

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 516

By: Pugh

4
5
6 AS INTRODUCED

7 An Act relating to charter schools; creating the
8 Statewide Charter School Board; providing authority
9 of board beginning on certain date; providing for
10 membership; requiring initial appointments by certain
11 date; providing terms of members; providing for
12 annual election of chair and vice chair; providing
13 for removal of members; providing for filling of
14 vacancies; prohibiting certain legislators from
15 serving as members; providing for travel
16 reimbursement; requiring first meeting to be held by
17 certain date; providing for frequency of meetings;
18 specifying quorum requirements; requiring virtual
19 charter schools to only be sponsored by the Statewide
20 Charter School Board beginning on certain date;
21 abolishing the Statewide Virtual Charter School Board
22 upon certain date; providing for succession to
23 certain rights, responsibilities, and agreements
24 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;
establishing powers and duties of the Statewide
Charter School Board; reserving certain powers and

1 duties for the State Board of Education; defining
2 terms; providing for preparation of a conversion
3 plan; providing for contents of plan; exempting
4 conversion schools from certain laws; providing for
5 funding of conversion schools; describing process for
6 conversion school reversion; requiring Board to make
7 publicly available a list of certain courses
8 beginning on certain date; directing the Board, in
9 certain conjunction, to negotiate and enter into
10 contracts with certain providers; creating the
11 Statewide Charter School Board Revolving Fund;
12 specifying sources of fund; providing for
13 expenditures; providing purpose of fund; amending 70
14 O.S. 2021, Section 3-104, which relates to powers and
15 duties of the State Board of Education; updating
16 statutory references; modifying reference from the
17 Statewide Virtual Charter School Board to the
18 Statewide Charter School Board; amending 70 O.S.
19 2021, Sections 3-132, as amended by Section 1,
20 Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022, Section
21 3-132), 3-134, as amended by Section 2, Chapter 222,
22 O.S.L. 2022 (70 O.S. Supp. 2022, Section 3-134), 3-
23 136, 3-137, 3-139, 3-140, 3-142, 3-143, and 3-144,
24 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;
directing certain charter schools to be separate and
distinct; defining term; modifying language regarding

1 employment contracts; prohibiting certain schools
2 from serving certain students without certain
3 contract; authorizing sponsor to establish certain
4 requirements or conditions for certain schools;
5 updating references; directing certain charter school
6 to be included in certain bond planning
7 conversations; providing for increase in length of
8 certain charter contracts; prescribing a performance
9 report prior to the final year of a charter contract
10 renewal; permitting sponsor to require charter school
11 to develop certain corrective action plan;
12 authorizing nonrenewal of contract in certain cases;
13 removing requirement of sponsor to appear before the
14 State Board of Education in certain circumstances;
15 requiring certain school to disclose revocation or
16 nonrenewal in a subsequent application; including
17 virtual charter schools in teacher salary and hiring
18 provisions; updating statutory language; prescribing
19 geographic boundaries for virtual charter schools;
20 prohibiting certain students from participating in
21 certain activities; designating certain students as
22 transfer students; prescribing process for enrollment
23 in virtual charter school; requiring transmission of
24 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-
145.5, as amended by Section 2, Chapter 153, O.S.L.
2022 (70 O.S. Supp. 2022, Section 3-145.5), 3-145.7,

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

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

28 SECTION 1. NEW LAW A new section of law to be codified
29 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless
30 there is created a duplication in numbering, reads as follows:

31 A. There is hereby created the Statewide Charter School Board.
32 Beginning July 1, 2024, the Board shall have the sole authority to
33 sponsor statewide virtual charter schools in this state and may
34 sponsor charter schools in this state. The Board shall be composed
35 of nine (9) voting members as follows:

1 1. Three members appointed by the Governor;

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

4 3. Two members appointed by the Speaker of the House of
5 Representatives;

6 4. The Superintendent of Public Instruction or his or her
7 designee; and

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

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

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

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

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

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

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

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

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

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

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

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

20 I. Beginning July 1, 2024, statewide virtual charter schools
21 shall be sponsored only by the Statewide Charter School Board
22 created pursuant to this section. Effective July 1, 2024, the
23 Statewide Virtual Charter School Board shall be abolished and the
24 Statewide Charter School Board shall succeed to any contractual

1 rights and responsibilities and settlement agreements incurred by
2 the Statewide Virtual Charter School Board in a virtual charter
3 school sponsorship contract executed prior to July 1, 2024.

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

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

23 3. Upon succession of sponsorship contracts, the Statewide
24 Charter School Board shall assume sponsorship of the virtual charter

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

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

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

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

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

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

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

22 1. Provide supervision and oversight of the operations of
23 statewide virtual charter schools in this state and charter schools
24 for which the Statewide Charter School Board is the sponsor,

1 recommend legislation pertaining to charter schools to the
2 Legislature, and promulgate rules and policies that the Board deems
3 necessary to accomplish the purposes prescribed in this section;

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

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

11 4. Hire an Executive Director and other staff for its
12 operation;

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

15 6. Comply with the requirements of the Oklahoma Open Meeting
16 Act and Oklahoma Open Records Act; and

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

20 B. The State Board of Education shall be responsible for
21 accreditation of charter schools and virtual charter schools and
22 ensure compliance with special education laws and federal laws and
23 programs administered by the State Board of Education.

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

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

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

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

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

22 D. 1. For the purposes of the Oklahoma Charter Schools Act,
23 "conversion school" means a school created by converting all or any
24 part of a traditional public school in order to access any or all

1 flexibilities afforded to a charter school; provided, however, all
2 or any part of a traditional public school shall not be converted to
3 a virtual charter school.

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

20 3. A conversion school shall comply with all the same
21 accountability measures as are required of a charter school as
22 defined in subsection C of this section. The provisions of Sections
23 3-140 and 3-142 of Title 70 of the Oklahoma Statutes shall not apply
24 to a conversion school. Conversion schools shall comply with the

1 same laws and State Board of Education rules relating to student
2 enrollment which apply to traditional public schools. Conversion
3 schools shall be funded by the board of education of the school
4 district as a school site within the school district and funding
5 shall not be affected by the conversion of the school.

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

10 5. Unless otherwise provided for in this subsection, a
11 conversion school shall retain the characteristics of a traditional
12 public school.

13 E. 1. Beginning July 1, 2024, the Statewide Charter School
14 Board shall make publicly available a list of supplemental online
15 courses which have been reviewed and certified by the Board to
16 ensure that the courses are high-quality options and are aligned
17 with the subject matter standards adopted by the State Board of
18 Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma
19 Statutes. The Statewide Charter School Board shall give special
20 emphasis on listing supplemental online courses in science,
21 technology, engineering, and math (STEM), foreign language, and
22 advanced placement courses. School districts shall not be limited
23 to selecting supplemental online courses that have been reviewed and
24

1 certified by the Statewide Charter School Board and listed as
2 provided for in this paragraph.

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

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

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

1 SECTION 4. AMENDATORY 70 O.S. 2021, Section 3-104, is

2 amended to read as follows:

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

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

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

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

21 a. State Aid to schools,

22 b. the supervision of all other functions of general and
23 special education including general control, free
24 textbooks, school lunch, Indian education, and all

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

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

- 16 a. detailed statistics and other information concerning
17 enrollment, attendance, expenditures including State
18 Aid, and other pertinent data for all public schools
19 in this state,
20 b. reports from each and every division within the State
21 Department of Education as submitted by the ~~State~~
22 Superintendent of Public Instruction and any other
23 division, department, institution, or other agency
24 under the supervision of the Board,

- 1 c. recommendations for the improvement of the public
2 school system of the state,
3 d. a statement of the receipts and expenditures of the
4 State Board of Education for the past year, and
5 e. a statement of plans and recommendations for the
6 management and improvement of public schools and such
7 other information relating to the educational
8 interests of the state as may be deemed necessary and
9 desirable;

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

13 6. Have authority in matters pertaining to the licensure and
14 certification of persons for instructional, supervisory, and
15 administrative positions and services in the public schools of the
16 state subject to the provisions of Section 6-184 of this title, and
17 shall formulate rules governing the issuance and revocation of
18 certificates for superintendents of schools, principals,
19 supervisors, librarians, clerical employees, school nurses, school
20 bus drivers, visiting teachers, classroom teachers, and for other
21 personnel performing instructional, administrative, and supervisory
22 services, but not including members of boards of education and other
23 employees who do not work directly with pupils, and may charge and
24 collect reasonable fees for the issuance of such certificates:

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

21 b. all funds collected by the State Department of
22 Education for the issuance of certificates to
23 instructional, supervisory, and administrative
24 personnel in the public schools of the state shall be

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

23 7. Promulgate rules governing the classification, inspection,
24 supervision, and accrediting of all public nursery, kindergarten,
25

1 elementary and secondary schools, and on-site educational services
2 provided by public school districts or state-accredited private
3 schools in partial hospitalization programs, day treatment programs,
4 and day hospital programs as defined in this act for persons between
5 the ages of three (3) and twenty-one (21) years of age in the state.
6 However, no school shall be denied accreditation solely on the basis
7 of average daily attendance.

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

1 public nurseries or kindergartens operated under federal regulations
2 may make application for accrediting from the State Board of
3 Education but will be accredited only if application for the
4 approval of the programs is made. The status of no school district
5 shall be changed which will reduce it to a lower classification
6 until due notice has been given to the proper authorities thereof
7 and an opportunity given to correct the conditions which otherwise
8 would be the cause of such reduction.

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

15 8. Be the legal agent of ~~the State of Oklahoma~~ this state to
16 accept, in its discretion, the provisions of any Act of Congress
17 appropriating or apportioning funds which are now, or may hereafter
18 be, provided for use in connection with any phase of the system of
19 public education in Oklahoma. It shall prescribe such rules as it
20 finds necessary to provide for the proper distribution of such funds
21 in accordance with the state and federal laws;

22 9. Be and is specifically hereby designated as the agency of
23 this state to cooperate and deal with any officer, board, or
24 authority of the United States Government under any law of the

1 United States which may require or recommend cooperation with any
2 state board having charge of the administration of public schools
3 unless otherwise provided by law;

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

14 11. Have authority to secure and administer the benefits of the
15 National School Lunch Act, Public Law 396 of the 79th Congress of
16 the United States, in ~~the State of Oklahoma~~ this state and is hereby
17 authorized to employ or appoint and fix the compensation of such
18 additional officers or employees and to incur such expenses as may
19 be necessary for the accomplishment of the above purpose, administer
20 the distribution of any state funds appropriated by the Legislature
21 required as federal matching to reimburse on children's meals;

22 12. Accept and provide for the administration of any land,
23 money, buildings, gifts, donation, or other things of value which
24

1 may be offered or bequeathed to the schools under the supervision or
2 control of ~~said~~ the Board;

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

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

1 books, and bulletins relating to the school lunch program. The fund
2 shall be administered in accordance with Section 155 of Title 62 of
3 the Oklahoma Statutes;

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

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

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

16 18. Provide for the supervision of the transportation of
17 pupils;

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

21 20. Have authority and is hereby required to perform all duties
22 necessary to the administration of the public school system in
23 Oklahoma as specified in the Oklahoma School Code; and, in addition
24

1 thereto, those duties not specifically mentioned herein if not
2 delegated by law to any other agency or official;

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

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

17 22. Recognize that the Director of the ~~Oklahoma~~ Department of
18 Corrections shall be the administrative authority for the schools
19 which are maintained in the state reformatories and shall appoint
20 the principals and teachers in such schools. Provided, that rules
21 of the State Board of Education for the classification, inspection,
22 and accreditation of public schools shall be applicable to such
23 schools; and such schools shall comply with standards set by the
24 State Board of Education; and

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

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

- 16 a. divide the county four-mill levy revenue by four to
17 determine the nonchargeable county four-mill revenue
18 for each school district,
- 19 b. determine the amount of new revenue generated by the
20 five-mill building fund levy as authorized by Section
21 10 of Article X of the Oklahoma Constitution for each
22 school district as reported in the Oklahoma Cost
23 Accounting System for the preceding fiscal year,

24
25

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

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

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

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

1 decrease to the baseline local funding per student to the highest
2 amount allowed with the funding available.

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

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

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

20 6. The Department shall provide the ~~Chair~~ chair of the House
21 Appropriations and Budget Committee and the ~~Chair~~ chair of the
22 Senate Appropriations Committee no later than February 1 of each
23 year with an estimate of the upcoming year's redbud school grant
24 allocation as prescribed by this section.

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

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

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

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

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

22 4. By an accredited comprehensive ~~or~~ regional, or two-year
23 institution that is a member of The Oklahoma State System of Higher
24 Education or ~~a community college if the charter school is located in~~

1 ~~a school district in which all or part of the school district is~~
2 ~~located in a county having more than five hundred thousand (500,000)~~
3 ~~population according to the latest Federal Decennial Census by a~~
4 ~~private institution of higher learning located within this state~~
5 ~~that is accredited pursuant to Section 4103 of this title;~~

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

16 ~~6. 3.~~ By a federally recognized Indian tribe, operating a high
17 school under the authority of the Bureau of Indian Affairs as of
18 November 1, 2010, if the charter school is for the purpose of
19 demonstrating native language immersion instruction, and is located
20 within its former reservation or treaty area boundaries. For
21 purposes of this paragraph, native language immersion instruction
22 shall require that educational instruction and other activities
23 conducted at the school site are primarily conducted in the native
24 language;

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

10 ~~8.~~ 5. By a federally recognized Indian tribe only when the
11 charter school is located within the former reservation or treaty
12 area boundaries of the tribe on property held in trust by the Bureau
13 of Indian Affairs of the United States Department of the Interior
14 for the benefit of the tribe; or

15 ~~9.~~ 6. ~~By the State Board of Education when the applicant has~~
16 ~~first been denied a charter by the local school district in which it~~
17 ~~seeks to operate~~ Statewide Charter School Board. In counties with a
18 population of fewer than five hundred thousand (500,000) population,
19 according to the latest Federal Decennial Census, ~~the State Board of~~
20 ~~Education~~ Statewide Charter School Board shall not sponsor more than
21 five new charter schools ~~per year each year for the first five (5)~~
22 ~~years after the effective date of this act, with not more than one~~
23 ~~charter school sponsored in a single school district per year. In~~

1 ~~order to authorize a charter school under this section, the State~~
2 ~~Board of Education shall find evidence of all of the following:~~

- 3 ~~a. a thorough and high-quality charter school application~~
4 ~~from the applicant based on the authorizing standards~~
5 ~~in subsection B of Section 3-134 of this title,~~
6 ~~b. a clear demonstration of community support for the~~
7 ~~charter school, and~~
8 ~~c. the grounds and basis of objection by the school~~
9 ~~district for denying the operation of the charter are~~
10 ~~not supported by the greater weight of evidence and~~
11 ~~the strength of the application. Existing charter~~
12 ~~schools sponsored by the Statewide Charter School~~
13 ~~Board shall not apply to the limits prescribed by this~~
14 ~~paragraph.~~

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

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

1 shall consider the following factors before approving a new site or
2 school:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 6. AMENDATORY 70 O.S. 2021, Section 3-134, as
22 amended by Section 2, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022,
23 Section 3-134), is amended to read as follows:
24

1 Section 3-134. A. For written applications filed after ~~January~~
2 ~~1, 2008~~ July 1, 2024, prior to submission of the application to a
3 proposed sponsor seeking to establish a charter school or to the
4 Statewide Charter School Board to establish a virtual charter
5 school, the applicant shall be required to complete training which
6 shall not exceed ten (10) hours provided by the ~~State Department of~~
7 ~~Education~~ Statewide Charter School Board on the process and
8 requirements for establishing a charter school or virtual charter
9 school. The sponsor of a charter school that enters into a new or
10 renewed sponsorship contract on or after July 1, 2024, shall be
11 required to complete training provided by the Statewide Charter
12 School Board on the oversight duties of the sponsor. The ~~Department~~
13 ~~Board~~ shall develop and implement the training by ~~January 1, 2008~~
14 July 1, 2024. The ~~Department~~ Board may provide the training in any
15 format and manner that ~~the Department~~ it determines to be efficient
16 and effective including, but not limited to, web-based training.

17 B. Except as otherwise provided for in Section 3-137 of this
18 title, an applicant seeking to establish a virtual charter school
19 shall submit a written application to the Statewide Charter School
20 Board, and an applicant seeking to establish a charter school shall
21 submit a written application to the proposed sponsor as ~~prescribed~~
22 provided for in subsection E of this section. The application shall
23 include:
24

- 1 1. A mission statement for the charter school or virtual
2 charter school;
- 3 2. A description including, but not limited to, background
4 information of the organizational structure and the governing ~~body~~
5 board of the charter school or virtual charter school;
- 6 3. A financial plan for the first five (5) years of operation
7 of the charter school or virtual charter school and a description of
8 the treasurer or other officers or persons who shall have primary
9 responsibility for the finances of the charter school or virtual
10 charter school. Such person shall have demonstrated experience in
11 school finance or the equivalent thereof;
- 12 4. A description of the hiring policy of the charter school or
13 virtual charter school;
- 14 5. The name of the applicant or applicants and requested
15 sponsor;
- 16 6. A description of the facility and location of the charter
17 school;
- 18 7. A description of the grades being served;
- 19 8. An outline of criteria designed to measure the effectiveness
20 of the charter school or virtual charter school;
- 21 9. A demonstration of support for the charter school from
22 residents of the school district in which the charter school is to
23 be located which may include but is not limited to a survey of the
24

1 school district residents or a petition signed by residents of the
2 school district;

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

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

7 12. The proposed calendar for the charter school or virtual
8 charter school and sample daily schedule;

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

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

15 15. The plan for using internal and external assessments to
16 measure and report student progress on the performance framework
17 developed by the applicant in accordance with ~~subsection C of~~
18 ~~Section 3-135~~ Section 3-136 of this title;

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

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

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

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

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

6 29. A description of the insurance coverage the charter school
7 or virtual charter school will obtain;

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

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

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

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

16 34. A requirement that the charter school or virtual charter
17 school governing board meet at a minimum ~~quarterly~~ monthly in the
18 state and that for those charter schools outside of counties with a
19 population of five hundred thousand (500,000) or more, that a
20 ~~majority~~ minimum of two (2) members are residents within the
21 geographic boundary of the ~~sponsoring entity~~ charter school; and

22 35. A requirement that the charter school or virtual charter
23 school follow the requirements of the Oklahoma Open Meeting Act and
24 Oklahoma Open Records Act; and

1 36. A copy of any proposed contract between the governing board
2 of a charter school or virtual charter school and an educational
3 management organization, as defined by Section 5-200 of this title,
4 which meets the requirements of the Oklahoma Charter Schools Act.

5 C. A board of education of a public school district, public
6 body, public or private college or university, private person, or
7 private organization may contract with a sponsor to establish a
8 charter school or virtual charter school. A private school shall
9 not be eligible to contract for a charter school or virtual charter
10 school under the provisions of the Oklahoma Charter Schools Act.

11 D. The sponsor of a charter school is the board of education of
12 a school district, ~~the board of education of a technology center~~
13 ~~school district,~~ a higher education institution, ~~the State Board of~~
14 ~~Education,~~ or a private institution of higher learning accredited
15 pursuant to Section 4103 of this title, a federally recognized
16 Indian tribe which meets the criteria established in Section 3-132
17 of this title, or beginning July 1, 2024, the Statewide Charter
18 School Board. Any ~~board of education of a school district in the~~
19 ~~state~~ sponsor authorized pursuant to subsection A of Section 3-132
20 of this title may sponsor one or more charter schools. The physical
21 location of a charter school sponsored by a board of education of a
22 school district ~~or a technology center school district~~ shall be
23 within the boundaries of the sponsoring school district. The
24 physical location of a charter school ~~otherwise~~ sponsored by the

1 ~~State Board of Education~~ Statewide Charter School Board pursuant to
2 paragraph ~~8~~ 6 of subsection A of Section 3-132 of this title shall
3 be in the school district in which the application originated.

4 E. 1. Beginning July 1, 2024, any application seeking to
5 establish a charter school in this state shall be submitted first to
6 the school district in which the proposed charter school is to be
7 located. The school district board of education shall approve or
8 deny the application within sixty (60) days of receipt of the
9 application. If the charter school application is denied, nothing
10 shall prohibit an applicant from submitting a revised application to
11 the school district board of education, which shall approve or deny
12 the revised application within sixty (60) days of receipt of the
13 application.

14 2. An applicant for a charter school that has been denied
15 pursuant to paragraph 1 of this subsection may submit an application
16 to a proposed sponsor listed in paragraphs 2 through 6 of subsection
17 A of Section 3-132 of this title, which shall either accept or
18 reject sponsorship of the charter school within ninety (90) days of
19 receipt of the application. If the proposed sponsor rejects the
20 application, it shall notify the applicant in writing of the reasons
21 for the rejection. The applicant may submit a revised application
22 for reconsideration to the proposed sponsor within thirty (30) days
23 after receiving notification of the rejection. The proposed sponsor
24 shall accept or reject the revised application within thirty (30)

1 days of its receipt. ~~Should the sponsor reject the application on~~
2 ~~reconsideration, the applicant may appeal the decision to the State~~
3 ~~Board of Education with the revised application for review pursuant~~
4 ~~to paragraph 8 of subsection A of Section 3-132 of this title. The~~
5 ~~State Board of Education shall hear the appeal no later than sixty~~
6 ~~(60) days from the date received by the Board.~~

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

18 F. A board of education of a school district, ~~board of~~
19 ~~education of a technology center school district, a~~ higher education
20 institution, a private institution of higher learning accredited
21 pursuant to Section 4103 of this title, or a federally recognized
22 Indian tribe ~~sponsor of a charter school~~ shall notify the State
23 Board of Education and the Statewide Charter School Board when it
24

1 accepts sponsorship of a charter school. The notification shall
2 include a copy of the charter of the charter school.

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

15 H. If a board of education of a ~~technology center school~~
16 ~~district~~ school district, a higher education institution, ~~the State~~
17 ~~Board of Education~~ a private institution of higher learning
18 accredited pursuant to Section 4103 of this title, or a federally
19 recognized Indian tribe accepts sponsorship of a charter school, the
20 administrative, fiscal, and oversight responsibilities of the
21 ~~technology center school district~~ school district, the higher
22 education institution, the private institution of higher learning
23 accredited pursuant to Section 4103 of this title, or the federally
24 recognized Indian tribe shall be listed in the contract. No

1 administrative, fiscal, or oversight responsibilities of a charter
2 school shall be delegated to a school district unless the ~~local~~
3 school district agrees to enter into a contract to assume the
4 responsibilities.

5 I. A sponsor of a public charter school shall have the
6 following powers and duties over charter schools it sponsors, and
7 the Statewide Charter School Board shall have the following powers
8 and duties over the charter schools and virtual charter schools it
9 sponsors:

10 1. Provide oversight of the operations of charter schools or
11 virtual charter schools in the state through annual performance
12 reviews ~~of charter schools~~ and reauthorization ~~of charter schools~~
13 ~~for which it is a sponsor;~~

14 2. Solicit and evaluate charter applications;

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

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

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

20 6. Review proposed contracts between the governing board of a
21 charter school or virtual charter school and an educational
22 management organization, as defined by section 5-200 of this title;
23
24
25

1 7. Monitor, in accordance with charter contract terms, the
2 performance and legal compliance of charter schools and virtual
3 charter schools; and

4 ~~7.~~ 8. Determine whether each charter contract merits renewal,
5 nonrenewal, or revocation.

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

11 K. Sponsors including the Statewide Charter School Board shall
12 ~~be required to~~ develop and maintain chartering policies and
13 practices consistent with recognized principles and standards for
14 quality charter ~~authorizing as established by the State Department~~
15 ~~of Education~~ sponsoring in all major areas of ~~authorizing~~ sponsoring
16 responsibility, including organizational capacity and
17 infrastructure, soliciting and evaluating charter school and virtual
18 charter school applications, performance contracting, ongoing
19 charter school and virtual charter school oversight and evaluation,
20 and charter contract renewal decision-making.

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

1 SECTION 7. AMENDATORY 70 O.S. 2021, Section 3-136, is

2 amended to read as follows:

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

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

20 2. A charter school and virtual charter school shall be
21 nonsectarian in its programs, admission policies, employment
22 practices, and all other operations. A sponsor including the
23 Statewide Charter School Board may not ~~authorize~~ sponsor a charter
24

1 school, virtual charter school, or program that is affiliated with a
2 nonpublic sectarian school or religious institution;

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

22 4. A charter school or virtual charter school shall participate
23 in the testing as required by the Oklahoma School Testing Program
24 Act and the reporting of test results as is required of a school

1 district. A charter school or virtual charter school shall also
2 provide any necessary data to the Office of Accountability within
3 the State Department of Education;

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

8 ~~6.~~ A charter school, ~~to the extent possible,~~ or virtual charter
9 school shall be subject to the same reporting requirements,
10 financial audits, audit procedures, and audit requirements as a
11 school district. The State Department of Education or State Auditor
12 and Inspector may conduct financial, program, or compliance audits.
13 A charter school or virtual charter school shall use the Oklahoma
14 Cost Accounting System to report financial transactions to the
15 ~~sponsoring school district~~ State Department of Education. The
16 charter school or virtual charter school shall be subject to the
17 limitations on spending, including provisions of the Oklahoma
18 Constitution, for any funds received from the state, either through
19 the State Department of Education or other sources;

20 ~~7.~~ 6. A charter school or virtual charter school shall comply
21 with all federal and state laws relating to the education of
22 children with disabilities in the same manner as a school district;

23 ~~8.~~ 7. A charter school or virtual charter school shall provide
24 for a governing ~~body~~ board for the school which shall be responsible

1 for the policies and operational decisions of the charter school or
2 virtual charter school. A majority of the charter school or virtual
3 charter school governing board members shall be residents of this
4 state and shall meet no less than monthly in a public meeting within
5 the boundaries of the school district in which the charter school is
6 located or within this state if the governing board oversees
7 multiple charter schools in this state or oversees a virtual charter
8 school. The governing board of a charter school or virtual charter
9 school shall be subject to the same conflict of interest
10 requirements as a member of a school district board of education
11 including but not limited to Sections 5-113 and 5-124 of this title.
12 Members appointed to the governing board of a charter school or
13 virtual charter school shall be subject to the same instruction and
14 continuing education requirements as a member of a school district
15 board of education and pursuant to Section 5-110 of this title shall
16 complete twelve (12) hours of instruction within fifteen (15) months
17 of appointment to the governing board and pursuant to Section 5-
18 110.1 of this title shall attend continuing education;

19 ~~9.~~ 8. A charter school or virtual charter school shall not be
20 used as a method of generating revenue for students who are being
21 home schooled and are not being educated at an organized charter
22 school site or by a virtual charter school;
23
24
25

1 ~~10.~~ 9. A charter school ~~may~~ or virtual charter school shall be
2 as equally free and open to all students as traditional public
3 schools and shall not charge tuition or fees;

4 ~~11.~~ 10. A charter school or virtual charter school shall
5 provide instruction each year for at least the number of days or
6 hours required in Section 1-109 of this title;

7 ~~12.~~ 11. A charter school or virtual charter school shall comply
8 with the student suspension requirements provided for in Section 24-
9 101.3 of this title;

10 ~~13.~~ 12. A charter school or virtual charter school shall be
11 considered a school district for purposes of tort liability under
12 The Governmental Tort Claims Act;

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

17 ~~15.~~ 14. A charter school or virtual charter school may
18 participate in all health and related insurance programs available
19 to ~~the employees of the sponsor of the charter school~~ a public
20 school district;

21 ~~16.~~ 15. A charter school or virtual charter school and their
22 respective governing boards shall comply with the Oklahoma Open
23 Meeting Act and the Oklahoma Open Records Act;

1 ~~17.~~ 16. The governing ~~body~~ board of a charter school or virtual
2 charter school shall ~~be subject to the same conflict of interest~~
3 ~~requirements as a member of a local school board~~ promptly notify the
4 sponsor in the instance of any significant adverse actions, material
5 findings of noncompliance, or pending actions, claims, or
6 proceedings in this state relating to the charter school, the
7 virtual charter school, or an educational management organization
8 with which the charter school or virtual charter school has a
9 contract; and

10 ~~18.~~ 17. No later than September 1 each year, the governing
11 board of each charter school or virtual charter school formed
12 pursuant to the Oklahoma Charter Schools Act shall prepare a
13 statement of actual income and expenditures for the charter school
14 or virtual charter school for the fiscal year that ended on the
15 preceding June 30, in a manner compliant with Section 5-135 of this
16 title. The statement of expenditures shall include functional
17 categories as defined in rules adopted by the State Board of
18 Education to implement the Oklahoma Cost Accounting System pursuant
19 to Section 5-145 of this title. Charter schools and virtual charter
20 schools shall not be permitted to submit estimates of expenditures
21 or prorated amounts to fulfill the requirements of this paragraph;
22 and

23 18. A charter school or virtual charter school contract shall
24 include performance provisions based on a performance framework that

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

- 17 a. student academic proficiency,
- 18 b. student academic growth,
- 19 c. achievement gaps in both proficiency and growth
20 between major student subgroups,
- 21 d. student attendance,
- 22 e. recurrent enrollment from year to year as determined
23 by the methodology used for public schools in
24 Oklahoma,

- 1 f. in the case of high schools, graduation rates as
2 determined by the methodology used for public schools
3 in Oklahoma,
- 4 g. in the case of high schools, postsecondary readiness,
5 h. financial performance and sustainability and
6 compliance with state and Internal Revenue Service
7 financial reporting requirements,
8 i. audit findings or deficiencies,
9 j. accreditation and timely reporting, and
10 k. governing board performance and stewardship including
11 compliance with all applicable laws, regulations, and
12 terms of the charter contract.

13 The sponsor including the Statewide Charter School Board shall
14 annually evaluate its charter schools or virtual charter schools
15 according to the performance framework. The results of the
16 evaluation shall be presented to the governing board of the charter
17 school or virtual charter school and the governing board of the
18 charter school sponsor in an open meeting.

19 B. An applicant or the governing board of an applicant may hold
20 one or more charter contracts. Each charter school or virtual
21 charter school that is part of a charter contract shall be separate
22 and distinct from any other charter school or virtual charter
23 school. For the purposes of this subsection, "separate and
24 distinct" shall mean that a charter school or virtual charter school

1 governing board with oversight of more than one charter school or
2 virtual charter school shall not combine accounting, budgeting,
3 recordkeeping, admissions, employment, or policies and operational
4 decisions of the charter schools or virtual charter schools it
5 oversees.

6 C. The charter contract of a charter school or virtual charter
7 school shall include a description of the personnel policies,
8 personnel qualifications, and method of school governance, and the
9 specific role and duties of the sponsor of the charter school. A
10 charter school or virtual charter school shall not enter into an
11 employment contract with any teacher or other personnel until a
12 contract has been executed with its sponsor. The employment
13 contract shall set forth the personnel policies of the charter
14 school or virtual charter school including, but not limited to,
15 policies related to certification, professional development,
16 evaluation, suspension, dismissal and nonreemployment, sick leave,
17 personal business leave, emergency leave, and family and medical
18 leave. The contract shall also specifically set forth the salary,
19 hours, fringe benefits, and work conditions. The contract may
20 provide for employer-employee bargaining, but the charter school or
21 virtual charter school shall not be required to comply with the
22 provisions of Sections 509.1 through 509.10 of this title.

23 Upon contracting with any teacher or other personnel, the
24 governing board of a charter school or virtual charter school shall,

1 in writing, disclose employment rights of the employees in the event
2 the charter school or virtual charter school closes or the charter
3 contract is not renewed.

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

16 ~~C.~~ D. The charter of a charter school or virtual charter school
17 may be amended at the request of the governing ~~body~~ board of the
18 charter school or virtual charter school and upon the approval of
19 the sponsor.

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

22 ~~E.~~ F. The governing ~~body~~ board of a charter school ~~may~~ or
23 virtual charter school shall not levy taxes or issue bonds. If a
24 school district that sponsors a charter school pursuant to

1 subsection A of Section 3-132 of this title proposes a bond, the
2 school district shall include the charter school in planning
3 conversations regarding the bond.

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

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

22 Section 3-137. A. ~~An approved~~ An initial contract for between
23 a charter school or virtual charter school and its sponsor approved
24 on or after July 1, 2024, shall be effective for five (5) years from

1 the first day of operation. ~~A~~ After completing an initial five-year
2 term, a charter contract may be renewed for ~~successive five-year~~ up
3 to ten-year terms of duration, although the sponsor may vary the
4 term based on the performance, demonstrated capacities, and
5 particular circumstances of each charter school or virtual charter
6 school. A sponsor may grant renewal with specific conditions for
7 necessary improvements to a charter school or virtual charter
8 school.

9 B. Prior to the beginning of the ~~fourth~~ final year of ~~operation~~
10 the contract term of a charter school or virtual charter school, the
11 sponsor shall issue a ~~charter school~~ performance report and charter
12 renewal application guidance to the charter school and ~~the charter~~
13 ~~school~~ its governing board or the virtual charter school and its
14 governing board. The performance report shall summarize the
15 performance record to date of the charter school, or virtual charter
16 school based on the data required by the Oklahoma Charter Schools
17 Act, the annual performance framework evaluation, a review of the
18 contract with an educational management organization if the charter
19 school or virtual charter school contracts with an educational
20 management organization, and the charter contract and taking. The
21 performance review shall take into consideration the percentage of
22 at-risk students enrolled in the charter school or virtual charter
23 school, and. The performance report shall provide notice of any
24 weaknesses ~~or~~, concerns, violations, or deficiencies perceived by

1 the sponsor concerning the charter school or virtual charter school
2 that may jeopardize its position in seeking renewal if not timely
3 rectified. ~~The~~ If there are weaknesses, concerns, violations, or
4 deficiencies the sponsor may require a charter school or virtual
5 charter school to develop a corrective action plan and corresponding
6 timeline to remedy any weaknesses, concerns, violations, or
7 deficiencies. If the sponsor requires a corrective action plan, the
8 charter school or virtual charter school shall have forty-five (45)
9 days to respond to the performance report and submit any corrections
10 or clarifications for the report. If the charter school or virtual
11 charter school does not substantially complete the corrective action
12 plan, the sponsor may choose to revoke or not renew the charter
13 contract pursuant to the requirements of this section.

14 C. 1. Prior to the beginning of the ~~fifth~~ final year of
15 ~~operation~~ a charter contract term, the charter school or virtual
16 charter school may apply for renewal of the contract with the
17 sponsor including the Statewide Charter School Board. The renewal
18 application guidance shall, at a minimum, provide an opportunity for
19 the charter school or virtual charter school to:

- 20 a. present additional evidence, beyond the data contained
21 in the performance report, supporting its case for
22 charter renewal,
- 23 b. describe improvements undertaken or planned for the
24 school, and

1 c. detail the plan for the next charter term for the
2 school.

3 2. The renewal application guidance shall include or refer
4 explicitly to the criteria that will guide the renewal decisions of
5 the sponsor, which shall be based on the performance framework set
6 forth in the charter contract and consistent with the Oklahoma
7 Charter Schools Act.

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

15 1. Ground decisions on evidence of the performance of the
16 charter school or virtual charter school over the term of the
17 charter contract in accordance with the performance framework set
18 forth in the charter contract and shall take into consideration the
19 percentage of at-risk students enrolled in the school;

20 2. Grant renewal to charter schools or virtual charter schools
21 that have achieved the standards, targets, and performance
22 expectations as stated in the charter contract and are
23 organizationally and fiscally viable and have been faithful to the
24 terms of the contract and applicable law;

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

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

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

10 F. A sponsor may terminate a contract during the term of the
11 contract for failure to meet the requirements for student
12 performance contained in the contract and performance framework,
13 failure to meet the standards of fiscal management, violations of
14 the law, or other good cause. The sponsor shall give at least
15 ninety (90) days' written notice to the governing board of the
16 charter school or virtual charter school prior to terminating the
17 contract. The governing board may request, in writing, an informal
18 hearing before the sponsor within fourteen (14) days of receiving
19 notice. The sponsor shall conduct an informal hearing before taking
20 action. ~~If a sponsor decides to terminate a contract, the governing~~
21 ~~board may, if requested by the charter school, proceed to binding~~
22 ~~arbitration as provided for in subsection G of Section 3-134 of this~~
23 ~~title.~~

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

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

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

18 3. If there is a change to the calculation described in Section
19 1210.545 of this title that results in a charter school site or
20 virtual charter school that was not ranked in the bottom five
21 percent (5%) being ranked in the bottom five percent (5%), then the
22 sponsor shall use the higher of the two rankings to calculate the
23 ranking of the charter school site or virtual charter school.

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

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

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

23 ~~6.~~ 5. The requirements of this subsection shall not apply to a
24 charter school or virtual charter school that has been designated by

1 the State Department of Education as implementing an alternative
2 education program ~~throughout the charter school.~~

3 ~~7.~~ 6. In making a charter school site or virtual charter school
4 closure decision, the ~~State Board of Education~~ sponsor shall
5 consider the following:

- 6 a. enrollment of students with special challenges such as
7 drug or alcohol addiction, prior withdrawal from
8 school, prior incarceration, or other special
9 circumstances,
- 10 b. high mobility of the student population resulting from
11 the specific purpose of the charter school or virtual
12 charter school,
- 13 c. annual improvement in the performance of students
14 enrolled in the charter school or virtual charter
15 school compared with the performance of students
16 enrolled in the charter school or virtual charter
17 school in the immediately preceding school year, and
- 18 d. whether a majority of students attending the charter
19 school or virtual charter school under consideration
20 for closure would likely revert to attending public
21 schools with lower academic achievement, as
22 demonstrated pursuant to Section 1210.545 of this
23 title.

1 ~~8.~~ 7. If the ~~State Board of Education has closed or transferred~~
2 ~~authorization of~~ at least twenty-five percent (25%) of the charter
3 schools chartered by one sponsor are closed within a five-year
4 period pursuant to ~~paragraph 4 of~~ this subsection, the authority of
5 the sponsor to ~~authorize~~ sponsor new charter schools may be
6 suspended by the ~~Board~~ Statewide Charter School Board until the
7 Board approves the sponsor to ~~authorize~~ sponsor new charter schools.
8 A determination ~~under~~ made pursuant to this paragraph ~~to suspend the~~
9 ~~authority of a sponsor to authorize new charter schools~~ shall
10 identify the deficiencies that, if corrected, will result in the
11 approval of the sponsor to ~~authorize~~ sponsor new charter schools.

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

15 1. Within two (2) calendar weeks of a final closure
16 determination, the sponsor shall meet with the governing board and
17 leadership of the charter school or virtual charter school to
18 establish a transition team composed of school staff, applicant
19 staff, and others designated by the applicant that will attend to
20 the closure, including the transfer of students, student records,
21 and school funds;

22 2. The sponsor and transition team shall communicate regularly
23 and effectively with families of students enrolled in the charter
24 school or virtual charter school, as well as with school staff and

1 other stakeholders, to keep them apprised of key information
2 regarding the closure of the school and their options and risks;

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

7 4. The sponsor and transition team shall ensure that all
8 necessary and prudent notifications are issued to agencies,
9 employees, insurers, contractors, creditors, debtors, and management
10 organizations; and

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

15 ~~I.~~ J. A sponsor including the Statewide Charter School Board
16 shall develop revocation and nonrenewal processes that are
17 consistent with the Oklahoma Charter Schools Act and that:

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

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

23 3. Provide the charter school or virtual charter school with an
24 opportunity to submit documents and give testimony in a public
25

1 hearing challenging the rationale for closure and in support of the
2 continuation of the school at an orderly proceeding held for that
3 purpose and prior to taking any final nonrenewal or revocation
4 decision related to the school;

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

7 5. Permit the recording of the proceedings; and

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

11 ~~J. K.~~ If a sponsor revokes or does not renew a charter
12 contract, the sponsor shall clearly state in a resolution the
13 reasons for the revocation or nonrenewal. If a charter is revoked
14 or nonrenewed, the charter school or virtual charter school shall
15 disclose the revocation or nonrenewal in any subsequent application.

16 ~~K. 1. Before a sponsor may issue a charter to a charter school~~
17 ~~governing body that has had its charter terminated or has been~~
18 ~~informed that its charter will not be renewed by the current~~
19 ~~sponsor, the sponsor shall request to have the proposal reviewed by~~
20 ~~the State Board of Education at a hearing. The State Board of~~
21 ~~Education shall conduct a hearing in which the sponsor shall present~~
22 ~~information indicating that the proposal of the organizer is~~
23 ~~substantively different in the areas of deficiency identified by the~~
24

1 ~~current sponsor from the current proposal as set forth within the~~
2 ~~charter with its current sponsor.~~

3 ~~2. After the State Board of Education conducts a hearing~~
4 ~~pursuant to this subsection, the Board shall either approve or deny~~
5 ~~the proposal.~~

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

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

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

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

18 Section 3-139. A. A sponsoring school district shall determine
19 whether a teacher who is employed by or teaching at a charter school
20 or virtual charter school and who was previously employed as a
21 teacher at the sponsoring public school district shall not lose any
22 right of salary status or any other benefit provided by law due to
23 teaching at a charter school or virtual charter school upon
24 returning to the sponsoring public school district to teach.

1 B. A teacher who is employed by or teaching at a charter school
2 or virtual charter school and who submits an employment application
3 to the school district where the teacher was employed immediately
4 before employment by or at a charter school or virtual charter
5 school shall be given employment preference by the school district
6 if:

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

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

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

13 Section 3-140. A. ~~Except for a charter school sponsored by the~~
14 ~~State Board of Education, a~~ A charter school with a brick-and-mortar
15 school site or sites shall enroll those students whose legal
16 residence is within the boundaries of the school district in which
17 the charter school is located and who submit a timely application,
18 or those students who transfer to ~~the district in which~~ the charter
19 school ~~is located~~ in accordance with ~~Section 8-103 or 8-104 of this~~
20 ~~title~~ the Education Open Transfer Act, unless the number of
21 applications exceeds the capacity of a program, class, grade level,
22 or building. Students who reside in a school district where a
23 charter school is located shall not be required to obtain a transfer
24 in order to attend a charter school in the school district of

1 residence. If capacity is insufficient to enroll all eligible
2 students, the charter school shall select students through a lottery
3 selection process. ~~Except for a charter school sponsored by the~~
4 ~~State Board of Education, a~~ A charter school shall give enrollment
5 preference to eligible students who reside within the boundaries of
6 the school district in which the charter school is located. ~~Except~~
7 ~~for a charter school sponsored by the State Board of Education, a~~
8 ~~charter school created after November 1, 2010, shall give enrollment~~
9 ~~preference to eligible students who reside within the boundaries of~~
10 ~~the school district in which the charter school is located and who~~
11 attend a school site that has been identified as in need of
12 improvement by the State Board of Education pursuant to the
13 Elementary and Secondary Education Act of 1965, as amended or
14 reauthorized. A charter school may limit admission to students
15 within a given age group or grade level. A charter school sponsored
16 by the ~~State Board of Education~~ Statewide Charter School Board when
17 the applicant of the charter school is the Office of Juvenile
18 Affairs shall limit admission to youth that are in the custody or
19 supervision of the Office of Juvenile Affairs.

20 B. ~~Except for a charter school sponsored by the State Board of~~
21 ~~Education, a~~ A brick-and-mortar charter school shall admit students
22 who reside in the attendance area of a school or in a school
23 district that is under a court order of desegregation or that is a
24 party to an agreement with the United States Department of Education

1 Office for Civil Rights directed towards mediating alleged or proven
2 racial discrimination unless notice is received from the resident
3 school district that admission of the student would violate the
4 court order or agreement.

5 C. A brick-and-mortar charter school may designate a specific
6 geographic area within the school district in which the charter
7 school is located as an academic enterprise zone and may limit
8 admissions to students who reside within that area. An academic
9 enterprise zone shall be a geographic area in which sixty percent
10 (60%) or more of the children who reside in the area qualify for the
11 free or reduced school lunch program.

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

17 E. A sponsor of a charter school shall not restrict the number
18 of students a charter school may enroll, and the Statewide Charter
19 School Board shall not restrict the number of students a virtual
20 charter school or charter school may enroll. The capacity of ~~the a~~
21 charter school or virtual charter school shall be determined
22 ~~annually~~ quarterly by the governing board of the charter school
23 ~~based on the ability of the charter school to facilitate the~~
24 ~~academic success of the students, to achieve the other objectives~~

1 ~~specified in the charter contract,~~ and to ensure that the student
2 enrollment does not exceed the capacity of its facility or site or
3 virtual charter school pursuant to the provisions of the Education
4 Open Transfer Act.

5 F. Beginning July 1, 2024, each statewide virtual charter
6 school which has been approved and sponsored by the Statewide
7 Charter School Board or any virtual charter school for which the
8 Board has assumed sponsorship as provided for in Section 1 of this
9 act shall be considered a statewide virtual charter school and the
10 geographic boundaries of each statewide virtual charter school shall
11 be the borders of the state.

12 H. Beginning July 1, 2024, students enrolled full-time in a
13 statewide virtual charter school sponsored by the Statewide Charter
14 School Board shall not be authorized to participate in any
15 activities administered by the Oklahoma Secondary School Activities
16 Association. However, the students may participate in intramural
17 activities sponsored by a statewide virtual charter school, an
18 online provider for the charter school, or any other outside
19 organization.

20 I. 1. Beginning July 1, 2024, a public school student who
21 wishes to enroll in a virtual charter school shall be considered a
22 transfer student from his or her resident school district. A
23 virtual charter school shall pre-enroll any public school student
24 whose parent or legal guardian expresses intent to enroll in the

1 virtual charter school. Upon pre-enrollment, the State Department
2 of Education shall initiate a transfer on a form to be completed by
3 the receiving virtual charter school. Upon approval of the
4 receiving virtual charter school, the student may begin
5 instructional activities. Upon notice that a public school student
6 has transferred to a virtual charter school, the resident school
7 district shall transmit the student's records within three (3)
8 school days.

9 2. The State Department of Education shall notify the
10 Legislature and Governor if it determines that the information
11 technology infrastructure necessary to process the transfer of
12 students to a virtual charter school is inadequate and additional
13 time is needed for implementation.

14 3. A public school student may transfer to one statewide
15 virtual charter school at any time during a school year. For
16 purposes of this subsection, "school year" shall mean July 1 through
17 the following June 30. After one statewide virtual charter school
18 transfer during a school year, no public school student shall be
19 permitted to transfer to any other statewide virtual charter school
20 without the concurrence of both the resident school district and the
21 receiving virtual charter school. A student shall have a grace
22 period of fifteen (15) school days from the first day of enrollment
23 in a statewide virtual charter school to withdraw without academic
24 penalty and shall continue to have the option of one virtual charter

1 school transfer without the concurrence of both the resident school
2 district and the receiving virtual charter school during that same
3 school year. A statewide virtual charter school student that has
4 utilized the allowable one transfer pursuant to this subsection
5 shall not be permitted to transfer to another school district or
6 another statewide virtual charter school without first notifying his
7 or her resident district and initiating a new transfer. Upon
8 cancellation of a transfer, the virtual charter school shall
9 transmit the student's records to the student's new school district
10 within three (3) school days. Students enrolled in a statewide
11 virtual charter school shall not be required to submit a virtual
12 charter transfer for consecutive years of enrollment. Any student
13 enrolled in a statewide virtual charter school the year prior to the
14 implementation of this section shall not be required to submit a
15 transfer in order to remain enrolled.

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

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

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

- 9 a. a temporary on-base billeting facility,
10 b. a purchased or leased home or apartment, or
11 c. federal government or public-private venture off-base
12 military housing.

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

15 5. For purposes of this subsection:

- 16 a. "active military duty" means full-time military duty
17 status in the active uniformed service of the United
18 States including members of the National Guard and
19 Military Reserve on active duty orders, and
20 b. "military installation" means a base, camp, post,
21 station, yard, center, homeport facility for any ship,
22 or other installation under the jurisdiction of the
23 Department of Defense or the United States Coast
24 Guard.

1 SECTION 11. AMENDATORY 70 O.S. 2021, Section 3-142, is

2 amended to read as follows:

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

1 assessed on any other appropriated amounts. A sponsor of a charter
2 school shall not charge any additional State Aid allocation or
3 charge the charter school any additional fee above the amounts
4 allowed by this subsection unless the additional fees are for
5 additional services rendered. The charter school sponsor shall
6 provide to the State Department of Education financial records
7 documenting any state funds charged by the sponsor for
8 administrative services rendered for the previous year.

9 B. The fee for administrative services authorized by subsection
10 A of this section shall be used by the sponsor to provide oversight
11 and services to the charter schools it sponsors. The State
12 Department of Education shall develop data codes for the Oklahoma
13 Cost Accounting System which shall be used to comply with the
14 administrative services reporting required by this section. A
15 charter school sponsor shall publish a detailed report on its
16 website and present the report in a public meeting of the charter
17 school governing board and the charter school sponsor governing
18 board. The report shall provide sponsor performance and stewardship
19 including compliance with all applicable laws, regulations, and
20 terms of the charter contract and listing expenses related to
21 oversight and services provided by the sponsor to the charter
22 schools it sponsors.

23 ~~1. The weighted average daily membership for the first year of~~
24 ~~operation of a charter school shall be determined initially by~~

1 ~~multiplying the actual enrollment of students as of August 1 by~~
2 ~~1.333. The charter school shall receive revenue equal to that which~~
3 ~~would be generated by the estimated weighted average daily~~
4 ~~membership calculated pursuant to this paragraph. At midyear, the~~
5 ~~allocation for the charter school shall be adjusted using the first~~
6 ~~quarter weighted average daily membership for the charter school~~
7 ~~calculated pursuant to subsection A of this section.~~

8 ~~2. C.~~ For the purpose of calculating weighted average daily
9 membership pursuant to Section 18-201.1 of this title and State Aid
10 pursuant to Section 18-200.1 of this title, the weighted average
11 daily membership for the first year of operation and each year
12 thereafter of a charter school or full-time statewide virtual
13 charter school ~~sponsored by the Statewide Virtual Charter School~~
14 ~~Board~~ shall be determined by multiplying the actual enrollment of
15 students as of August 1 by 1.333. The ~~full-time~~ charter school or
16 virtual charter school shall receive revenue equal to that which
17 would be generated by the estimated weighted average daily
18 membership calculated pursuant to this paragraph. At midyear, the
19 allocation for the ~~full-time statewide~~ charter school or virtual
20 charter school shall be adjusted using the first quarter weighted
21 average daily membership for the charter school or virtual charter
22 school calculated pursuant to subsection A of this section.

23 ~~C. D.~~ Except as explicitly authorized by state law, a charter
24 school or virtual charter school shall not be eligible to receive

1 state-dedicated, local, or county revenue; provided, a charter
2 school or virtual charter school may be eligible to receive any
3 other aid, grants, or revenues allowed to other schools. A charter
4 school or virtual charter school shall be considered a local
5 education agency for purposes of funding.

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

17 ~~E.~~ F. Any charter school or virtual charter school which
18 chooses to lease property shall be eligible to receive current
19 government lease rates.

20 ~~F.~~ G. Except as otherwise provided in this subsection, each
21 charter school shall pay to the Charter School Closure Reimbursement
22 Revolving Fund created in subsection ~~G~~ H of this section an amount
23 equal to Five Dollars (\$5.00) per student based on average daily
24 membership, as defined by paragraph 2 of Section 18-107 of this

1 title, during the first nine (9) weeks of the school year. Each
2 charter school shall complete the payment every school year within
3 thirty (30) days after the first nine (9) weeks of the school year.
4 If the Charter School Closure Reimbursement Revolving Fund has a
5 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
6 payment shall be required the following school year.

7 ~~G.~~ H. There is hereby created in the State Treasury a revolving
8 fund for the ~~State Department of Education~~ Statewide Charter School
9 Board to be designated the "Charter School Closure Reimbursement
10 Revolving Fund". The fund shall be a continuing fund, not subject
11 to fiscal year limitations, and shall consist of all monies received
12 by the ~~State Department of Education~~ Statewide Charter School Board
13 from charter schools as provided in subsection ~~F~~ G of this section.
14 All monies accruing to the credit of ~~said~~ the fund are hereby
15 appropriated and may be budgeted and expended by the ~~State~~
16 ~~Department of Education~~ Statewide Charter School Board for the
17 purpose of ~~reimbursing charter school sponsors for costs~~ paying for
18 expenditures incurred due to the closure of a charter school.
19 Expenditures from ~~said~~ the fund shall be made upon warrants issued
20 by the State Treasurer against claims filed as prescribed by law
21 with the Director of the Office of Management and Enterprise
22 Services for approval and payment. ~~The State Department of~~
23 ~~Education may promulgate rules regarding sponsor eligibility for~~
24 ~~reimbursement.~~

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

3 Section 3-143. ~~The State Board of Education~~ Statewide Charter
4 School Board shall issue an annual report to the Legislature and the
5 Governor outlining the status of charter schools and virtual charter
6 schools in the state. Each charter school and virtual charter
7 school shall annually file a report with the ~~Office of~~
8 ~~Accountability.~~ ~~The report~~ Statewide Charter School Board that
9 shall include such information as requested by the ~~Office of~~
10 ~~Accountability,~~ Board including but not limited to information on
11 enrollment, testing, curriculum, finances, and employees.

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

14 Section 3-144. A. There is hereby created in the State
15 Treasury a fund to be designated the "Charter Schools Incentive
16 Fund". The fund shall be a continuing fund, not subject to fiscal
17 year limitations, and shall consist of all monies appropriated by
18 the Legislature, gifts, grants, devises, and donations from any
19 public or private source. ~~The State Department of Education~~
20 Statewide Charter School Board shall administer the fund for the
21 purpose of providing financial support to charter school and virtual
22 charter school applicants and charter schools and virtual charter
23 schools for start-up costs and costs associated with renovating or
24 remodeling existing buildings and structures for use by a charter

1 school. The ~~State Department of Education~~ Statewide Charter School
2 Board is authorized to allocate funds on a per-pupil basis for
3 purposes of providing matching funds for the federal State Charter
4 School Facilities Incentive Grants Program created pursuant to the
5 No Child Left Behind Act, 20 USCA, Section 7221d.

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

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

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

17 ~~B. Effective July 1, 2014, the Statewide Virtual Charter School~~
18 ~~Board shall succeed to any contractual rights and responsibilities~~
19 ~~incurred by a school district in a virtual charter school contract~~
20 ~~executed prior to January 1, 2014, with a provider to provide full-~~
21 ~~time virtual education to students who do not reside within the~~
22 ~~school district boundaries. All property, equipment, supplies,~~
23 ~~records, assets, current and future liability, encumbrances,~~
24 ~~obligations, and indebtedness associated with the contract shall be~~

1 ~~transferred to the Statewide Virtual Charter School Board.~~
2 ~~Appropriate conveyances and other documents shall be executed to~~
3 ~~effectuate the transfer of any property associated with the~~
4 ~~contract. Upon succession of the contract, the Board shall assume~~
5 ~~sponsorship of the virtual charter school for the remainder of the~~
6 ~~term of the contract. Prior to the end of the current term of the~~
7 ~~contract, the Board shall allow the provider of the virtual charter~~
8 ~~school to apply for renewal of the contract with the Board in~~
9 ~~accordance with the renewal procedures established pursuant to~~
10 ~~Section 3-145.3 of this title.~~

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

13 Section 3-145.7. ~~There~~ A. Until July 1, 2024, there is hereby
14 created in the State Treasury a revolving fund for the Statewide
15 Virtual Charter School Board to be designated the "Statewide Virtual
16 Charter School Board Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations, and shall
18 consist of all monies received by the Statewide Virtual Charter
19 School Board from State Aid pursuant to Section 3-145.3 of ~~Title 70~~
20 ~~of the Oklahoma Statutes~~ this title or any other state
21 appropriation. All monies accruing to the credit of the fund are
22 hereby appropriated and may be budgeted and expended by the
23 Statewide Virtual Charter School Board for the purpose of supporting
24 the mission of the Statewide Virtual Charter School Board.

1 Expenditures from the fund shall be made upon warrants issued by the
2 State Treasurer against claims filed as prescribed by law with the
3 Director of the Office of Management and Enterprise Services for
4 approval and payment.

5 B. On July 1, 2024, the Statewide Virtual Charter School Board
6 shall transfer any unencumbered funds in the Statewide Virtual
7 Charter School Board Revolving Fund to the Statewide Charter School
8 Board Revolving Fund created pursuant to Section 3 of this act. Any
9 funds which are unexpended on January 1, 2025, shall be transferred
10 to the Statewide Charter School Board Revolving Fund.

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

13 Section 3-145.8. A. It shall be the duty of each virtual
14 charter school approved and sponsored by the ~~Statewide Virtual~~
15 ~~School Board pursuant to the provisions of Section 3-145.3 of Title~~
16 ~~70 of the Oklahoma Statutes~~ Statewide Charter School Board to keep a
17 full and complete record of the attendance of all students enrolled
18 in the virtual charter school in one of the student information
19 systems approved by the State Department of Education and locally
20 selected by the virtual school from the approved list.

21 B. By July 1, 2020, the governing ~~body~~ board of each virtual
22 charter school shall adopt an attendance policy. The policy may
23 allow attendance to be a proportional amount of the required
24 attendance policy provisions based upon the date of enrollment of

1 the student. The attendance policy shall include the following
2 provisions:

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

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

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

9 b. is on pace for on-time completion of the course as
10 defined by the governing board of the virtual charter
11 school, or

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

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

17 a. the number of school days during which the student
18 completed the instructional activities during the
19 quarter,

20 b. the number of school days proportional to the
21 percentage of the course that has been completed, or

22 c. the number of school days proportional to the
23 percentage of the required minimum number of completed
24 instructional activities during the quarter.

1 C. For the purposes of this section, "instructional activities"
2 shall include instructional meetings with a teacher, completed
3 assignments that are used to record a grade for a student that is
4 factored into the student's grade for the semester during which the
5 assignment is completed, testing ~~and~~, school-sanctioned field trips,
6 and orientation.

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

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

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

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

11 H. If a statewide virtual charter school withdraws a student
12 pursuant to subsections F and G of this section, the virtual charter
13 school shall immediately notify the student's resident district in
14 writing of the student's disenrollment.

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

18 ~~J. The Statewide Virtual Charter School Board~~ Statewide Charter
19 School Board may promulgate rules to implement the provisions of
20 this section.

21 SECTION 17. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3-145.9 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:
24

1 Beginning with the 2024-2025 school year, members of a charter
2 school sponsor governing board shall designate a representative from
3 the board to complete an annual sponsor workshop requirement
4 provided by the Statewide Charter School Board. The sponsor
5 workshop shall include, but not be limited to, information regarding
6 the Oklahoma Charter Schools Act, charter school governance,
7 Internal Revenue Service rules for nonprofits, and school finance
8 laws.

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

11 Section 5-200. A. As used in this section, "educational
12 management organization" means a for-profit or nonprofit
13 organization that receives public funds to provide administration
14 and management services for a charter school, statewide virtual
15 charter school, or traditional public school.

16 B. A charter school, virtual charter school, or public school
17 that contracts with an educational management organization shall use
18 the Oklahoma Cost Accounting System (OCAS) to report the total
19 amount paid to an educational management organization pursuant to
20 the terms of the contract as well as actual itemized expenditure
21 information for the goods or services provided by the management
22 organization as defined by OCAS expenditure codes, including the
23 total compensation package of the superintendent including the base
24 salary, insurance, retirement, and other fringe benefits.

1 C. ~~Any~~ Pursuant to Internal Revenue Service guidelines, any
2 owner of an educational management organization shall be required to
3 disclose to the governing board of the school, charter school, or
4 virtual charter school in a public meeting any ownership position in
5 any business that contracts or proposes to contract with the same
6 ~~public~~ school that the educational management organization is
7 managing.

8 D. Whenever any person shall enter into a contract with any
9 school district ~~or~~, public charter school, or virtual charter school
10 in the state to teach in ~~such the~~ school district ~~or public charter~~
11 ~~school,~~ the contract shall be binding on the teacher and on the
12 board of education until the teacher legally has been discharged
13 from the teaching position or released by the board of education
14 from the contract. Except as provided in Section 5-106A of ~~Title 70~~
15 ~~of the Oklahoma Statutes~~ this title, until ~~such the~~ teacher has been
16 thus discharged or released, the teacher shall not have authority to
17 enter into a contract with any other board of education in ~~Oklahoma~~
18 this state for the same time covered by the original contract. If
19 upon written complaint by the board of education ~~in~~ of a school
20 district, public charter school, or virtual charter school any
21 teacher is reported to have failed to obey the terms of the contract
22 previously made and to have entered into a contract with another
23 board of education, ~~including a public charter school board of~~
24 ~~education,~~ without having been released from the former contract

1 except as provided in Section 5-106A of ~~Title 70 of the Oklahoma~~
2 ~~Statutes~~ this title, the teacher, upon being found to be employed
3 full-time for another public school, ~~including a public charter~~
4 ~~school in the state~~, at a hearing held before the State Board of
5 Education, shall have such teacher's certificate suspended for the
6 remainder of the term for which the contract was made.

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

9 Section 18-124. A. Any school district with an average daily
10 attendance (ADA) of more than one thousand five hundred (1,500)
11 students for the preceding year which expends for administrative
12 services in the 2005-06 school year or any school year thereafter,
13 less expenditures for legal services, more than five percent (5%) of
14 the amount it expends for total expenditures, less expenditures for
15 legal services, shall have the amount which exceeds the five percent
16 (5%) withheld the following year from the Foundation and Salary
17 Incentive Aid for the school district.

18 B. Any school district with an average daily attendance (ADA)
19 of more than five hundred (500) students but not more than one
20 thousand five hundred (1,500) students for the preceding year which
21 expends for administrative services in the 2005-06 school year or
22 any school year thereafter, less expenditures for legal services,
23 more than seven percent (7%) of the amount it expends for total
24 expenditures, less expenditures for legal services, shall have the

1 amount which exceeds the seven percent (7%) withheld the following
2 year from the Foundation and Salary Incentive Aid for the school
3 district.

4 C. Any school district with an average daily attendance (ADA)
5 of five hundred (500) or fewer 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 eight percent (8%) of the amount it expends for total
9 expenditures, less expenditures for legal services, shall have the
10 amount which exceeds the eight percent (8%) withheld the following
11 year from the Foundation and Salary Incentive Aid for the school
12 district.

13 D. The provisions of this section shall apply to school
14 districts, charter schools, and virtual charter schools which
15 contract with an educational management organization as defined in
16 Section 5-200 of this title. The expenditure limits shall not
17 exceed the percentages prescribed in subsections A, B, and C of this
18 section, and the calculation of administrative services for schools
19 which contract with an educational management organization shall be
20 the combined amount of administrative services expended by the
21 school and the educational management organization.

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

- 24 1. Staff for the board of education;

1 2. The secretary/clerk for the board of education;

2 3. Staff relations;

3 4. Negotiations staff;

4 5. Immediate staff of the superintendent, any elementary
5 superintendent, or any assistant superintendent;

6 6. Any superintendent, elementary superintendent, or assistant
7 superintendent;

8 7. Any employee of a school district employed as a director,
9 coordinator, supervisor, or who has responsibility for
10 administrative functions of a school district; ~~and~~

11 8. Any consultant hired by the school district; and

12 9. Administrative services paid to an educational management
13 organization as defined in Section 5-200 of this title.

14 ~~E.~~ F. If an employee of a school district is employed in a
15 position where part of the employee's time is spent as an
16 administrator and part of the time is spent in nonadministrative
17 functions, the percentage of time spent as an administrator shall be
18 included as administrative services. A superintendent who spends
19 part of the time performing exempted nonadministrative services such
20 as teaching in the classroom, serving as a principal, counselor, or
21 library media specialist, can code up to forty percent (40%) of
22 their salary to other nonadministrative functions. The total amount
23 of time a superintendent of a school district spends performing
24 services for a school district shall be included as administrative

1 services even if part of the time the superintendent is performing
2 nonexempted nonadministrative service functions. The total amount
3 received by a superintendent from the school district as salary, for
4 the performance of administrative and nonexempted nonadministrative
5 services, shall be recorded under the code for superintendent salary
6 as provided for in the Oklahoma Cost Accounting System.

7 ~~F.~~ G. Each school site within a school district shall take
8 steps to ensure that the administrative costs for the school comply
9 with the expenditure limits established for school districts in this
10 section.

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

14 ~~H.~~ I. For the 2003-04 and 2004-05 school year, school districts
15 shall report to the State Department of Education the costs
16 associated with administrative services for the school district as
17 defined in subsection ~~D~~ E of this section.

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

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

23 B. ~~Local~~ School district boards of education ~~in each district~~
24 shall be responsible for ensuring annually that all high school
25

1 students have access to advanced placement courses beginning in the
2 2024-2025 school year. Such access may be provided through
3 enrollment in courses offered through:

4 1. A school site or sites within the district;

5 2. A ~~career and technology institution~~ technology center school
6 within the district;

7 3. ~~A~~ An online learning program offered by the ~~Statewide~~
8 ~~Virtual Charter School Board~~ Statewide Charter School Board or one
9 of its vendors; or

10 4. A school site or sites in another school district.

11 C. The ~~Statewide Virtual Charter School Board~~ Statewide Charter
12 School Board shall maintain an online learning platform to provide
13 high quality online learning opportunities for Oklahoma students
14 that are aligned with the subject matter standards adopted by the
15 State Board of Education pursuant to Section 11-103.6 of ~~Title 70 of~~
16 ~~the Oklahoma Statutes~~ this title. The Board shall implement online
17 courses, with an emphasis on science, technology, engineering, and
18 math (STEM) courses, foreign language courses, and advanced
19 placement courses. The online platform shall be available to all
20 Oklahoma school districts.

21 D. The State Department of Education shall provide information
22 to all ~~local~~ boards of education, to be distributed to their
23 students and parents, on available opportunities and the enrollment
24 process for students to take advanced placement courses. The

1 information shall explain the value of advanced placement courses in
2 preparing students for postsecondary-level coursework, enabling
3 students to gain access to postsecondary opportunities, and
4 qualifying for scholarships and other financial aid opportunities.

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

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

12 SECTION 21. REPEALER 70 O.S. 2021, Sections 3-135, 3-
13 145.1, 3-145.2, 3-145.3, and 3-145.4, are hereby repealed.

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

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

19
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