 conveyances and other documents shall be executed to effectuate the
3 transfer of property associated with a sponsorship contract. Upon
4 succession of sponsorship contracts, the Statewide Charter School
5 Board shall assume sponsorship of the charter schools for the
6 remainder of the term of the contracts. Prior to the end of the
7 current term of the contract, the Statewide Charter School Board
8 shall allow a charter school to apply for renewal of the sponsorship
9 contract in accordance with the renewal procedures established
10 pursuant to Section 3-137 of Title 70 of the Oklahoma Statutes.

11 K. Beginning July 1, 2024, at the end of the current term of a
12 charter school sponsorship contract with a school district, an
13 accredited comprehensive or regional institution that is a member of
14 The Oklahoma State System of Higher Education, a community college,
15 or a federally recognized Indian tribe, a charter school may apply
16 for contract renewal with the Statewide Charter School Board for
17 sponsorship.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Beginning July 1, 2024, and subject to the requirements of
22 the Oklahoma Charter Schools Act, the Statewide Charter School Board
23 shall:
24

1 1. Provide supervision, services, and oversight of the
2 operations of statewide virtual charter schools in this state and
3 charter schools for which the Statewide Charter School Board is the
4 sponsor, recommend legislation pertaining to charter schools to the
5 Legislature, and promulgate rules and policies that the Board deems
6 necessary to accomplish the purposes prescribed in this section;

7 2. Ensure compliance with state laws and training requirements
8 for all charter schools, virtual charter schools, and sponsors;

9 3. Establish a procedure for accepting, approving, and
10 disapproving charter school and statewide virtual charter school
11 applications and a process for renewal or revocation of approved
12 charter contracts which meet the procedures set forth in the
13 Oklahoma Charter Schools Act;

14 4. Hire an Executive Director and other staff for its
15 operation;

16 5. Prepare a budget for expenditures necessary for the proper
17 maintenance of the Board and accomplishment of its purpose;

18 6. Comply with the requirements of the Oklahoma Open Meeting
19 Act and Oklahoma Open Records Act; and

20 7. Give priority to opening charter schools and virtual charter
21 schools that serve at-risk student populations or students from low-
22 performing traditional public schools.

23 B. The State Board of Education shall be responsible for
24 accreditation of charter schools and virtual charter schools and

1 ensure compliance with special education laws and federal laws and
2 programs administered by the State Board of Education.

3 C. 1. For purposes of the Oklahoma Charter Schools Act,
4 "charter school" means:

5 a. prior to July 1, 2024, a public school established by
6 contract with a school district board of education, a
7 technology center school district, a higher education
8 institution, a federally recognized Indian tribe, or
9 the State Board of Education, and

10 b. on July 1, 2024, and after, a public school
11 established by contract with a school district board
12 of education, a higher education institution, an
13 institution of higher learning accredited pursuant to
14 Section 4103 of Title 70 of the Oklahoma Statutes, a
15 federally recognized Indian tribe, or the Statewide
16 Charter School Board,

17 to provide learning that will improve student achievement and as
18 defined in the Elementary and Secondary Education Act of 1965, as
19 reauthorized by P.L. No. 114-95, also known as the Every Student
20 Succeeds Act.

21 2. A charter school may consist of a new school site, new
22 school sites, or all or any portion of an existing school site. An
23 entire school district may not become a charter school site.

24

1 D. 1. For the purposes of the Oklahoma Charter Schools Act,
2 "conversion school" means a school created by converting all or any
3 part of a traditional public school in order to access any or all
4 flexibilities afforded to a charter school; provided, however, all
5 or any part of a traditional public school shall not be converted to
6 a virtual charter school.

7 2. Prior to the board of education of a school district
8 converting all or any part of a traditional public school to a
9 conversion school, the board shall prepare a conversion plan. The
10 conversion plan shall include documentation that demonstrates and
11 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,
12 19, 20, 21, 22, 23, 24, 34, and 35 of subsection B of Section 3-134
13 of Title 70 of the Oklahoma Statutes. The conversion plan and all
14 documents shall be in writing and shall be available to the public
15 pursuant to the requirements of the Oklahoma Open Records Act. All
16 votes by the board of education of a school district to approve a
17 conversion plan shall be held in an open public session. If the
18 board of education of a school district votes to approve a
19 conversion plan, the board shall notify the State Board of Education
20 within sixty (60) days after the vote. The notification shall
21 include a copy of the minutes for the board meeting at which the
22 conversion plan was approved.

23 3. A conversion school shall comply with all the same
24 accountability measures as are required of a charter school as

1 defined in subsection C of this section. The provisions of Sections
2 3-140 and 3-142 of Title 70 of the Oklahoma Statutes shall not apply
3 to a conversion school. Conversion schools shall comply with the
4 same laws and State Board of Education rules relating to student
5 enrollment which apply to traditional public schools. Conversion
6 schools shall be funded by the board of education of the school
7 district as a school site within the school district and funding
8 shall not be affected by the conversion of the school.

9 4. The board of education of a school district may vote to
10 revert a conversion school back to a traditional public school at
11 any time; provided, the change shall only occur during a break
12 between school years.

13 5. Unless otherwise provided for in this subsection, a
14 conversion school shall retain the characteristics of a traditional
15 public school.

16 E. 1. Beginning July 1, 2024, the Statewide Charter School
17 Board shall make publicly available a list of supplemental online
18 courses which have been reviewed and certified by the Board to
19 ensure that the courses are high-quality options and are aligned
20 with the subject matter standards adopted by the State Board of
21 Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma
22 Statutes. The Statewide Charter School Board shall give special
23 emphasis on listing supplemental online courses in science,
24 technology, engineering, and math (STEM), foreign language, and

1 advanced placement courses. School districts shall not be limited
2 to selecting supplemental online courses that have been reviewed and
3 certified by the Statewide Charter School Board and listed as
4 provided for in this paragraph.

5 2. In conjunction with the Office of Management and Enterprise
6 Services, the Board shall negotiate and enter into contracts with
7 supplemental online course providers to offer a state rate price to
8 school districts for supplemental online courses that have been
9 reviewed and certified by the Statewide Charter School Board and
10 listed as provided for in this subsection.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 There is hereby created in the State Treasury a revolving fund
15 for the Statewide Charter School Board to be designated the
16 "Statewide Charter School Board Revolving Fund". The fund shall be
17 a continuing fund, not subject to fiscal year limitations, and shall
18 consist of all monies received by the Statewide Charter School Board
19 from state appropriations. All monies accruing to the credit of the
20 fund are hereby appropriated and may be budgeted and expended by the
21 Statewide Charter School Board for the purposes set forth in Section
22 2 of this act. Expenditures from the fund shall be made upon
23 warrants issued by the State Treasurer against claims filed as
24

1 prescribed by law with the Director of the Office of Management and
2 Enterprise Services for approval and payment.

3 SECTION 4. AMENDATORY 70 O.S. 2021, Section 3-104, is
4 amended to read as follows:

5 Section 3-104. A. The supervision of the public school system
6 of Oklahoma shall be vested in the State Board of Education and,
7 subject to limitations otherwise provided by law, the State Board of
8 Education shall:

9 1. Adopt policies and make rules for the operation of the
10 public school system of the state;

11 2. Appoint, prescribe the duties, and fix the compensation of a
12 secretary, an attorney, and all other personnel necessary for the
13 proper performance of the functions of the State Board of Education.
14 The secretary shall not be a member of the Board;

15 3. Submit to the Governor a departmental budget based upon
16 major functions of the Department as prepared by the ~~State~~
17 Superintendent of Public Instruction and supported by detailed data
18 on needs and proposed operations as partially determined by the
19 budgetary needs of local school districts filed with the State Board
20 of Education for the ensuing fiscal year. Appropriations therefor
21 shall be made in lump-sum form for each major item in the budget as
22 follows:

23 a. State Aid to schools,
24

- 1 b. the supervision of all other functions of general and
2 special education including general control, free
3 textbooks, school lunch, Indian education, and all
4 other functions of the Board and an amount sufficient
5 to adequately staff and administer these services, and
6 c. the Board shall determine the details by which the
7 budget and the appropriations are administered.
8 Annually, the Board shall make preparations to
9 consolidate all of the functions of the Department in
10 such a way that the budget can be based on two items,
11 administration and aid to schools. A maximum amount
12 for administration shall be designated as a part of
13 the total appropriation;

14 4. On the first day of December preceding each regular session
15 of the Legislature, prepare and deliver to the Governor and the
16 Legislature a report for the year ending June 30 immediately
17 preceding the regular session of the Legislature. The report shall
18 contain:

- 19 a. detailed statistics and other information concerning
20 enrollment, attendance, expenditures including State
21 Aid, and other pertinent data for all public schools
22 in this state,
23 b. reports from each and every division within the State
24 Department of Education as submitted by the ~~State~~

1 Superintendent of Public Instruction and any other
2 division, department, institution, or other agency
3 under the supervision of the Board,

4 c. recommendations for the improvement of the public
5 school system of the state,

6 d. a statement of the receipts and expenditures of the
7 State Board of Education for the past year, and

8 e. a statement of plans and recommendations for the
9 management and improvement of public schools and such
10 other information relating to the educational
11 interests of the state as may be deemed necessary and
12 desirable;

13 5. Provide for the formulation and adoption of curricula,
14 courses of study, and other instructional aids necessary for the
15 adequate instruction of pupils in the public schools;

16 6. Have authority in matters pertaining to the licensure and
17 certification of persons for instructional, supervisory, and
18 administrative positions and services in the public schools of the
19 state subject to the provisions of Section 6-184 of this title, and
20 shall formulate rules governing the issuance and revocation of
21 certificates for superintendents of schools, principals,
22 supervisors, librarians, clerical employees, school nurses, school
23 bus drivers, visiting teachers, classroom teachers, and for other
24 personnel performing instructional, administrative, and supervisory

1 services, but not including members of boards of education and other
2 employees who do not work directly with pupils, and may charge and
3 collect reasonable fees for the issuance of such certificates:

4 a. the State Department of Education shall not issue a
5 certificate to and shall revoke the certificate of any
6 person who has been convicted, whether upon a verdict
7 or plea of guilty or upon a plea of nolo contendere,
8 or received a suspended sentence or any probationary
9 term for a crime or an attempt to commit a crime
10 provided for in Section 843.5 of Title 21 of the
11 Oklahoma Statutes if the offense involved sexual abuse
12 or sexual exploitation as those terms are defined in
13 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
14 Section 741, 843.1, if the offense included sexual
15 abuse or sexual exploitation, 865 et seq., 885, 888,
16 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
17 1111.1, 1114, or 1123 of Title 21 of the Oklahoma
18 Statutes or who enters this state and who has been
19 convicted, received a suspended sentence, or received
20 a deferred judgment for a crime or attempted crime
21 which, if committed or attempted in this state, would
22 be a crime or an attempt to commit a crime provided
23 for in any of ~~said~~ the laws,

1 b. all funds collected by the State Department of
2 Education for the issuance of certificates to
3 instructional, supervisory, and administrative
4 personnel in the public schools of the state shall be
5 deposited in the "Teachers' ~~Certificate~~ Certification
6 Fund" in the State Treasury and may be expended by the
7 State Board of Education to finance the activities of
8 the State Department of Education necessary to
9 administer the program, for consultative services,
10 publication costs, actual and necessary travel
11 expenses as provided in the State Travel Reimbursement
12 Act incurred by persons performing research work, and
13 other expenses found necessary by the State Board of
14 Education for the improvement of the preparation and
15 certification of teachers in ~~Oklahoma~~ this state.
16 Provided, any unobligated balance in the Teachers'
17 ~~Certificate~~ Certification Fund in excess of Ten
18 Thousand Dollars (\$10,000.00) on June 30 of any fiscal
19 year shall be transferred to the General Revenue Fund
20 of ~~the State of Oklahoma~~ this state. Until July 1,
21 1997, the State Board of Education shall have
22 authority for approval of teacher education programs.
23 The State Board of Education shall also have authority
24 for the administration of teacher residency and

1 professional development, subject to the provisions of
2 the Oklahoma Teacher Preparation Act;

3 7. Promulgate rules governing the classification, inspection,
4 supervision, and accrediting of all public nursery, kindergarten,
5 elementary and secondary schools, and on-site educational services
6 provided by public school districts or state-accredited private
7 schools in partial hospitalization programs, day treatment programs,
8 and day hospital programs as defined in this act for persons between
9 the ages of three (3) and twenty-one (21) years of age in the state.
10 However, no school shall be denied accreditation solely on the basis
11 of average daily attendance.

12 Any school district which maintains an elementary school and
13 faces the necessity of relocating its school facilities because of
14 construction of a lake, either by state or federal authority, which
15 will inundate the school facilities, shall be entitled to receive
16 probationary accreditation from the State Board of Education for a
17 period of five (5) years after ~~the effective date of this act~~ June
18 12, 1975, and any school district, otherwise qualified, shall be
19 entitled to receive probationary accreditation from the State Board
20 of Education for a period of two (2) consecutive years to attain the
21 minimum average daily attendance. The Head Start and public
22 nurseries or kindergartens operated from Community Action ~~Program~~
23 Agency funds shall not be subjected to the accrediting rules of the
24 State Board of Education. Neither will the State Board of Education

1 make rules affecting the operation of the public nurseries and
2 kindergartens operated from federal funds secured through Community
3 Action ~~Programs~~ Agencies even though they may be operating in the
4 public schools of the state. However, any of the Head Start or
5 public nurseries or kindergartens operated under federal regulations
6 may make application for accrediting from the State Board of
7 Education but will be accredited only if application for the
8 approval of the programs is made. The status of no school district
9 shall be changed which will reduce it to a lower classification
10 until due notice has been given to the proper authorities thereof
11 and an opportunity given to correct the conditions which otherwise
12 would be the cause of such reduction.

13 Private and parochial schools may be accredited and classified
14 in like manner as public schools or, if an accrediting association
15 is approved by the State Board of Education, by procedures
16 established by the State Board of Education to accept accreditation
17 by such accrediting association, if application is made to the State
18 Board of Education for such accrediting;

19 8. Be the legal agent of ~~the State of Oklahoma~~ this state to
20 accept, in its discretion, the provisions of any Act of Congress
21 appropriating or apportioning funds which are now, or may hereafter
22 be, provided for use in connection with any phase of the system of
23 public education in Oklahoma. It shall prescribe such rules as it
24

1 finds necessary to provide for the proper distribution of such funds
2 in accordance with the state and federal laws;

3 9. Be and is specifically hereby designated as the agency of
4 this state to cooperate and deal with any officer, board, or
5 authority of the United States Government under any law of the
6 United States which may require or recommend cooperation with any
7 state board having charge of the administration of public schools
8 unless otherwise provided by law;

9 10. Be and is hereby designated as the "State Educational
10 Agency" referred to in Public Law 396 of the 79th Congress of the
11 United States, which law states that ~~said~~ the act may be cited as
12 the "National School Lunch Act", and ~~said~~ the State Board of
13 Education is hereby authorized and directed to accept the terms and
14 provisions of ~~said~~ the act and to enter into such agreements, not in
15 conflict with the Constitution of Oklahoma or the Constitution and
16 Statutes of the United States, as may be necessary or appropriate to
17 secure for ~~the State of Oklahoma~~ this state the benefits of the
18 school lunch program established and referred to in ~~said~~ the act;

19 11. Have authority to secure and administer the benefits of the
20 National School Lunch Act, Public Law 396 of the 79th Congress of
21 the United States, in ~~the State of Oklahoma~~ this state and is hereby
22 authorized to employ or appoint and fix the compensation of such
23 additional officers or employees and to incur such expenses as may
24 be necessary for the accomplishment of the above purpose, administer

1 the distribution of any state funds appropriated by the Legislature
2 required as federal matching to reimburse on children's meals;

3 12. Accept and provide for the administration of any land,
4 money, buildings, gifts, donation, or other things of value which
5 may be offered or bequeathed to the schools under the supervision or
6 control of ~~said~~ the Board;

7 13. Have authority to require persons having administrative
8 control of all school districts in Oklahoma to make such regular and
9 special reports regarding the activities of the schools in ~~said~~ the
10 districts as the Board may deem needful for the proper exercise of
11 its duties and functions. Such authority shall include the right of
12 the State Board of Education to withhold all state funds under its
13 control, to withhold official recognition, including accrediting,
14 until such required reports have been filed and accepted in the
15 office of ~~said~~ the Board and to revoke the certificates of persons
16 failing or refusing to make such reports;

17 14. Have general supervision of the school lunch program. The
18 State Board of Education may sponsor workshops for personnel and
19 participants in the school lunch program and may develop, print, and
20 distribute free of charge or sell any materials, books, and
21 bulletins to be used in ~~such~~ the school lunch programs. There is
22 hereby created in the State Treasury a revolving fund for the Board,
23 to be designated the School Lunch Workshop Revolving Fund. The fund
24 shall consist of all fees derived from or on behalf of any

1 participant in any such workshop sponsored by the State Board of
2 Education, or from the sale of any materials, books, and bulletins,
3 and ~~such~~ funds shall be disbursed for expenses of such workshops and
4 for developing, printing, and distributing of ~~such~~ the materials,
5 books, and bulletins relating to the school lunch program. The fund
6 shall be administered in accordance with Section 155 of Title 62 of
7 the Oklahoma Statutes;

8 15. Prescribe all forms for school district and county officers
9 to report to the State Board of Education where required. The State
10 Board of Education shall also prescribe a list of appropriation
11 accounts by which the funds of school districts shall be budgeted,
12 accounted for, and expended; and it shall be the duty of the State
13 Auditor and Inspector in prescribing all budgeting, accounting, and
14 reporting forms for school funds to conform to such lists;

15 16. Provide for the establishment of a uniform system of pupil
16 and personnel accounting, records, and reports;

17 17. Have authority to provide for the health and safety of
18 school children and school personnel while under the jurisdiction of
19 school authorities;

20 18. Provide for the supervision of the transportation of
21 pupils;

22 19. Have authority, upon request of the local school board, to
23 act in behalf of the public schools of the state in the purchase of
24 transportation equipment;

1 20. Have authority and is hereby required to perform all duties
2 necessary to the administration of the public school system in
3 Oklahoma as specified in the Oklahoma School Code; and, in addition
4 thereto, those duties not specifically mentioned herein if not
5 delegated by law to any other agency or official;

6 21. Administer the State Public Common School Building
7 Equalization Fund established by Section 32 of Article X of the
8 Oklahoma Constitution. Any monies as may be appropriated or
9 designated by the Legislature, other than ad valorem taxes, any
10 other funds identified by the State Department of Education, which
11 may include, but not be limited to, grants-in-aid from the federal
12 government for building purposes, the proceeds of all property that
13 shall fall to the state by escheat, penalties for unlawful holding
14 of real estate by corporations, and capital gains on assets of the
15 permanent school funds, shall be deposited in the State Public
16 Common School Building Equalization Fund. The fund shall be used to
17 aid school districts and charter schools in acquiring buildings,
18 subject to the limitations fixed by Section 32 of Article X of the
19 Oklahoma Constitution. It is hereby declared that the term
20 "acquiring buildings" as used in Section 32 of Article X of the
21 Oklahoma Constitution shall mean acquiring or improving school
22 sites, constructing, repairing, remodeling, or equipping buildings,
23 or acquiring school furniture, fixtures, or equipment. It is hereby
24 declared that the term "school districts" as used in Section 32 of

1 Article X of the Oklahoma Constitution shall mean school districts
2 and eligible charter schools as defined in subsection B of this
3 section. The State Board of Education shall disburse redbud school
4 grants annually from the State Public Common School Building
5 Equalization Fund to public schools and eligible charter schools
6 pursuant to subsection B of this section. The Board shall
7 promulgate rules for the implementation of disbursing redbud school
8 grants pursuant to this section. The State Board of Education shall
9 prescribe rules for making grants of aid from, and for otherwise
10 administering, the fund pursuant to the provisions of this
11 paragraph, and may employ and fix the duties and compensation of
12 technicians, aides, clerks, stenographers, attorneys, and other
13 personnel deemed necessary to carry out the provisions of this
14 paragraph. The cost of administering the fund shall be paid from
15 monies appropriated to the State Board of Education for the
16 operation of the State Department of Education. From monies
17 apportioned to the fund, the State Department of Education may
18 reserve not more than one-half of one percent (1/2 of 1%) for
19 purposes of administering the fund;

20 22. Recognize that the Director of the ~~Oklahoma~~ Department of
21 Corrections shall be the administrative authority for the schools
22 which are maintained in the state reformatories and shall appoint
23 the principals and teachers in such schools. Provided, that rules
24 of the State Board of Education for the classification, inspection,

1 and accreditation of public schools shall be applicable to such
2 schools; and such schools shall comply with standards set by the
3 State Board of Education; and

4 23. Have authority to administer a revolving fund which is
5 hereby created in the State Treasury, to be designated the
6 Statistical Services Revolving Fund. The fund shall consist of all
7 monies received from the various school districts of the state, the
8 United States Government, and other sources for the purpose of
9 furnishing or financing statistical services and for any other
10 purpose as designated by the Legislature. The State Board of
11 Education is hereby authorized to enter into agreements with school
12 districts, municipalities, the United States Government,
13 foundations, and other agencies or individuals for services,
14 programs, or research projects. The Statistical Services Revolving
15 Fund shall be administered in accordance with Section 155 of Title
16 62 of the Oklahoma Statutes.

17 B. 1. The redbud school grants shall be determined by the
18 State Department of Education as follows:

19 a. divide the county four-mill levy revenue by four to
20 determine the nonchargeable county four-mill revenue
21 for each school district,

22 b. determine the amount of new revenue generated by the
23 five-mill building fund levy as authorized by Section
24 10 of Article X of the Oklahoma Constitution for each

- 1 school district as reported in the Oklahoma Cost
2 Accounting System for the preceding fiscal year,
- 3 c. add the amounts calculated in subparagraphs a and b of
4 this paragraph to determine the nonchargeable millage
5 for each school district,
- 6 d. add the nonchargeable millage in each district
7 statewide as calculated in subparagraph c of this
8 paragraph and divide the total by the average daily
9 membership in public schools statewide based on the
10 preceding school year's average daily membership,
11 according to the provisions of Section 18-107 of this
12 title. This amount is the statewide nonchargeable
13 millage per student, known as the baseline local
14 funding per student,
- 15 e. all eligible charter schools shall be included in
16 these calculations as unique school districts,
17 separate from the school district that may sponsor the
18 eligible charter school, and the total number of
19 districts shall be used to determine the statewide
20 average baseline local funding per student,
- 21 f. for each school district or eligible charter school
22 which is below the baseline local funding per student,
23 the Department shall subtract the baseline local
24 funding per student from the average nonchargeable

1 millage per student of the school district or eligible
2 charter school to determine the nonchargeable millage
3 per student shortfall for each district, and

4 g. the nonchargeable millage per student shortfall for a
5 school district or eligible charter school shall be
6 multiplied by the average daily membership of the
7 preceding school year of the eligible school district
8 or eligible charter school. This amount shall be the
9 redbud school grant amount for the school district or
10 eligible charter school.

11 2. For fiscal year 2022, monies for the redbud school grants
12 shall be expended from the funds apportioned pursuant to ~~Section 2~~
13 Section 426 of this act Title 63 of the Oklahoma Statutes. For
14 fiscal year 2023 and each subsequent fiscal year, monies for the
15 redbud school grants shall be appropriated pursuant to ~~Section 2~~
16 Section 426 of this act Title 63 of the Oklahoma Statutes, not to
17 exceed three-fourths (3/4) of the tax collected in the preceding
18 fiscal year pursuant to Section 426 of Title 63 of the Oklahoma
19 Statutes as determined by the Oklahoma Tax Commission. For fiscal
20 year 2023 and each subsequent fiscal year, if such appropriated
21 funds are insufficient to fund the redbud school grants, then an
22 additional apportionment of funds shall be made from sales tax
23 collections as provided by subsection D of ~~Section 3~~ Section 1353 of
24 ~~this act~~ Title 68 of the Oklahoma Statutes. If both funds are

1 insufficient, the Department shall promulgate rules to permit a
2 decrease to the baseline local funding per student to the highest
3 amount allowed with the funding available.

4 3. As used in this section, "eligible charter school" shall
5 mean a charter school which is sponsored pursuant to the provisions
6 of the Oklahoma Charter ~~School~~ Schools Act. Provided, however,
7 "eligible charter school" shall not include a statewide virtual
8 charter school sponsored by the ~~Statewide Virtual Charter School~~
9 ~~Board~~ Statewide Charter School Board but shall only include those
10 which provide in-person or blended instruction, as provided by
11 Section 1-111 of this title, to not less than two-thirds (2/3) of
12 students as the primary means of instructional service delivery.

13 4. The Department shall develop a program to acknowledge the
14 redbud school grant recipients and shall include elected members of
15 the ~~Oklahoma~~ House of Representatives and ~~Oklahoma State~~ Senate who
16 represent the school districts and eligible charter schools.

17 5. The Department shall create a dedicated page on its website
18 listing annual redbud school grant recipients, amount awarded to
19 each recipient, and other pertinent information about the Redbud
20 School Funding Act.

21 6. The Department shall provide the ~~Chair~~ chair of the House
22 Appropriations and Budget Committee and the ~~Chair~~ chair of the
23 Senate Appropriations Committee no later than February 1 of each
24

1 year with an estimate of the upcoming year's redbud school grant
2 allocation as prescribed by this section.

3 SECTION 5. AMENDATORY 70 O.S. 2021, Section 3-132, as
4 amended by Section 1, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022,
5 Section 3-132), is amended to read as follows:

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

9 1. By any school district located in ~~the State of Oklahoma~~ this
10 state, provided such charter school shall only be located within the
11 geographical boundaries of the sponsoring district and subject to
12 the restrictions of Section 3-145.6 of this title;

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

18 3. ~~By a technology center school district if the charter school~~
19 ~~is located in a school district served by the technology center~~
20 ~~school district and the school district has a school site that has~~
21 ~~been identified as in need of improvement by the State Board of~~
22 ~~Education pursuant to the Elementary and Secondary Education Act of~~
23 ~~1965, as amended or reauthorized;~~

24

1 4. By an accredited comprehensive ~~or~~, regional, or two-year
2 institution that is a member of The Oklahoma State System of Higher
3 Education or ~~a community college if the charter school is located in~~
4 ~~a school district in which all or part of the school district is~~
5 ~~located in a county having more than five hundred thousand (500,000)~~
6 ~~population according to the latest Federal Decennial Census~~ by a
7 private institution of higher learning located within this state
8 that is accredited pursuant to Section 4103 of this title;

9 5. ~~By a comprehensive or regional institution that is a member~~
10 ~~of The Oklahoma State System of Higher Education if the charter~~
11 ~~school is located in a school district that has a school site that~~
12 ~~has been identified as in need of improvement by the State Board of~~
13 ~~Education pursuant to the Elementary and Secondary Education Act of~~
14 ~~1965, as amended or reauthorized. In addition, the institution~~
15 ~~shall have a teacher education program accredited by the Oklahoma~~
16 ~~Commission for Teacher Preparation and have a branch campus or~~
17 ~~constituent agency physically located within the school district in~~
18 ~~which the charter school is located in the State of Oklahoma;~~

19 ~~6.~~ 3. By a federally recognized Indian tribe, operating a high
20 school under the authority of the Bureau of Indian Affairs as of
21 November 1, 2010, if the charter school is for the purpose of
22 demonstrating native language immersion instruction, and is located
23 within its former reservation or treaty area boundaries. For
24 purposes of this paragraph, native language immersion instruction

1 shall require that educational instruction and other activities
2 conducted at the school site are primarily conducted in the native
3 language;

4 ~~7.~~ 4. Until June 30, 2023, by the State Board of Education
5 and beginning July 1, 2024, by the Statewide Charter School Board
6 when the applicant of the charter school is the Office of Juvenile
7 Affairs or the applicant has a contract with the Office of Juvenile
8 Affairs and the charter school is for the purpose of providing
9 education services to youth in the custody or supervision of the
10 state. ~~Not more than two charter schools shall be sponsored by the~~
11 ~~Board as provided for in this paragraph during the period of time~~
12 ~~beginning July 1, 2010, through July 1, 2016;~~

13 ~~8.~~ 5. By a federally recognized Indian tribe only when the
14 charter school is located within the former reservation or treaty
15 area boundaries of the tribe on property held in trust by the Bureau
16 of Indian Affairs of the United States Department of the Interior
17 for the benefit of the tribe; or

18 ~~9.~~ 6. By the ~~State Board of Education~~ when the applicant has
19 ~~first been denied a charter by the local school district in which it~~
20 ~~seeks to operate~~ Statewide Charter School Board. In counties with a
21 population of fewer than five hundred thousand (500,000) population,
22 according to the latest Federal Decennial Census, the ~~State Board of~~
23 ~~Education~~ Statewide Charter School Board shall not sponsor more than
24 five new charter schools ~~per year~~ each year ~~for the first five (5)~~

1 ~~years after the effective date of this act, with not more than one~~
2 ~~charter school sponsored in a single school district per year. In~~
3 ~~order to authorize a charter school under this section, the State~~
4 ~~Board of Education shall find evidence of all of the following:~~

5 a. ~~a thorough and high-quality charter school application~~
6 ~~from the applicant based on the authorizing standards~~
7 ~~in subsection B of Section 3-134 of this title,~~

8 b. ~~a clear demonstration of community support for the~~
9 ~~charter school, and~~

10 c. ~~the grounds and basis of objection by the school~~
11 ~~district for denying the operation of the charter are~~
12 ~~not supported by the greater weight of evidence and~~
13 ~~the strength of the application. Existing charter~~
14 ~~schools sponsored by the Statewide Charter School~~
15 ~~Board shall not apply to the limits prescribed by this~~
16 ~~paragraph.~~

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

20 C. An eligible non-school-district sponsor shall give priority
21 to applicants that have demonstrated a record of operating at least
22 one school or similar program that demonstrates academic success and
23 organizational viability and serves student populations similar to
24 those the proposed charter school seeks to serve. In assessing the

1 potential for quality replication of a charter school, a sponsor
2 shall consider the following factors before approving a new site or
3 school:

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

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

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

11 4. Any management organization involved in a potential
12 replication is fully vetted, and the academic, financial, and
13 operational records of the schools it operates are found to be
14 satisfactory;

15 5. Evidence the program seeking to be replicated has the
16 capacity to do so successfully without diminishing or putting at
17 risk its current operations; and

18 6. A financial structure that ensures that funds attributable
19 to each charter school within a network and required by law to be
20 utilized by a school remain with and are used to benefit that
21 school.

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

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

6 ~~E. 1. For the purposes of the Oklahoma Charter Schools Act,~~
7 ~~"conversion school" means a school created by converting all or any~~
8 ~~part of a traditional public school in order to access any or all~~
9 ~~flexibilities afforded to a charter school.~~

10 ~~2. Prior to the board of education of a school district~~
11 ~~converting all or any part of a traditional public school to a~~
12 ~~conversion school, the board shall prepare a conversion plan. The~~
13 ~~conversion plan shall include documentation that demonstrates and~~
14 ~~complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,~~
15 ~~19, 20, 21, 22, 23, 24, 34 and 35 of subsection B of Section 3-134~~
16 ~~of this title. The conversion plan and all documents shall be in~~
17 ~~writing and shall be available to the public pursuant to the~~
18 ~~requirements of the Oklahoma Open Records Act. All votes by the~~
19 ~~board of education of a school district to approve a conversion plan~~
20 ~~shall be held in an open public session. If the board of education~~
21 ~~of a school district votes to approve a conversion plan, the board~~
22 ~~shall notify the State Board of Education within sixty (60) days~~
23 ~~after the vote. The notification shall include a copy of the~~

24

1 ~~minutes for the board meeting at which the conversion plan was~~
2 ~~approved.~~

3 ~~3. A conversion school shall comply with all the same~~
4 ~~accountability measures as are required of a charter school as~~
5 ~~defined in subsection D of this section. The provisions of Sections~~
6 ~~3-140 and 3-142 of this title shall not apply to a conversion~~
7 ~~school. Conversion schools shall comply with the same laws and~~
8 ~~State Board of Education rules relating to student enrollment which~~
9 ~~apply to traditional public schools. Conversion schools shall be~~
10 ~~funded by the board of education of the school district as a school~~
11 ~~site within the school district and funding shall not be affected by~~
12 ~~the conversion of the school.~~

13 ~~4. The board of education of a school district may vote to~~
14 ~~revert a conversion school back to a traditional public school at~~
15 ~~any time; provided, the change shall only occur during a break~~
16 ~~between school years.~~

17 ~~5. Unless otherwise provided for in this subsection, a~~
18 ~~conversion school shall retain the characteristics of a traditional~~
19 ~~public school.~~

20 ~~F. A charter school may consist of a new school site, new~~
21 ~~school sites or all or any portion of an existing school site. An~~
22 ~~entire school district may not become a charter school site.~~

23

24

1 SECTION 6. AMENDATORY 70 O.S. 2021, Section 3-134, as
2 amended by Section 2, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022,
3 Section 3-134), is amended to read as follows:

4 Section 3-134. A. For written applications filed after ~~January~~
5 ~~1, 2008~~ July 1, 2024, prior to submission of the application to a
6 proposed sponsor seeking to establish a charter school or to the
7 Statewide Charter School Board to establish a virtual charter
8 school, the applicant shall be required to complete training which
9 shall not exceed ten (10) hours provided by the ~~State Department of~~
10 ~~Education~~ Statewide Charter School Board on the process and
11 requirements for establishing a charter school or virtual charter
12 school. The sponsor of a charter school that enters into a new or
13 renewed sponsorship contract on or after July 1, 2024, shall be
14 required to complete training provided by the Statewide Charter
15 School Board or an organization approved by the Statewide Charter
16 School Board on the oversight duties of the sponsor. The ~~Department~~
17 ~~Board~~ shall develop and implement the training and publish a list of
18 organizations approved to provide training by ~~January 1, 2008~~ July
19 1, 2024. The ~~Department~~ Board and organizations approved by the
20 Board may provide the training in any format and manner ~~that the~~
21 ~~Department determines~~ determined to be efficient and effective
22 including, but not limited to, web-based training.

23 B. Except as otherwise provided for in Section 3-137 of this
24 title, an applicant seeking to establish a virtual charter school

1 shall submit a written application to the Statewide Charter School
2 Board, and an applicant seeking to establish a charter school shall
3 submit a written application to the proposed sponsor as ~~prescribed~~
4 provided for in subsection E of this section. The application shall
5 include:

6 1. A mission statement for the charter school or virtual
7 charter school;

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

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

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

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

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

23 7. A description of the grades being served;

24

- 1 8. An outline of criteria designed to measure the effectiveness
2 of the charter school or virtual charter school;
- 3 ~~9. A demonstration of support for the charter school from~~
4 ~~residents of the school district which may include but is not~~
5 ~~limited to a survey of the school district residents or a petition~~
6 ~~signed by residents of the school district;~~
- 7 ~~10.~~ Documentation that the applicants completed ~~charter school~~
8 training as set forth in subsection A of this section;
- 9 ~~11.~~ 10. A description of the minimum and maximum enrollment
10 planned per year for each term of the charter contract;
- 11 ~~12.~~ 11. The proposed calendar for the charter school or virtual
12 charter school and sample daily schedule;
- 13 ~~13.~~ 12. Unless otherwise authorized by law or regulation, a
14 description of the academic program aligned with state standards;
- 15 ~~14.~~ 13. A description of the instructional design of the
16 charter school, or virtual charter school including the type of
17 learning environment, class size and structure, curriculum overview,
18 and teaching methods;
- 19 ~~15.~~ 14. The plan for using internal and external assessments to
20 measure and report student progress on the performance framework
21 developed by the applicant in accordance with ~~subsection C of~~
22 ~~Section 3-135~~ Section 3-136 of this title;

23
24

1 ~~16.~~ 15. The plans for identifying and successfully serving
2 students with disabilities, students who are English language
3 learners, and students who are academically behind;

4 ~~17.~~ 16. A description of cocurricular or extracurricular
5 programs and how they will be funded and delivered;

6 ~~18.~~ 17. Plans and time lines for student recruitment and
7 enrollment, including lottery procedures;

8 ~~19.~~ 18. The student discipline policies for the charter school,
9 or virtual charter school including those for special education
10 students;

11 ~~20.~~ 19. An organizational chart that clearly presents the
12 organizational structure of the charter school or virtual charter
13 school, including lines of authority and reporting between the
14 governing board, staff, any related bodies such as advisory bodies
15 or parent and teacher councils, and any external organizations that
16 will play a role in managing the school;

17 ~~21.~~ 20. A clear description of the roles and responsibilities
18 for the governing board, the leadership and management team for the
19 charter school or virtual charter school, and any other entities
20 shown in the organizational chart;

21 ~~22.~~ 21. The leadership and teacher employment policies for the
22 charter school or virtual charter school;

23 ~~23.~~ 22. Proposed governing bylaws;

24

1 ~~24.~~ 23. Explanations of any partnerships or contractual
2 partnerships central to the operations or mission of the charter
3 school or virtual charter school;

4 ~~25.~~ 24. The plans for providing transportation, food service,
5 and all other significant operational or ancillary services;

6 ~~26.~~ 25. Opportunities and expectations for parental
7 involvement;

8 ~~27.~~ 26. A detailed school start-up plan that identifies tasks,
9 time lines, and responsible individuals;

10 ~~28.~~ 27. A description of the financial plan and policies for
11 the charter school, or virtual charter school including financial
12 controls and audit requirements;

13 ~~29.~~ 28. A description of the insurance coverage the charter
14 school or virtual charter school will obtain;

15 ~~30.~~ 29. Start-up and five-year budgets with clearly stated
16 assumptions;

17 ~~31.~~ 30. Start-up and first-year cash-flow projections with
18 clearly stated assumptions;

19 ~~32.~~ 31. Evidence of anticipated fundraising contributions, if
20 claimed in the application;

21 ~~33.~~ 32. A sound facilities plan, including backup or
22 contingency plans if appropriate;

23 ~~34.~~ 33. A requirement that the charter school or virtual
24 charter school governing board meet at a minimum ~~quarterly~~ monthly

1 in the state and that for those charter schools outside of counties
2 with a population of five hundred thousand (500,000) or more, that a
3 ~~majority~~ minimum of two (2) members are residents within the
4 geographic boundary of the ~~sponsoring entity~~ charter school; and

5 ~~35.~~ 34. A requirement that the charter school or virtual
6 charter school follow the requirements of the Oklahoma Open Meeting
7 Act and Oklahoma Open Records Act; and

8 35. A copy of any proposed contract between the governing board
9 of a charter school or virtual charter school and an educational
10 management organization, as defined by Section 5-200 of this title,
11 which meets the requirements of the Oklahoma Charter Schools Act.

12 C. A board of education of a public school district, public
13 body, public or private college or university, private person, or
14 private organization may contract with a sponsor to establish a
15 charter school or virtual charter school. A private school shall
16 not be eligible to contract for a charter school or virtual charter
17 school under the provisions of the Oklahoma Charter Schools Act.

18 D. The sponsor of a charter school is the board of education of
19 a school district, ~~the board of education of a technology center~~
20 ~~school district~~, a higher education institution, ~~the State Board of~~
21 ~~Education~~, or a private institution of higher learning accredited
22 pursuant to Section 4103 of this title, a federally recognized
23 Indian tribe which meets the criteria established in Section 3-132
24 of this title, or beginning July 1, 2024, the Statewide Charter

1 School Board. Any ~~board of education of a school district in the~~
2 state sponsor authorized pursuant to subsection A of Section 3-132
3 of this title may sponsor one or more charter schools. The physical
4 location of a charter school sponsored by a board of education of a
5 school district ~~or a technology center school district~~ shall be
6 within the boundaries of the sponsoring school district. The
7 physical location of a charter school ~~otherwise~~ sponsored by the
8 ~~State Board of Education~~ Statewide Charter School Board pursuant to
9 paragraph ~~8~~ 6 of subsection A of Section 3-132 of this title shall
10 be in the school district in which the application originated.

11 E. 1. Beginning July 1, 2024, any application seeking to
12 establish a charter school in this state shall be submitted first to
13 the school district in which the proposed charter school is to be
14 located. The school district board of education shall approve or
15 deny the application within sixty (60) days of receipt of the
16 application. If the charter school application is denied, nothing
17 shall prohibit an applicant from submitting a revised application to
18 the school district board of education, which shall approve or deny
19 the revised application within sixty (60) days of receipt of the
20 application.

21 2. An applicant for a charter school that has been denied
22 pursuant to paragraph 1 of this subsection may submit an application
23 to a proposed sponsor listed in paragraphs 2 through 6 of subsection
24 A of Section 3-132 of this title, which shall either accept or

1 reject sponsorship of the charter school within ninety (90) days of
2 receipt of the application. If the proposed sponsor rejects the
3 application, it shall notify the applicant in writing of the reasons
4 for the rejection. The applicant may submit a revised application
5 for reconsideration to the proposed sponsor within thirty (30) days
6 after receiving notification of the rejection. The proposed sponsor
7 shall accept or reject the revised application within thirty (30)
8 days of its receipt. ~~Should the sponsor reject the application on~~
9 ~~reconsideration, the applicant may appeal the decision to the State~~
10 ~~Board of Education with the revised application for review pursuant~~
11 ~~to paragraph 8 of subsection A of Section 3-132 of this title. The~~
12 ~~State Board of Education shall hear the appeal no later than sixty~~
13 ~~(60) days from the date received by the Board.~~

14 3. Beginning July 1, 2024, an applicant for a virtual charter
15 school shall submit an application to the Statewide Charter School
16 Board, which shall either accept or reject sponsorship of the
17 virtual charter school within ninety (90) days of receipt of the
18 application. If the application is rejected, the Statewide Charter
19 School Board shall notify the applicant in writing of the reasons
20 for the rejection. The applicant may submit a revised application
21 for reconsideration to the Statewide Charter school Board within
22 thirty (30) days after receiving notification of the rejection. The
23 Statewide Charter School Board shall accept or reject the revised
24 application within thirty (30) days of its receipt.

1 F. A board of education of a school district, ~~board of~~
2 ~~education of a technology center school district,~~ a higher education
3 institution, a private institution of higher learning accredited
4 pursuant to Section 4103 of this title, or a federally recognized
5 Indian tribe ~~sponsor of a charter school~~ shall notify the State
6 Board of Education and the Statewide Charter School Board when it
7 accepts sponsorship of a charter school. The notification shall
8 include a copy of the charter of the charter school.

9 G. Applicants for charter schools and virtual charter schools
10 proposed to be sponsored by ~~an entity other than a school district~~
11 ~~pursuant to paragraph 1 of subsection A of Section 3-132 of this~~
12 ~~title~~ the Statewide Charter School Board may, upon rejection of ~~the~~
13 a revised application, proceed to binding arbitration under the
14 commercial rules of the American Arbitration Association with costs
15 of the arbitration to be borne by the ~~proposed sponsor~~ applicant.
16 ~~Applicants for charter schools proposed to be sponsored by school~~
17 ~~districts pursuant to paragraph 1 of subsection A of Section 3-132~~
18 ~~of this title may not proceed to binding arbitration but may be~~
19 ~~sponsored by the State Board of Education as provided in paragraph 8~~
20 ~~of subsection A of Section 3-132 of this title.~~

21 H. If a board of education of a ~~technology center school~~
22 ~~district~~ school district, a higher education institution, ~~the State~~
23 ~~Board of Education~~ a private institution of higher learning
24 accredited pursuant to Section 4103 of this title, or a federally

1 recognized Indian tribe accepts sponsorship of a charter school, the
2 administrative, fiscal, and oversight responsibilities of the
3 ~~technology center school district~~ school district, the higher
4 education institution, the private institution of higher learning
5 accredited pursuant to Section 4103 of this title, or the federally
6 recognized Indian tribe shall be listed in the contract. No
7 administrative, fiscal, or oversight responsibilities of a charter
8 school shall be delegated to a school district unless the local
9 school district agrees to enter into a contract to assume the
10 responsibilities.

11 I. A sponsor of a public charter school shall have the
12 following powers and duties over charter schools it sponsors, and
13 the Statewide Charter School Board shall have the following powers
14 and duties over the charter schools and virtual charter schools it
15 sponsors:

16 1. Provide services and oversight of the operations of charter
17 schools or virtual charter schools in the state through annual
18 performance reviews ~~of charter schools~~ and reauthorization ~~of~~
19 ~~charter schools for which it is a sponsor~~;

20 2. Solicit and evaluate charter applications;

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

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

24

1 5. Negotiate and execute sound charter contracts with each
2 approved public charter school or virtual charter school;

3 6. Approve or deny proposed contracts between the governing
4 board of a charter school or virtual charter school and an
5 educational management organization, as defined by section 5-200 of
6 this title;

7 7. Monitor, in accordance with charter contract terms, the
8 performance and legal compliance of charter schools and virtual
9 charter schools; and

10 ~~7.~~ 8. Determine whether each charter contract merits renewal,
11 nonrenewal, or revocation.

12 J. Sponsors shall establish a procedure for accepting,
13 approving, and disapproving charter school applications in
14 accordance with subsection E of this section. The Statewide Charter
15 School Board shall post its application, application process, and
16 application time frames on the Board's website.

17 K. Sponsors including the Statewide Charter School Board shall
18 ~~be required to~~ develop and maintain chartering policies and
19 practices consistent with recognized principles and standards for
20 quality charter ~~authorizing as established by the State Department~~
21 ~~of Education~~ sponsoring in all major areas of ~~authorizing~~ sponsoring
22 responsibility, including organizational capacity and
23 infrastructure, soliciting and evaluating charter school and virtual
24 charter school applications, performance contracting, ongoing

1 charter school and virtual charter school oversight and evaluation,
2 and charter contract renewal decision-making.

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

6 SECTION 7. AMENDATORY 70 O.S. 2021, Section 3-136, is
7 amended to read as follows:

8 Section 3-136. A. A Beginning July 1, 2024, a written contract
9 entered into between the Statewide Charter School Board and the
10 governing board of a charter school or statewide virtual charter
11 school or a written contract entered into between a sponsor and the
12 governing board of a charter school shall ~~adopt a charter which will~~
13 ensure compliance with the following:

14 1. A Except as provided for in the Oklahoma Charter Schools
15 Act, a charter school and virtual charter school shall be exempt
16 from all statutes and rules relating to schools, boards of
17 education, and school districts; provided, however, a charter school
18 or virtual charter school shall comply with all federal regulations
19 and state and local rules and statutes relating to health, safety,
20 civil rights, and insurance. By January 1, 2000, the State
21 Department of Education shall prepare a list of relevant rules and
22 statutes which a charter school and virtual charter school must
23 comply with as required by this paragraph and shall annually provide
24 an update to the list;

1 2. A charter school shall be nonsectarian in its programs,
2 admission policies, employment practices, and all other operations.
3 A sponsor may not authorize a charter school or program that is
4 affiliated with a nonpublic sectarian school or religious
5 institution;

6 3. The charter contract shall provide a description of the
7 educational program to be offered. A charter school or virtual
8 charter school may provide a comprehensive program of instruction
9 for a prekindergarten program, a kindergarten program, or any grade
10 between grades one and twelve. Instruction may be provided to all
11 persons between ~~the ages of~~ four (4) and twenty-one (21) years of
12 age. A charter school or virtual charter school may offer a
13 curriculum which emphasizes a specific learning philosophy or style
14 or certain subject areas such as mathematics, science, fine arts,
15 performance arts, or foreign language. The charter of a charter
16 school or virtual charter school which offers grades nine through
17 twelve shall specifically address whether the charter school or
18 virtual charter school will comply with the graduation requirements
19 established in Section 11-103.6 of this title. ~~No charter school~~
20 ~~shall be chartered for the purpose of offering a curriculum for deaf~~
21 ~~or blind students that is the same or similar to the curriculum~~
22 ~~being provided by or for educating deaf or blind students that are~~
23 ~~being served by the Oklahoma School for the Blind or the Oklahoma~~
24 ~~School for the Deaf;~~

1 4. A charter school or virtual charter school shall participate
2 in the testing as required by the Oklahoma School Testing Program
3 Act and the reporting of test results as is required of a school
4 district. A charter school or virtual charter school shall also
5 provide any necessary data to the Office of Accountability within
6 the State Department of Education;

7 ~~5. Except as provided for in the Oklahoma Charter Schools Act~~
8 ~~and its charter, a charter school shall be exempt from all statutes~~
9 ~~and rules relating to schools, boards of education, and school~~
10 ~~districts;~~

11 ~~6.~~ A charter school, ~~to the extent possible,~~ or virtual charter
12 school shall be subject to the same reporting requirements,
13 financial audits, audit procedures, and audit requirements as a
14 school district. The State Department of Education or State Auditor
15 and Inspector may conduct financial, program, or compliance audits.
16 The Statewide Charter School Board may request that the State
17 Auditor and Inspector conduct a financial, program, or compliance
18 audit for any charter school or virtual charter school it oversees.

19 A charter school or virtual charter school shall use the Oklahoma
20 Cost Accounting System to report financial transactions to the
21 ~~sponsoring school district~~ State Department of Education. The
22 charter school or virtual charter school shall be subject to the
23 limitations on spending, including provisions of the Oklahoma

24

1 Constitution, for any funds received from the state, either through
2 the State Department of Education or other sources;

3 ~~7.~~ 6. A charter school or virtual charter school shall comply
4 with all federal and state laws relating to the education of
5 children with disabilities in the same manner as a school district;

6 ~~8.~~ 7. A charter school or virtual charter school shall provide
7 for a governing ~~body~~ board for the school which shall be responsible
8 for the policies and operational decisions of the charter school or
9 virtual charter school. A majority of the charter school or virtual
10 charter school governing board members shall be residents of this
11 state and shall meet no less than monthly in a public meeting within
12 the boundaries of the school district in which the charter school is
13 located or within this state if the governing board oversees
14 multiple charter schools in this state or oversees a virtual charter
15 school. The governing board of a charter school or virtual charter
16 school shall be subject to the same conflict of interest
17 requirements as a member of a school district board of education
18 including but not limited to Sections 5-113 and 5-124 of this title.
19 Members appointed to the governing board of a charter school or
20 virtual charter school shall be subject to the same instruction and
21 continuing education requirements as a member of a school district
22 board of education and pursuant to Section 5-110 of this title shall
23 complete twelve (12) hours of instruction within fifteen (15) months

24

1 of appointment to the governing board and pursuant to Section 5-
2 110.1 of this title shall attend continuing education;

3 ~~9.~~ 8. A charter school or virtual charter school shall not be
4 used as a method of generating revenue for students who are being
5 home schooled and are not being educated at an organized charter
6 school site or by a virtual charter school;

7 ~~10.~~ 9. A charter school ~~may~~ or virtual charter school shall be
8 as equally free and open to all students as traditional public
9 schools and shall not charge tuition or fees;

10 ~~11.~~ 10. A charter school or virtual charter school shall
11 provide instruction each year for at least the number of days or
12 hours required in Section 1-109 of this title;

13 ~~12.~~ 11. A charter school or virtual charter school shall comply
14 with the student suspension requirements provided for in Section 24-
15 101.3 of this title;

16 ~~13.~~ 12. A charter school or virtual charter school shall be
17 considered a school district for purposes of tort liability under
18 The Governmental Tort Claims Act;

19 ~~14.~~ 13. Employees of a charter school or virtual charter school
20 may participate as members of the Teachers' Retirement System of
21 Oklahoma in accordance with applicable statutes and rules if
22 otherwise allowed pursuant to law;

23 ~~15.~~ 14. A charter school or virtual charter school may
24 participate in all health and related insurance programs available

1 to ~~the~~ employees of ~~the sponsor of the charter school~~ a public
2 school district;

3 ~~16.~~ 15. A charter school or virtual charter school and their
4 respective governing boards shall comply with the Oklahoma Open
5 Meeting Act and the Oklahoma Open Records Act;

6 ~~17.~~ 16. The governing ~~body~~ board of a charter school or virtual
7 charter school shall ~~be subject to the same conflict of interest~~
8 ~~requirements as a member of a local school board~~ notify the sponsor
9 within ten (10) business days in the instance of any significant
10 adverse actions, material findings of noncompliance, or pending
11 actions, claims, or proceedings in this state relating to the
12 charter school, the virtual charter school, or an educational
13 management organization with which the charter school or virtual
14 charter school has a contract; ~~and~~

15 ~~18.~~ 17. No later than September 1 each year, the governing
16 board of each charter school or virtual charter school formed
17 pursuant to the Oklahoma Charter Schools Act shall prepare a
18 statement of actual income and expenditures for the charter school
19 or virtual charter school for the fiscal year that ended on the
20 preceding June 30, in a manner compliant with Section 5-135 of this
21 title. The statement of expenditures shall include functional
22 categories as defined in rules adopted by the State Board of
23 Education to implement the Oklahoma Cost Accounting System pursuant
24 to Section 5-145 of this title. Charter schools and virtual charter

1 schools shall not be permitted to submit estimates of expenditures
2 or prorated amounts to fulfill the requirements of this paragraph;
3 and

4 18. A charter school or virtual charter school contract shall
5 include performance provisions based on a performance framework that
6 clearly sets forth the academic and operational performance
7 indicators that shall be used by charter school and virtual charter
8 school sponsors to evaluate their respective schools. The sponsor
9 may develop a separate performance framework to evaluate a charter
10 school or virtual charter school that has been designated by the
11 State Department of Education as implementing an alternative
12 education program throughout the school. The sponsor shall require
13 a charter school or virtual charter school to submit the data
14 required in this subsection in the identical format that is required
15 by the State Department of Education of all public schools in order
16 to avoid duplicative administrative efforts or allow a charter
17 school or virtual charter school to provide permission to the
18 Department to share all required data with the Board. The
19 performance framework shall serve as the minimum requirement for
20 charter school and virtual charter school performance evaluation and
21 shall include, but not be limited to, the following indicators:

- 22 a. student academic proficiency,
23 b. student academic growth,

24

- 1 c. achievement gaps in both proficiency and growth
2 between major student subgroups,
3 d. student attendance,
4 e. recurrent enrollment from year to year as determined
5 by the methodology used for public schools in
6 Oklahoma,
7 f. in the case of high schools, graduation rates as
8 determined by the methodology used for public schools
9 in Oklahoma,
10 g. in the case of high schools, postsecondary readiness,
11 h. financial performance and sustainability and
12 compliance with state and Internal Revenue Service
13 financial reporting requirements,
14 i. audit findings or deficiencies,
15 j. accreditation and timely reporting, and
16 k. governing board performance and stewardship including
17 compliance with all applicable laws, regulations, and
18 terms of the charter contract.

19 The sponsor including the Statewide Charter School Board shall
20 annually evaluate its charter schools or virtual charter schools
21 according to the performance framework. The results of the
22 evaluation shall be presented to the governing board of the charter
23 school or virtual charter school and the governing board of the
24 charter school sponsor in an open meeting.

1 B. An applicant or the governing board of an applicant may hold
2 one or more charter contracts. Each charter school or virtual
3 charter school that is part of a charter contract shall be separate
4 and distinct from any other charter school or virtual charter
5 school. For the purposes of this subsection, "separate and
6 distinct" shall mean that a charter school or virtual charter school
7 governing board with oversight of more than one charter school or
8 virtual charter school shall not combine accounting, budgeting,
9 recordkeeping, admissions, employment, or policies and operational
10 decisions of the charter schools or virtual charter schools it
11 oversees.

12 C. The charter contract of a charter school or virtual charter
13 school shall include a description of the personnel policies,
14 personnel qualifications, and method of school governance, and the
15 specific role and duties of the sponsor of the charter school. A
16 charter school or virtual charter school shall not enter into an
17 employment contract with any teacher or other personnel until a
18 contract has been executed with its sponsor. The employment
19 contract shall set forth the personnel policies of the charter
20 school or virtual charter school including, but not limited to,
21 policies related to certification, professional development,
22 evaluation, suspension, dismissal and nonreemployment, sick leave,
23 personal business leave, emergency leave, and family and medical
24 leave. The contract shall also specifically set forth the salary,

1 hours, fringe benefits, and work conditions. The contract may
2 provide for employer-employee bargaining, but the charter school or
3 virtual charter school shall not be required to comply with the
4 provisions of Sections 509.1 through 509.10 of this title.

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

10 No charter school or virtual charter school may begin serving
11 students without a contract executed in accordance with the
12 provisions of the Oklahoma Charter Schools Act and approved in an
13 open meeting of the governing board of the sponsor or the Statewide
14 Charter School Board. The governing board of the sponsor or the
15 Statewide Charter School Board may establish reasonable preopening
16 requirements or conditions to monitor the start-up progress of newly
17 approved charter schools or virtual charter schools and ensure that
18 each brick-and-mortar school is prepared to open smoothly on the
19 date agreed and to ensure that each school meets all building,
20 health, safety, insurance, and other legal requirements for the
21 opening of a school.

22 E. D. The charter of a charter school or virtual charter school
23 may be amended at the request of the governing ~~body~~ board of the
24

1 charter school or virtual charter school and upon the approval of
2 the sponsor.

3 ~~D.~~ E. A charter school or virtual charter school may enter into
4 contracts and sue and be sued.

5 ~~E.~~ F. The governing ~~body~~ board of a charter school ~~may~~ or
6 virtual charter school shall not levy taxes or issue bonds. A
7 school district that proposes a bond shall include any charter
8 school established pursuant to subsection A of Section 3-132 of this
9 title and located within the school district in planning
10 conversations regarding the bond.

11 ~~F.~~ G. The charter of a charter school or virtual charter school
12 shall include a provision specifying the method or methods to be
13 employed for disposing of real and personal property acquired by the
14 charter school or virtual charter school upon expiration or
15 termination of the charter or failure of the charter school or
16 virtual charter school to continue operations. Except as otherwise
17 provided, any real or personal property purchased with state or
18 local funds shall be retained by the ~~sponsoring school district~~
19 sponsor. If a charter school that was previously sponsored by the
20 board of education of a school district continues operation within
21 the school district under a new charter sponsored by an entity
22 authorized pursuant to Section 3-132 of this title, the charter
23 school may retain any personal property purchased with state or
24 local funds for use in the operation of the charter school until

1 termination of the new charter or failure of the charter school to
2 continue operations.

3 SECTION 8. AMENDATORY 70 O.S. 2021, Section 3-137, is
4 amended to read as follows:

5 Section 3-137. A. ~~An approved~~ An initial contract ~~for~~ between
6 a charter school or virtual charter school and its sponsor approved
7 on or after July 1, 2024, shall be effective for five (5) years from
8 the first day of operation. ~~A~~ After completing an initial five-year
9 term, a charter contract may be renewed for ~~successive five-year~~ up
10 to ten-year terms of duration, although the sponsor may vary the
11 term based on the performance, demonstrated capacities, and
12 particular circumstances of each charter school or virtual charter
13 school. A sponsor may grant renewal with specific conditions for
14 necessary improvements to a charter school or virtual charter
15 school.

16 B. Prior to the beginning of the ~~fourth final~~ year of ~~operation~~
17 the contract term of a charter school or virtual charter school, the
18 sponsor shall issue a ~~charter school~~ performance report and charter
19 renewal application guidance to the charter school and ~~the charter~~
20 ~~school~~ its governing board or the virtual charter school and its
21 governing board. The performance report shall summarize the
22 performance record to date of the charter school, or virtual charter
23 school based on the data required by the Oklahoma Charter Schools
24 Act, the annual performance framework evaluation, a review of the

1 contract with an educational management organization if the charter
2 school or virtual charter school contracts with an educational
3 management organization, and the charter contract ~~and taking~~. The
4 performance review shall take into consideration the percentage of
5 at-risk students enrolled in the charter school or virtual charter
6 school, and. The performance report shall provide notice of any
7 weaknesses ~~or~~, concerns, violations, or deficiencies perceived by
8 the sponsor concerning the charter school or virtual charter school
9 that may jeopardize its position in seeking renewal if not timely
10 rectified. ~~The~~ If there are weaknesses, concerns, violations, or
11 deficiencies the sponsor may require a charter school or virtual
12 charter school to develop a corrective action plan and corresponding
13 timeline to remedy any weaknesses, concerns, violations, or
14 deficiencies. If the sponsor requires a corrective action plan, the
15 charter school or virtual charter school shall have forty-five (45)
16 days to respond to the performance report and submit any corrections
17 or clarifications for the report. If the charter school or virtual
18 charter school does not substantially complete the corrective action
19 plan, the sponsor may choose to revoke or not renew the charter
20 contract pursuant to the requirements of this section.

21 C. 1. Prior to the beginning of the ~~fifth~~ final year of
22 ~~operation~~ a charter contract term, the charter school or virtual
23 charter school may apply for renewal of the contract with the
24 sponsor including the Statewide Charter School Board. The renewal

1 application guidance shall, at a minimum, provide an opportunity for
2 the charter school or virtual charter school to:

- 3 a. present additional evidence, beyond the data contained
4 in the performance report, supporting its case for
5 charter renewal,
- 6 b. describe improvements undertaken or planned for the
7 school, and
- 8 c. detail the plan for the next charter term for the
9 school.

10 2. The renewal application guidance shall include or refer
11 explicitly to the criteria that will guide the renewal decisions of
12 the sponsor, which shall be based on the performance framework set
13 forth in the charter contract and consistent with the Oklahoma
14 Charter Schools Act.

15 D. The sponsor may deny the request for renewal if it
16 determines the charter school or virtual charter school has failed
17 to complete the obligations of the contract or comply with the
18 provisions of the Oklahoma Charter Schools Act. A sponsor shall
19 give written notice of its intent to deny the request for renewal at
20 least eight (8) months prior to expiration of the contract. In
21 making charter renewal decisions, a sponsor shall:

22 1. Ground decisions on evidence of the performance of the
23 charter school or virtual charter school over the term of the
24 charter contract in accordance with the performance framework set

1 forth in the charter contract and shall take into consideration the
2 percentage of at-risk students enrolled in the school;

3 2. Grant renewal to charter schools or virtual charter schools
4 that have achieved the standards, targets, and performance
5 expectations as stated in the charter contract and are
6 organizationally and fiscally viable and have been faithful to the
7 terms of the contract and applicable law;

8 3. Ensure that data used in making renewal decisions are
9 available to the school and the public; and

10 4. Provide a public report summarizing the evidence used as the
11 basis for each decision.

12 E. If a ~~sponsor~~ the Statewide Charter School Board denies a
13 request for renewal, the ~~governing board of the sponsor~~ Board may,
14 if requested by the charter school or virtual charter school,
15 proceed to binding arbitration as provided for in subsection G of
16 Section 3-134 of this title.

17 F. A sponsor may terminate a contract during the term of the
18 contract for failure to meet the requirements for student
19 performance contained in the contract and performance framework,
20 failure to meet the standards of fiscal management, violations of
21 the law, or other good cause. The sponsor shall give at least
22 ninety (90) days' written notice to the governing board of the
23 charter school or virtual charter school prior to terminating the
24 contract. The governing board may request, in writing, an informal

1 hearing before the sponsor within fourteen (14) days of receiving
2 notice. The sponsor shall conduct an informal hearing before taking
3 action. ~~If a sponsor decides to terminate a contract, the governing~~
4 ~~board may, if requested by the charter school, proceed to binding~~
5 ~~arbitration as provided for in subsection G of Section 3-134 of this~~
6 ~~title.~~

7 G. Beginning July 1, 2024, and subject to the provisions of
8 this section, a charter school sponsor authorized by subsection A of
9 Section 3-132 of this title with a charter contract that includes
10 more than one charter school site may terminate or not renew a
11 charter school contract for a specific charter school site.

12 H. 1. Beginning in the 2016-2017 school year, the State Board
13 of Education shall identify charter schools and virtual charter
14 schools in the state that are ranked in the bottom five percent (5%)
15 of all public schools as determined pursuant to Section 1210.545 of
16 this title.

17 2. At the time of its charter renewal, based on an average of
18 the current year and the two (2) prior operating years, a sponsor
19 may close a charter school site or virtual charter school identified
20 as being among the bottom five percent (5%) of public schools in the
21 state. The average of the current year and two (2) prior operating
22 years shall be calculated by using the percentage ranking for each
23 year divided by three, as determined by this subsection.

24

1 3. If there is a change to the calculation described in Section
2 1210.545 of this title that results in a charter school site or
3 virtual charter school that was not ranked in the bottom five
4 percent (5%) being ranked in the bottom five percent (5%), then the
5 sponsor shall use the higher of the two rankings to calculate the
6 ranking of the charter school site or virtual charter school.

7 ~~4. In the event that a sponsor fails to close a charter school~~
8 ~~site consistent with this subsection, the sponsor shall appear~~
9 ~~before the State Board of Education to provide support for its~~
10 ~~decision. The State Board of Education may, by majority vote,~~
11 ~~uphold or overturn the decision of the sponsor. If the decision of~~
12 ~~the sponsor is overturned by the State Board of Education, the Board~~
13 ~~may implement one of the following actions:~~

- 14 ~~a. transfer the sponsorship of the charter school~~
15 ~~identified in this paragraph to another sponsor,~~
- 16 ~~b. order the closure of the charter school identified in~~
17 ~~this paragraph at the end of the current school year,~~
18 ~~or~~
- 19 ~~c. order the reduction of any administrative fee~~
20 ~~collected by the sponsor that is applicable to the~~
21 ~~charter school identified in this paragraph. The~~
22 ~~reduction shall become effective at the beginning of~~
23 ~~the month following the month the hearing of the~~
24 ~~sponsor is held by the State Board of Education.~~

1 ~~5.~~ A charter school or virtual charter school that is closed by
2 ~~the State Board of Education~~ its sponsor pursuant to ~~paragraph 4 of~~
3 this subsection shall not be granted a subsequent charter ~~by any~~
4 ~~other sponsor~~ contract.

5 ~~6.~~ 5. The requirements of this subsection shall not apply to a
6 charter school or virtual charter school that has been designated by
7 the State Department of Education as implementing an alternative
8 education program ~~throughout the charter school~~.

9 ~~7.~~ 6. In making a charter school site or virtual charter school
10 closure decision, the ~~State Board of Education~~ sponsor shall
11 consider the following:

- 12 a. enrollment of students with special challenges such as
13 drug or alcohol addiction, prior withdrawal from
14 school, prior incarceration, or other special
15 circumstances,
- 16 b. high mobility of the student population resulting from
17 the specific purpose of the charter school or virtual
18 charter school,
- 19 c. annual improvement in the performance of students
20 enrolled in the charter school or virtual charter
21 school compared with the performance of students
22 enrolled in the charter school or virtual charter
23 school in the immediately preceding school year, and
24

1 d. whether a majority of students attending the charter
2 school or virtual charter school under consideration
3 for closure would likely revert to attending public
4 schools with lower academic achievement, as
5 demonstrated pursuant to Section 1210.545 of this
6 title.

7 ~~8. 7.~~ If ~~the State Board of Education has closed or transferred~~
8 ~~authorization of~~ at least twenty-five percent (25%) of the charter
9 schools chartered by one sponsor are closed within a five-year
10 period pursuant to ~~paragraph 4 of~~ this subsection, the authority of
11 the sponsor to ~~authorize~~ sponsor new charter schools may be
12 suspended by the ~~Board~~ Statewide Charter School Board until the
13 Board approves the sponsor to ~~authorize~~ sponsor new charter schools.
14 A determination ~~under~~ made pursuant to this paragraph ~~to suspend the~~
15 ~~authority of a sponsor to authorize new charter schools~~ shall
16 identify the deficiencies that, if corrected, will result in the
17 approval of the sponsor to ~~authorize~~ sponsor new charter schools.

18 ~~H. I.~~ If a sponsor terminates a contract or the charter school
19 or virtual charter school is closed, the closure shall be conducted
20 in accordance with the following protocol:

21 1. Within two (2) calendar weeks of a final closure
22 determination, the sponsor shall meet with the governing board and
23 leadership of the charter school or virtual charter school to
24 establish a transition team composed of school staff, applicant

1 staff, and others designated by the applicant that will attend to
2 the closure, including the transfer of students, student records,
3 and school funds;

4 2. The sponsor and transition team shall communicate regularly
5 and effectively with families of students enrolled in the charter
6 school or virtual charter school, as well as with school staff and
7 other stakeholders, to keep them apprised of key information
8 regarding the closure of the school and their options and risks;

9 3. The sponsor and transition team shall ensure that current
10 instruction of students enrolled in the charter school or virtual
11 charter school continues per the charter ~~agreement~~ contract for the
12 remainder of the school year;

13 4. The sponsor and transition team shall ensure that all
14 necessary and prudent notifications are issued to agencies,
15 employees, insurers, contractors, creditors, debtors, and management
16 organizations; and

17 5. The governing board of the charter school or virtual charter
18 school shall continue to meet as necessary to take actions needed to
19 wind down school operations, manage school finances, allocate
20 resources, and facilitate all aspects of closure.

21 ~~F.~~ J. A sponsor including the Statewide Charter School Board
22 shall develop revocation and nonrenewal processes that are
23 consistent with the Oklahoma Charter Schools Act and that:

24

1 1. Provide the charter school or virtual charter school with a
2 timely notification of the prospect of revocation or nonrenewal and
3 of the reasons for possible closure;

4 2. Allow the charter school or virtual charter school a
5 reasonable amount of time in which to prepare a response;

6 3. Provide the charter school or virtual charter school with an
7 opportunity to submit documents and give testimony in a public
8 hearing challenging the rationale for closure and in support of the
9 continuation of the school at an orderly proceeding held for that
10 purpose and prior to taking any final nonrenewal or revocation
11 decision related to the school;

12 4. Allow the charter school or virtual charter school access to
13 representation by counsel to call witnesses on its behalf;

14 5. Permit the recording of the proceedings; and

15 6. After a reasonable period for deliberation, require a final
16 determination be made and conveyed in writing to the charter school
17 or virtual charter school.

18 ~~J.~~ K. If a sponsor revokes or does not renew a charter
19 contract, the sponsor shall clearly state in a resolution the
20 reasons for the revocation or nonrenewal. If a charter is revoked
21 or nonrenewed, the charter school or virtual charter school shall
22 disclose the revocation or nonrenewal in any subsequent application.

23 ~~K. 1. Before a sponsor may issue a charter to a charter school~~
24 ~~governing body that has had its charter terminated or has been~~

1 ~~informed that its charter will not be renewed by the current~~
2 ~~sponsor, the sponsor shall request to have the proposal reviewed by~~
3 ~~the State Board of Education at a hearing. The State Board of~~
4 ~~Education shall conduct a hearing in which the sponsor shall present~~
5 ~~information indicating that the proposal of the organizer is~~
6 ~~substantively different in the areas of deficiency identified by the~~
7 ~~current sponsor from the current proposal as set forth within the~~
8 ~~charter with its current sponsor.~~

9 ~~2. After the State Board of Education conducts a hearing~~
10 ~~pursuant to this subsection, the Board shall either approve or deny~~
11 ~~the proposal.~~

12 ~~3. If the proposal is denied, no sponsor may issue a charter to~~
13 ~~the charter school governing body.~~

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

17 M. If a charter contract is not renewed or is terminated
18 according to this section, a student who attended the charter school
19 or virtual charter school may enroll in the resident school district
20 of the student or may apply for a transfer in accordance with
21 ~~Section 8-103 of this title~~ the Education Open Transfer Act.

22 SECTION 9. AMENDATORY 70 O.S. 2021, Section 3-139, is
23 amended to read as follows:

24

1 Section 3-139. A. A sponsoring school district shall determine
2 whether a teacher who is employed by or teaching at a charter school
3 or virtual charter school and who was previously employed as a
4 teacher at the sponsoring public school district shall not lose any
5 right of salary status or any other benefit provided by law due to
6 teaching at a charter school or virtual charter school upon
7 returning to the sponsoring public school district to teach.

8 B. A teacher who is employed by or teaching at a charter school
9 or virtual charter school and who submits an employment application
10 to the school district where the teacher was employed immediately
11 before employment by or at a charter school or virtual charter
12 school shall be given employment preference by the school district
13 if:

14 1. The teacher submits an employment application to the school
15 district no later than three (3) years after ceasing employment with
16 the school district; and

17 2. A suitable position is available at the school district.

18 SECTION 10. AMENDATORY 70 O.S. 2021, Section 3-140, is
19 amended to read as follows:

20 Section 3-140. A. ~~Except for a charter school sponsored by the~~
21 ~~State Board of Education, a~~ A charter school with a brick-and-mortar
22 school site or sites shall enroll those students whose legal
23 residence is within the boundaries of the school district in which
24 the charter school is located and who submit a timely application,

1 or those students who transfer to ~~the district in which~~ the charter
2 school is located in accordance with ~~Section 8-103 or 8-104 of this~~
3 ~~title~~ the Education Open Transfer Act, unless the number of
4 applications exceeds the capacity of a program, class, grade level,
5 or building. Students who reside in a school district where a
6 charter school is located shall not be required to obtain a transfer
7 in order to attend a charter school in the school district of
8 residence. If capacity is insufficient to enroll all eligible
9 students, the charter school shall select students through a lottery
10 selection process. ~~Except for a charter school sponsored by the~~
11 ~~State Board of Education,~~ a A charter school shall give enrollment
12 preference to eligible students who reside within the boundaries of
13 the school district in which the charter school is located. ~~Except~~
14 ~~for a charter school sponsored by the State Board of Education,~~ a
15 ~~charter school created after November 1, 2010,~~ shall give enrollment
16 ~~preference to eligible students who reside within the boundaries of~~
17 ~~the school district in which the charter school is located~~ and who
18 attend a school site that has been identified as in need of
19 improvement by the State Board of Education pursuant to the
20 Elementary and Secondary Education Act of 1965, as amended or
21 reauthorized. A charter school may limit admission to students
22 within a given age group or grade level. A charter school sponsored
23 by the ~~State Board of Education~~ Statewide Charter School Board when
24 the applicant of the charter school is the Office of Juvenile

1 Affairs shall limit admission to youth that are in the custody or
2 supervision of the Office of Juvenile Affairs.

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

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

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

24

1 E. A sponsor of a charter school shall not restrict the number
2 of students a charter school may enroll, and the Statewide Charter
3 School Board shall not restrict the number of students a virtual
4 charter school or charter school may enroll. The capacity of ~~the a~~
5 charter school or virtual charter school shall be determined
6 ~~annually~~ quarterly by the governing board of the charter school
7 ~~based on the ability of the charter school to facilitate the~~
8 ~~academic success of the students, to achieve the other objectives~~
9 ~~specified in the charter contract,~~ and to ensure that the student
10 ~~enrollment does not exceed the capacity of its facility or site or~~
11 virtual charter school pursuant to the provisions of the Education
12 Open Transfer Act.

13 F. Beginning July 1, 2024, each statewide virtual charter
14 school which has been approved and sponsored by the Statewide
15 Charter School Board or any virtual charter school for which the
16 Board has assumed sponsorship as provided for in Section 1 of this
17 act shall be considered a statewide virtual charter school and the
18 geographic boundaries of each statewide virtual charter school shall
19 be the borders of the state.

20 H. Beginning July 1, 2024, students enrolled full-time in a
21 statewide virtual charter school sponsored by the Statewide Charter
22 School Board shall not be authorized to participate in any
23 activities administered by the Oklahoma Secondary School Activities
24 Association. However, the students may participate in intramural

1 activities sponsored by a statewide virtual charter school, an
2 online provider for the charter school, or any other outside
3 organization.

4 I. 1. Beginning July 1, 2024, a public school student who
5 wishes to enroll in a virtual charter school shall be considered a
6 transfer student from his or her resident school district. A
7 virtual charter school shall pre-enroll any public school student
8 whose parent or legal guardian expresses intent to enroll in the
9 virtual charter school. Upon pre-enrollment, the State Department
10 of Education shall initiate a transfer on a form to be completed by
11 the receiving virtual charter school. Upon approval of the
12 receiving virtual charter school, the student may begin
13 instructional activities. Upon notice that a public school student
14 has transferred to a virtual charter school, the resident school
15 district shall transmit the student's records within three (3)
16 school days.

17 2. The State Department of Education shall notify the
18 Legislature and Governor if it determines that the information
19 technology infrastructure necessary to process the transfer of
20 students to a virtual charter school is inadequate and additional
21 time is needed for implementation.

22 3. A public school student may transfer to one statewide
23 virtual charter school at any time during a school year. For
24 purposes of this subsection, "school year" shall mean July 1 through

1 the following June 30. After one statewide virtual charter school
2 transfer during a school year, no public school student shall be
3 permitted to transfer to any other statewide virtual charter school
4 without the concurrence of both the resident school district and the
5 receiving virtual charter school. A student shall have a grace
6 period of fifteen (15) school days from the first day of enrollment
7 in a statewide virtual charter school to withdraw without academic
8 penalty and shall continue to have the option of one virtual charter
9 school transfer without the concurrence of both the resident school
10 district and the receiving virtual charter school during that same
11 school year. A statewide virtual charter school student that has
12 utilized the allowable one transfer pursuant to this subsection
13 shall not be permitted to transfer to another school district or
14 another statewide virtual charter school without first notifying his
15 or her resident district and initiating a new transfer. Upon
16 cancellation of a transfer, the virtual charter school shall
17 transmit the student's records to the student's new school district
18 within three (3) school days. Students enrolled in a statewide
19 virtual charter school shall not be required to submit a virtual
20 charter transfer for consecutive years of enrollment. Any student
21 enrolled in a statewide virtual charter school the year prior to the
22 implementation of this section shall not be required to submit a
23 transfer in order to remain enrolled.

24

1 J. 1. Beginning July 1, 2024, a student shall be eligible to
2 enroll in a statewide virtual charter school sponsored by the
3 Statewide Charter School Board pursuant to Section 1 of this act if
4 he or she is a student whose parent or legal guardian is transferred
5 or is pending transfer to a military installation within this state
6 while on active military duty pursuant to an official military
7 order.

8 2. A statewide virtual charter school shall accept applications
9 by electronic means for enrollment and course registration for
10 students described in paragraph 1 of this subsection.

11 3. The parent or legal guardian of a student described in
12 paragraph 1 of this subsection shall provide proof of residence in
13 this state within ten (10) days after the published arrival date
14 provided on official documentation. A parent or legal guardian may
15 use the following addresses as proof of residence:

16 a. a temporary on-base billeting facility,

17 b. a purchased or leased home or apartment, or

18 c. federal government or public-private venture off-base
19 military housing.

20 4. The provisions of paragraph 3 of subsection I shall apply to
21 students described in paragraph 1 of this subsection.

22 5. For purposes of this subsection:

23 a. "active military duty" means full-time military duty
24 status in the active uniformed service of the United

1 States including members of the National Guard and
2 Military Reserve on active duty orders, and

3 b. "military installation" means a base, camp, post,
4 station, yard, center, homeport facility for any ship,
5 or other installation under the jurisdiction of the
6 Department of Defense or the United States Coast
7 Guard.

8 SECTION 11. AMENDATORY 70 O.S. 2021, Section 3-142, is
9 amended to read as follows:

10 Section 3-142. A. The student membership and attendance of ~~the~~
11 a charter school shall be considered separate from the student
12 membership and attendance of the sponsor for the purpose of
13 calculating enrollment and funding including weighted average daily
14 membership pursuant to Section 18-201.1 of this title and State Aid
15 pursuant to Section 18-200.1 of this title. A charter school shall
16 receive the State Aid allocation, federal funds to which it is
17 eligible and qualifies for, and any other state-appropriated revenue
18 generated by its students for the applicable year. Not more than
19 three percent (3%) of the State Aid allocation may be charged by the
20 sponsor as a fee for administrative services rendered if the sponsor
21 is a school district, a comprehensive or regional institution of
22 higher education, a two-year college, a private institution of
23 higher learning accredited pursuant to Section 4103 of this title,
24 or a federally recognized Indian tribe pursuant to Section 3-132 of

1 this title. The Statewide Charter School Board shall not charge any
2 charter school or virtual charter school a fee for administrative or
3 other services. ~~The State Board of Education~~ State Department of
4 Education shall determine the policy and procedure for making
5 payments to a charter school or virtual charter school. The fee for
6 administrative services as authorized in this subsection shall only
7 be assessed on the State Aid allocation amount and shall not be
8 assessed on any other appropriated amounts. A sponsor of a charter
9 school shall not charge any additional State Aid allocation or
10 charge the charter school any additional fee above the amounts
11 allowed by this subsection unless the additional fees are for
12 additional services rendered. The charter school sponsor shall
13 provide to the State Department of Education financial records
14 documenting any state funds charged by the sponsor for
15 administrative services rendered for the previous year.

16 B. The fee for administrative services authorized by subsection
17 A of this section shall be used by the sponsor to provide oversight
18 and services to the charter schools it sponsors. The State
19 Department of Education shall develop data codes for the Oklahoma
20 Cost Accounting System which shall be used to comply with the
21 administrative services reporting required by this section. A
22 charter school sponsor shall publish a detailed report on its
23 website and present the report in a public meeting of the charter
24 school governing board and the charter school sponsor governing

1 board. The report shall provide sponsor performance and stewardship
2 including compliance with all applicable laws, regulations, and
3 terms of the charter contract and listing expenses related to
4 oversight and services provided by the sponsor to the charter
5 schools it sponsors.

6 ~~1. The weighted average daily membership for the first year of~~
7 ~~operation of a charter school shall be determined initially by~~
8 ~~multiplying the actual enrollment of students as of August 1 by~~
9 ~~1.333. The charter school shall receive revenue equal to that which~~
10 ~~would be generated by the estimated weighted average daily~~
11 ~~membership calculated pursuant to this paragraph. At midyear, the~~
12 ~~allocation for the charter school shall be adjusted using the first~~
13 ~~quarter weighted average daily membership for the charter school~~
14 ~~calculated pursuant to subsection A of this section.~~

15 ~~2. C.~~ C. For the purpose of calculating weighted average daily
16 membership pursuant to Section 18-201.1 of this title and State Aid
17 pursuant to Section 18-200.1 of this title, the weighted average
18 daily membership for the first year of operation and each year
19 thereafter of a charter school or full-time statewide virtual
20 charter school ~~sponsored by the Statewide Virtual Charter School~~
21 ~~Board~~ shall be determined by multiplying the actual enrollment of
22 students as of August 1 by 1.333. The ~~full-time~~ charter school or
23 virtual charter school shall receive revenue equal to that which
24 would be generated by the estimated weighted average daily

1 membership calculated pursuant to this paragraph. At midyear, the
2 allocation for the ~~full-time statewide~~ charter school or virtual
3 charter school shall be adjusted using the first quarter weighted
4 average daily membership for the charter school or virtual charter
5 school calculated pursuant to subsection A of this section.

6 ~~C.~~ D. Except as explicitly authorized by state law, a charter
7 school or virtual charter school shall not be eligible to receive
8 state-dedicated, local, or county revenue; provided, a charter
9 school or virtual charter school may be eligible to receive any
10 other aid, grants, or revenues allowed to other schools. A charter
11 school or virtual charter school shall be considered a local
12 education agency for purposes of funding.

13 ~~D.~~ E. Any unexpended funds received by a charter school or
14 virtual charter school may be reserved and used for future purposes.
15 The governing ~~body~~ board of a charter school or virtual charter
16 school shall not levy taxes or issue bonds. If otherwise allowed by
17 law, the governing ~~body~~ board of a charter school or virtual charter
18 school may enter into private contracts for the purposes of
19 borrowing money from lenders. If the governing ~~body~~ board of the
20 charter school or virtual charter school borrows money, the charter
21 school or virtual charter school shall be solely responsible for
22 repaying the debt, and the state or the sponsor shall not in any way
23 be responsible or obligated to repay the debt.

24

1 ~~E.~~ F. Any charter school or virtual charter school which
2 chooses to lease property shall be eligible to receive current
3 government lease rates.

4 ~~F.~~ G. Except as otherwise provided in this subsection, each
5 charter school shall pay to the Charter School Closure Reimbursement
6 Revolving Fund created in subsection ~~G~~ H of this section an amount
7 equal to Five Dollars (\$5.00) per student based on average daily
8 membership, as defined by paragraph 2 of Section 18-107 of this
9 title, during the first nine (9) weeks of the school year. Each
10 charter school shall complete the payment every school year within
11 thirty (30) days after the first nine (9) weeks of the school year.
12 If the Charter School Closure Reimbursement Revolving Fund has a
13 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
14 payment shall be required the following school year.

15 ~~G.~~ H. There is hereby created in the State Treasury a revolving
16 fund for the ~~State Department of Education~~ Statewide Charter School
17 Board to be designated the "Charter School Closure Reimbursement
18 Revolving Fund". The fund shall be a continuing fund, not subject
19 to fiscal year limitations, and shall consist of all monies received
20 by the ~~State Department of Education~~ Statewide Charter School Board
21 from charter schools as provided in subsection ~~F~~ G of this section.
22 All monies accruing to the credit of ~~said~~ the fund are hereby
23 appropriated and may be budgeted and expended by the ~~State~~
24 ~~Department of Education~~ Statewide Charter School Board for the

1 purpose of ~~reimbursing charter school sponsors for costs~~ paying for
2 expenditures incurred due to the closure of a charter school.
3 Expenditures from ~~said~~ the fund shall be made upon warrants issued
4 by the State Treasurer against claims filed as prescribed by law
5 with the Director of the Office of Management and Enterprise
6 Services for approval and payment. ~~The State Department of~~
7 ~~Education may promulgate rules regarding sponsor eligibility for~~
8 ~~reimbursement.~~

9 SECTION 12. AMENDATORY 70 O.S. 2021, Section 3-143, is
10 amended to read as follows:

11 Section 3-143. ~~The State Board of Education~~ Statewide Charter
12 School Board shall issue an annual report to the Legislature and the
13 Governor outlining the status of charter schools and virtual charter
14 schools in the state. Each charter school and virtual charter
15 school shall annually file a report with the ~~Office of~~
16 ~~Accountability.~~ ~~The report~~ Statewide Charter School Board that
17 shall include such information as requested by the ~~Office of~~
18 ~~Accountability,~~ Board including but not limited to information on
19 enrollment, testing, curriculum, finances, and employees.

20 SECTION 13. AMENDATORY 70 O.S. 2021, Section 3-144, is
21 amended to read as follows:

22 Section 3-144. A. There is hereby created in the State
23 Treasury a fund to be designated the "Charter Schools Incentive
24 Fund". The fund shall be a continuing fund, not subject to fiscal

1 year limitations, and shall consist of all monies appropriated by
2 the Legislature, gifts, grants, devises, and donations from any
3 public or private source. The ~~State Department of Education~~
4 Statewide Charter School Board shall administer the fund for the
5 purpose of providing financial support to charter school and virtual
6 charter school applicants and charter schools and virtual charter
7 schools for start-up costs and costs associated with renovating or
8 remodeling existing buildings and structures for use by a charter
9 school. The ~~State Department of Education~~ Statewide Charter School
10 Board is authorized to allocate funds on a per-pupil basis for
11 purposes of providing matching funds for the federal State Charter
12 School Facilities Incentive Grants Program created pursuant to the
13 No Child Left Behind Act, 20 USCA, Section 7221d.

14 B. The ~~State Board of Education~~ Statewide Charter School Board
15 shall adopt rules to implement the provisions of this section,
16 including application and notification requirements.

17 SECTION 14. AMENDATORY 70 O.S. 2021, Section 3-145.5, as
18 amended by Section 2, Chapter 153, O.S.L. 2022 (70 O.S. Supp. 2022,
19 Section 3-145.5), is amended to read as follows:

20 Section 3-145.5. ~~A.~~ Notwithstanding any other provision of
21 law, beginning July 1, 2014, no school district shall enter into a
22 virtual charter school contract with a provider to provide full-time
23 virtual education to students who do not reside within the school
24 district boundaries.

1 ~~B. Effective July 1, 2014, the Statewide Virtual Charter School~~
2 ~~Board shall succeed to any contractual rights and responsibilities~~
3 ~~incurred by a school district in a virtual charter school contract~~
4 ~~executed prior to January 1, 2014, with a provider to provide full-~~
5 ~~time virtual education to students who do not reside within the~~
6 ~~school district boundaries. All property, equipment, supplies,~~
7 ~~records, assets, current and future liability, encumbrances,~~
8 ~~obligations, and indebtedness associated with the contract shall be~~
9 ~~transferred to the Statewide Virtual Charter School Board.~~
10 ~~Appropriate conveyances and other documents shall be executed to~~
11 ~~effectuate the transfer of any property associated with the~~
12 ~~contract. Upon succession of the contract, the Board shall assume~~
13 ~~sponsorship of the virtual charter school for the remainder of the~~
14 ~~term of the contract. Prior to the end of the current term of the~~
15 ~~contract, the Board shall allow the provider of the virtual charter~~
16 ~~school to apply for renewal of the contract with the Board in~~
17 ~~accordance with the renewal procedures established pursuant to~~
18 ~~Section 3-145.3 of this title.~~

19 SECTION 15. AMENDATORY 70 O.S. 2021, Section 3-145.7, is
20 amended to read as follows:

21 Section 3-145.7. There A. Until July 1, 2024, there is hereby
22 created in the State Treasury a revolving fund for the Statewide
23 Virtual Charter School Board to be designated the "Statewide Virtual
24 Charter School Board Revolving Fund". The fund shall be a

1 continuing fund, not subject to fiscal year limitations, and shall
2 consist of all monies received by the Statewide Virtual Charter
3 School Board from State Aid pursuant to Section 3-145.3 of ~~Title 70~~
4 ~~of the Oklahoma Statutes~~ this title or any other state
5 appropriation. All monies accruing to the credit of the fund are
6 hereby appropriated and may be budgeted and expended by the
7 Statewide Virtual Charter School Board for the purpose of supporting
8 the mission of the Statewide Virtual Charter School Board.
9 Expenditures from the fund shall be made upon warrants issued by the
10 State Treasurer against claims filed as prescribed by law with the
11 Director of the Office of Management and Enterprise Services for
12 approval and payment.

13 B. On July 1, 2024, the Statewide Virtual Charter School Board
14 shall transfer any unencumbered funds in the Statewide Virtual
15 Charter School Board Revolving Fund to the Statewide Charter School
16 Board Revolving Fund created pursuant to Section 3 of this act. Any
17 funds which are unexpended on January 1, 2025, shall be transferred
18 to the Statewide Charter School Board Revolving Fund.

19 SECTION 16. AMENDATORY 70 O.S. 2021, Section 3-145.8, is
20 amended to read as follows:

21 Section 3-145.8. A. It shall be the duty of each virtual
22 charter school approved and sponsored by the ~~Statewide Virtual~~
23 ~~School Board pursuant to the provisions of Section 3-145.3 of Title~~
24 ~~70 of the Oklahoma Statutes~~ Statewide Charter School Board to keep a

1 full and complete record of the attendance of all students enrolled
2 in the virtual charter school in one of the student information
3 systems approved by the State Department of Education and locally
4 selected by the virtual school from the approved list.

5 B. By July 1, 2020, the governing ~~body~~ board of each virtual
6 charter school shall adopt an attendance policy. The policy may
7 allow attendance to be a proportional amount of the required
8 attendance policy provisions based upon the date of enrollment of
9 the student. The attendance policy shall include the following
10 provisions:

11 1. The first date of attendance and membership shall be the
12 first date the student completes an instructional activity.

13 2. A student who attends a virtual charter school shall be
14 considered in attendance for a quarter if the student:

15 a. completes instructional activities on no less than
16 ninety percent (90%) of the days within the quarter,

17 b. is on pace for on-time completion of the course as
18 defined by the governing board of the virtual charter
19 school, or

20 c. completes no less than seventy-two instructional
21 activities within the quarter of the academic year.

22 3. For a student who does not meet any of the criteria set
23 forth in paragraph 1 or 2 of this subsection, the amount of
24 attendance recorded shall be the greater of:

- 1 a. the number of school days during which the student
2 completed the instructional activities during the
3 quarter,
4 b. the number of school days proportional to the
5 percentage of the course that has been completed, or
6 c. the number of school days proportional to the
7 percentage of the required minimum number of completed
8 instructional activities during the quarter.

9 C. For the purposes of this section, "instructional activities"
10 shall include instructional meetings with a teacher, completed
11 assignments that are used to record a grade for a student that is
12 factored into the student's grade for the semester during which the
13 assignment is completed, testing ~~and~~, school-sanctioned field trips,
14 and orientation.

15 D. Each statewide virtual charter school approved and sponsored
16 by the ~~Statewide Virtual Charter School Board~~ pursuant to the
17 ~~provisions of Section 3-145.3 of this title~~ Statewide Charter School
18 Board shall offer a student orientation, notify the parent or legal
19 guardian and each student who enrolls in that school of the
20 requirement to participate in the student orientation, and require
21 all students enrolled to complete the student orientation prior to
22 completing any other instructional activity. The ~~Statewide Virtual~~
23 ~~Charter School Board~~ Statewide Charter School Board shall promulgate
24 rules to develop materials for orientation.

1 E. Any student that is behind pace and does not complete an
2 instructional activity for a fifteen-school-day period shall be
3 withdrawn for truancy. The virtual charter school shall submit a
4 notification to the parent or legal guardian of a student who has
5 been withdrawn for truancy or is approaching truancy.

6 F. A student who is reported for truancy two times in the same
7 school year shall be withdrawn and prohibited from enrolling in the
8 same virtual charter school for the remainder of the school year.

9 G. The governing ~~body~~ board of each statewide virtual charter
10 school shall develop, adopt, and post on the school's website a
11 policy regarding consequences for a student's failure to attend
12 school and complete instructional activities. The policy shall
13 state, at a minimum, that if a student fails to consistently attend
14 school and complete instructional activities after receiving a
15 notification pursuant to subsection E of this section and reasonable
16 intervention strategies have been implemented, a student shall be
17 subject to certain consequences including withdrawal from the school
18 for truancy.

19 H. If a statewide virtual charter school withdraws a student
20 pursuant to subsections F and G of this section, the virtual charter
21 school shall immediately notify the student's resident district in
22 writing of the student's disenrollment.

23

24

1 I. ~~The provisions of subsections F, G and H of this section~~
2 ~~shall not be in effect until the implementation of subsection H of~~
3 ~~Section 3-145.3 of this title.~~

4 ~~J. The Statewide Virtual Charter School Board~~ Statewide Charter
5 School Board may promulgate rules to implement the provisions of
6 this section.

7 SECTION 17. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3-145.9 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 Beginning with the 2024-2025 school year, members of a charter
11 school sponsor governing board shall designate a representative from
12 the board to complete an annual sponsor workshop requirement
13 provided by the Statewide Charter School Board. The sponsor
14 workshop shall include, but not be limited to, information regarding
15 the Oklahoma Charter Schools Act, charter school governance,
16 Internal Revenue Service rules for nonprofits, and school finance
17 laws.

18 SECTION 18. AMENDATORY 70 O.S. 2021, Section 5-200, is
19 amended to read as follows:

20 Section 5-200. A. As used in this section, "educational
21 management organization" means a for-profit or nonprofit
22 organization that receives public funds to provide administration
23 and management services for a charter school, statewide virtual
24 charter school, or traditional public school.

1 B. A charter school, virtual charter school, or public school
2 that contracts with an educational management organization shall use
3 the Oklahoma Cost Accounting System (OCAS) to report the total
4 amount paid to an educational management organization pursuant to
5 the terms of the contract as well as actual itemized expenditure
6 information for the goods or services provided by the management
7 organization as defined by OCAS expenditure codes, including the
8 total compensation package of the superintendent including the base
9 salary, insurance, retirement, and other fringe benefits.

10 C. ~~Any~~ Pursuant to Internal Revenue Service guidelines, any
11 owner of an educational management organization shall be required to
12 disclose to the governing board of the school, charter school, or
13 virtual charter school in a public meeting any ownership position in
14 any business that contracts or proposes to contract with the same
15 ~~public~~ school that the educational management organization is
16 managing.

17 D. Whenever any person shall enter into a contract with any
18 school district ~~or~~, public charter school, or virtual charter school
19 in the state to teach in ~~such the~~ school district ~~or public charter~~
20 ~~school,~~ the contract shall be binding on the teacher and on the
21 board of education until the teacher legally has been discharged
22 from the teaching position or released by the board of education
23 from the contract. Except as provided in Section 5-106A of ~~Title 70~~
24 ~~of the Oklahoma Statutes~~ this title, until ~~such the~~ teacher has been

1 thus discharged or released, the teacher shall not have authority to
2 enter into a contract with any other board of education in ~~Oklahoma~~
3 this state for the same time covered by the original contract. If
4 upon written complaint by the board of education ~~in~~ of a school
5 district, public charter school, or virtual charter school any
6 teacher is reported to have failed to obey the terms of the contract
7 previously made and to have entered into a contract with another
8 board of education, ~~including a public charter school board of~~
9 ~~education,~~ without having been released from the former contract
10 except as provided in Section 5-106A of ~~Title 70 of the Oklahoma~~
11 ~~Statutes~~ this title, the teacher, upon being found to be employed
12 full-time for another public school, ~~including a public charter~~
13 ~~school in the state,~~ at a hearing held before the State Board of
14 Education, shall have such teacher's certificate suspended for the
15 remainder of the term for which the contract was made.

16 SECTION 19. AMENDATORY 70 O.S. 2021, Section 18-124, is
17 amended to read as follows:

18 Section 18-124. A. Any school district with an average daily
19 attendance (ADA) of more than one thousand five hundred (1,500)
20 students for the preceding year which expends for administrative
21 services in the 2005-06 school year or any school year thereafter,
22 less expenditures for legal services, more than five percent (5%) of
23 the amount it expends for total expenditures, less expenditures for
24 legal services, shall have the amount which exceeds the five percent

1 (5%) withheld the following year from the Foundation and Salary
2 Incentive Aid for the school district.

3 B. Any school district with an average daily attendance (ADA)
4 of more than five hundred (500) students but not more than one
5 thousand five hundred (1,500) students for the preceding year which
6 expends for administrative services in the 2005-06 school year or
7 any school year thereafter, less expenditures for legal services,
8 more than seven percent (7%) of the amount it expends for total
9 expenditures, less expenditures for legal services, shall have the
10 amount which exceeds the seven percent (7%) withheld the following
11 year from the Foundation and Salary Incentive Aid for the school
12 district.

13 C. Any school district with an average daily attendance (ADA)
14 of five hundred (500) or fewer students for the preceding year which
15 expends for administrative services in the 2005-06 school year or
16 any school year thereafter, less expenditures for legal services,
17 more than eight percent (8%) of the amount it expends for total
18 expenditures, less expenditures for legal services, shall have the
19 amount which exceeds the eight percent (8%) withheld the following
20 year from the Foundation and Salary Incentive Aid for the school
21 district.

22 D. The provisions of this section shall apply to school
23 districts, charter schools, and virtual charter schools which
24 contract with an educational management organization as defined in

1 Section 5-200 of this title. The expenditure limits shall not
2 exceed the percentages prescribed in subsections A, B, and C of this
3 section, and the calculation of administrative services for schools
4 which contract with an educational management organization shall be
5 the combined amount of administrative services expended by the
6 school and the educational management organization.

7 E. For purposes of this section, "administrative services"
8 means costs associated with:

- 9 1. Staff for the board of education;
- 10 2. The secretary/clerk for the board of education;
- 11 3. Staff relations;
- 12 4. Negotiations staff;
- 13 5. Immediate staff of the superintendent, any elementary
14 superintendent, or any assistant superintendent;
- 15 6. Any superintendent, elementary superintendent, or assistant
16 superintendent;
- 17 7. Any employee of a school district employed as a director,
18 coordinator, supervisor, or who has responsibility for
19 administrative functions of a school district; ~~and~~
- 20 8. Any consultant hired by the school district; and
- 21 9. Administrative services paid to an educational management
22 organization as defined in Section 5-200 of this title.

23 ~~E.~~ F. If an employee of a school district is employed in a
24 position where part of the employee's time is spent as an

1 administrator and part of the time is spent in nonadministrative
2 functions, the percentage of time spent as an administrator shall be
3 included as administrative services. A superintendent who spends
4 part of the time performing exempted nonadministrative services such
5 as teaching in the classroom, serving as a principal, counselor, or
6 library media specialist, can code up to forty percent (40%) of
7 their salary to other nonadministrative functions. The total amount
8 of time a superintendent of a school district spends performing
9 services for a school district shall be included as administrative
10 services even if part of the time the superintendent is performing
11 nonexempted nonadministrative service functions. The total amount
12 received by a superintendent from the school district as salary, for
13 the performance of administrative and nonexempted nonadministrative
14 services, shall be recorded under the code for superintendent salary
15 as provided for in the Oklahoma Cost Accounting System.

16 ~~F.~~ G. Each school site within a school district shall take
17 steps to ensure that the administrative costs for the school comply
18 with the expenditure limits established for school districts in this
19 section.

20 ~~G.~~ H. Funds withheld pursuant to the provisions of this section
21 shall be distributed through the State Aid formula to the districts
22 not so penalized.

23 ~~H.~~ I. For the 2003-04 and 2004-05 school year, school districts
24 shall report to the State Department of Education the costs

1 associated with administrative services for the school district as
2 defined in subsection ~~D~~ E of this section.

3 SECTION 20. AMENDATORY 70 O.S. 2021, Section 1210.704,
4 is amended to read as follows:

5 Section 1210.704. A. Beginning with the 2024-2025 school year,
6 all public high schools in this state shall make a minimum of four
7 advanced placement courses available to students.

8 B. ~~Local~~ School district boards of education ~~in each district~~
9 shall be responsible for ensuring annually that all high school
10 students have access to advanced placement courses beginning in the
11 2024-2025 school year. Such access may be provided through
12 enrollment in courses offered through:

- 13 1. A school site or sites within the district;
- 14 2. A ~~career and technology institution~~ technology center school
15 within the district;
- 16 3. A An online learning program offered by the ~~Statewide~~
17 ~~Virtual Charter School Board~~ Statewide Charter School Board or one
18 of its vendors; or
- 19 4. A school site or sites in another school district.

20 C. The ~~Statewide Virtual Charter School Board~~ Statewide Charter
21 School Board shall maintain an online learning platform to provide
22 high quality online learning opportunities for Oklahoma students
23 that are aligned with the subject matter standards adopted by the
24 State Board of Education pursuant to Section 11-103.6 of ~~Title 70 of~~

1 ~~the Oklahoma Statutes~~ this title. The Board shall implement online
2 courses, with an emphasis on science, technology, engineering, and
3 math (STEM) courses, foreign language courses, and advanced
4 placement courses. The online platform shall be available to all
5 Oklahoma school districts.

6 D. The State Department of Education shall provide information
7 to all ~~local~~ boards of education, to be distributed to their
8 students and parents, on available opportunities and the enrollment
9 process for students to take advanced placement courses. The
10 information shall explain the value of advanced placement courses in
11 preparing students for postsecondary-level coursework, enabling
12 students to gain access to postsecondary opportunities, and
13 qualifying for scholarships and other financial aid opportunities.

14 E. The State Department of Education shall retain records of
15 which options outlined in subsection B of this section ~~local~~ boards
16 of education selected for their students and make the information
17 available on the Department's website.

18 F. As used in this section, "advanced placement course" shall
19 have the same meaning as provided in paragraph 1 of Section 1210.702
20 of ~~Title 70 of the Oklahoma Statutes~~ this title.

21 SECTION 21. REPEALER 70 O.S. 2021, Sections 3-135, 3-
22 145.1, 3-145.2, 3-145.3, and 3-145.4, are hereby repealed.

23 SECTION 22. Sections 1, 2, and 3 of this act shall become
24 effective September 1, 2023.

1 SECTION 23. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
2 16, 17, 18, 19, 20, and 21 of this act shall become effective July
3 1, 2024.

4 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
5 February 21, 2023 - DO PASS AS AMENDED BY CS
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