

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 431

By: Hicks

AS INTRODUCED

An Act relating to charter schools; amending 70 O.S. 2021, Sections 3-134, as amended by Section 2, Chapter 222, O.S.L. 2022 (70 O.S. Supp. 2022, Section 3-134), and 3-135, which relate to the Oklahoma Charter Schools Act; updating statutory language; requiring a charter school governing board to meet monthly rather than quarterly; removing requirement that a majority of board members be residents within certain boundary; providing method for electing members of a board of education for a charter school and a virtual charter school; providing for membership and terms; providing for filling of vacancy; providing for beginning of terms of office; providing for codification; and providing an effective date.

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

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

Section 3-134. A. For written applications filed after January 1, 2008, prior to submission of the application to a proposed sponsor seeking to establish a charter school, the applicant shall be required to complete training which shall not exceed ten (10)

1 hours provided by the State Department of Education on the process  
2 and requirements for establishing a charter school. The Department  
3 shall develop and implement the training by January 1, 2008. The  
4 Department may provide the training in any format and manner that  
5 the Department determines to be efficient and effective including,  
6 but not limited to, web-based training.

7 B. Except as otherwise provided for in Section 3-137 of this  
8 title, an applicant seeking to establish a charter school shall  
9 submit a written application to the proposed sponsor as prescribed  
10 in subsection E of this section. The application shall include:

11 1. A mission statement for the charter school;

12 2. A description including, but not limited to, background  
13 information of the organizational structure and the governing ~~body~~  
14 board of the charter school;

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

20 4. A description of the hiring policy of the charter school;

21 5. The name of the applicant or applicants and requested  
22 sponsor;

23 6. A description of the facility and location of the charter  
24 school;

1 7. A description of the grades being served;

2 8. An outline of criteria designed to measure the effectiveness  
3 of the charter school;

4 9. A demonstration of support for the charter school from  
5 residents of the school district which may include but is not  
6 limited to a survey of the school district residents or a petition  
7 signed by residents of the school district;

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

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

12 12. The proposed calendar for the charter school and sample  
13 daily schedule;

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

16 14. A description of the instructional design of the charter  
17 school, including the type of learning environment, class size and  
18 structure, curriculum overview, and teaching methods;

19 15. The plan for using internal and external assessments to  
20 measure and report student progress on the performance framework  
21 developed by the applicant in accordance with subsection C of  
22 Section 3-135 of this title;

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

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

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

8           19. The student discipline policies for the charter school,  
9 including those for special education students;

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

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

20           22. The leadership and teacher employment policies for the  
21 charter school;

22           23. Proposed governing bylaws;

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

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

6 26. Opportunities and expectations for parental involvement;

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

9 28. A description of the financial plan and policies for the  
10 charter school, including financial controls and audit requirements;

11 29. A description of the insurance coverage the charter school  
12 will obtain;

13 30. Start-up and five-year budgets with clearly stated  
14 assumptions;

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

17 32. Evidence of anticipated fundraising contributions, if  
18 claimed in the application;

19 33. A sound facilities plan, including backup or contingency  
20 plans if appropriate;

21 34. A requirement that the charter school governing board meet  
22 at a minimum ~~quarterly~~ monthly in the state ~~and that for those~~  
23 ~~charter schools outside of counties with a population of five~~  
24 ~~hundred thousand (500,000) or more, that a majority of members are~~

1 ~~residents within the geographic boundary of the sponsoring entity;~~  
2 and

3 35. A requirement that the charter school follow the  
4 requirements of the Oklahoma Open Meeting Act and Oklahoma Open  
5 Records Act.

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

12 D. The sponsor of a charter school is the board of education of  
13 a school district, the board of education of a technology center  
14 school district, a higher education institution, the State Board of  
15 Education, or a federally recognized Indian tribe which meets the  
16 criteria established in Section 3-132 of this title. Any board of  
17 education of a school district in the state may sponsor one or more  
18 charter schools. The physical location of a charter school  
19 sponsored by a board of education of a school district or a  
20 technology center school district shall be within the boundaries of  
21 the sponsoring school district. The physical location of a charter  
22 school otherwise sponsored by the State Board of Education pursuant  
23 to paragraph 8 of subsection A of Section 3-132 of this title shall  
24 be in the school district in which the application originated.

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

16 F. A board of education of a school district, board of  
17 education of a technology center school district, higher education  
18 institution, or federally recognized Indian tribe sponsor of a  
19 charter school shall notify the State Board of Education when it  
20 accepts sponsorship of a charter school. The notification shall  
21 include a copy of the charter of the charter school.

22 G. Applicants for charter schools proposed to be sponsored by  
23 an entity other than a school district pursuant to paragraph 1 of  
24 subsection A of Section 3-132 of this title may, upon rejection of  
25

1 the revised application, proceed to binding arbitration under the  
2 commercial rules of the American Arbitration Association with costs  
3 of the arbitration to be borne by the proposed sponsor. Applicants  
4 for charter schools proposed to be sponsored by school districts  
5 pursuant to paragraph 1 of subsection A of Section 3-132 of this  
6 title may not proceed to binding arbitration but may be sponsored by  
7 the State Board of Education as provided in paragraph 8 of  
8 subsection A of Section 3-132 of this title.

9 H. If a board of education of a technology center school  
10 district, a higher education institution, the State Board of  
11 Education, or a federally recognized Indian tribe accepts  
12 sponsorship of a charter school, the administrative, fiscal, and  
13 oversight responsibilities of the technology center school district,  
14 the higher education institution, or the federally recognized Indian  
15 tribe shall be listed in the contract. No responsibilities shall be  
16 delegated to a school district unless the local school district  
17 agrees to assume the responsibilities.

18 I. A sponsor of a public charter school shall have the  
19 following powers and duties:

20 1. Provide oversight of the operations of charter schools in  
21 the state through annual performance reviews of charter schools and  
22 reauthorization of charter schools for which it is a sponsor;

23 2. Solicit and evaluate charter applications;



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

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

4 5. Negotiate and execute sound charter contracts with each  
5 approved public charter school;

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

8 7. Determine whether each charter contract merits renewal,  
9 nonrenewal, or revocation.

10 J. Sponsors shall establish a procedure for accepting,  
11 approving, and disapproving charter school applications in  
12 accordance with subsection E of this section.

13 K. Sponsors shall be required to develop and maintain  
14 chartering policies and practices consistent with recognized  
15 principles and standards for quality charter authorizing as  
16 established by the State Department of Education in all major areas  
17 of authorizing responsibility, including organizational capacity and  
18 infrastructure, soliciting and evaluating charter applications,  
19 performance contracting, ongoing charter school oversight, and  
20 evaluation and charter 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 2. AMENDATORY 70 O.S. 2021, Section 3-135, is

2 amended to read as follows:

3 Section 3-135. A. The sponsor of a charter school shall enter  
4 into a written contract with the governing ~~body~~ board of the charter  
5 school. The contract shall incorporate the provisions of the  
6 charter of the charter school and contain, but shall not be limited  
7 to, the following provisions:

8 1. A description of the program to be offered by the school  
9 which complies with the purposes outlined in Section 3-136 of this  
10 title;

11 2. Admission policies and procedures;

12 3. Management and administration of the charter school,  
13 including that ~~a majority of the charter governing board members are~~  
14 ~~residents of the State of Oklahoma and meet no less than quarterly~~  
15 monthly in a public meeting within the boundaries of the school  
16 district in which the charter school is located or within the State  
17 of Oklahoma in the instance of multiple charter school locations by  
18 the same sponsor;

19 4. Requirements and procedures for program and financial  
20 audits;

21 5. A description of how the charter school will comply with the  
22 charter requirements set forth in the Oklahoma Charter Schools Act;

23 6. Assumption of liability by the charter school;

24 7. The term of the contract;

1 8. A description of the high standards of expectation and rigor  
2 for charter school plans and assurance that charter school plans  
3 adopted meet at least those standards;

4 9. Policies that require that the charter school be as equally  
5 free and open to all students as traditional public schools;

6 10. Procedures that require students enrolled in the charter  
7 school to be selected by lottery to ensure fairness if more students  
8 apply than a school has the capacity to accommodate;

9 11. Policies that require the charter school to be subject to  
10 the same academic standards and expectations as existing public  
11 schools; and

12 12. A description of the requirements and procedures for the  
13 charter school to receive funding in accordance with statutory  
14 requirements and guidelines for existing public schools.

15 B. A charter school shall not enter into an employment contract  
16 with any teacher or other personnel until the charter school has a  
17 contract with a sponsoring school district. The employment contract  
18 shall set forth the personnel policies of the charter school,  
19 including, but not limited to, policies related to certification,  
20 professional development evaluation, suspension, dismissal and  
21 nonreemployment, sick leave, personal business leave, emergency  
22 leave, and family and medical leave. The contract shall also  
23 specifically set forth the salary, hours, fringe benefits, and work  
24 conditions. The contract may provide for employer-employee

1 bargaining, but the charter school shall not be required to comply  
2 with the provisions of Sections 509.1 through 509.10 of this title.  
3 The contract shall conform to all applicable provisions set forth in  
4 Section 3-136 of this title.

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

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

18       C. The performance provisions within the charter contract shall  
19 be based on a performance framework that clearly sets forth the  
20 academic and operational performance indicators, measures, and  
21 metrics that will guide the evaluations of the charter school by the  
22 sponsor. The sponsor shall require a charter school to submit the  
23 data required in this section in the identical format that is  
24 required by the State Department of Education of all public schools

1 in order to avoid duplicative administrative efforts or allow a  
2 charter school to provide permission to the Department to share all  
3 required data with the sponsor of the charter school. The  
4 performance framework shall include indicators, measures, and  
5 metrics for, at a minimum:

- 6 1. Student academic proficiency;
- 7 2. Student academic growth;
- 8 3. Achievement gaps in both proficiency and growth between  
9 major student subgroups;
- 10 4. Student attendance;
- 11 5. Recurrent enrollment from year to year as determined by the  
12 methodology used for public schools in Oklahoma;
- 13 6. In the case of high schools, graduation rates as determined  
14 by the methodology used for public schools in Oklahoma;
- 15 7. In the case of high schools, postsecondary readiness;
- 16 8. Financial performance and sustainability; and
- 17 9. Governing board performance and stewardship, including  
18 compliance with all applicable laws, regulations, and terms of the  
19 charter contract.

20 D. The sponsor shall not request any metric or data from a  
21 charter school that it does not produce or publish for all school  
22 sites in the district or under its sponsorship, unless the metric or  
23 data is unique to a charter school.

1 E. A charter contract may provide for one or more schools by an  
2 applicant to the extent approved by the sponsor and consistent with  
3 applicable law. An applicant or the governing board of an applicant  
4 may hold one or more charter contracts. Each charter school that is  
5 part of a charter contract shall be separate and distinct from any  
6 other charter school under the same charter contract.

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

10 A. The following provisions and the provisions of Section 13A-  
11 101 et seq. of Title 26 of the Oklahoma Statutes shall govern the  
12 election of members of the board of education for a charter school  
13 established pursuant to Section 3-132 of Title 70 of the Oklahoma  
14 Statutes:

15 1. At the general election to be held in April 2026, there  
16 shall be elected in each charter school district a board of  
17 education. The board of education shall consist of five (5) board  
18 districts with boundaries to be determined by the State Board of  
19 Education. The Board may promulgate rules prescribing the manner in  
20 which the elections required by this subsection are held. The board  
21 of education shall have the powers and duties provided for in the  
22 charter contract entered into pursuant to Section 3-135 of Title 70  
23 of the Oklahoma Statutes; and  
24

1           2. Each board of education of a charter school shall consist of  
2 five (5) members to be elected as follows:

3           a. one member elected to serve a term of five (5) years,

4           b. one member elected to serve an initial term of four  
5           (4) years. A member thereafter elected shall serve a  
6           term of five (5) years,

7           c. one member elected to serve an initial term of three  
8           (3) years. A member thereafter elected shall serve a  
9           term of five (5) years,

10          d. one member elected to serve an initial term of two (2)  
11          years. A member thereafter elected shall serve a term  
12          of five (5) years, and

13          e. one member elected to serve an initial term of one (1)  
14          year. A member thereafter elected shall serve a term  
15          of five (5) years.

16           If during the term of office to which a person was elected, that  
17 member ceases to be a resident of the board district for which the  
18 person was elected, the office shall become vacant and such vacancy  
19 shall be filled as provided in Section 13A-110 of Title 26 of the  
20 Oklahoma Statutes.

21           B. The following provisions and the provisions of Section 13A-  
22 101 et seq. of Title 26 of the Oklahoma Statutes shall govern the  
23 election of members of the board of education for a virtual charter  
24

1 school sponsored by the Statewide Virtual Charter School Board  
2 pursuant to Section 3-145.3 of Title 70 of the Oklahoma Statutes:

3 1. At the general election to be held in April 2026, there  
4 shall be elected at a statewide election a board of education for  
5 each virtual charter school in this state. The Board may promulgate  
6 rules prescribing the manner in which the elections required by this  
7 subsection are held. The board of education shall consist of seven  
8 (7) members. The board of education shall have the powers and  
9 duties provided for in the charter contract entered into pursuant to  
10 Section 3-145.3 of Title 70 of the Oklahoma Statutes; and

11 2. Each board of education of a virtual charter school shall  
12 consist of seven (7) members to be elected for four (4) year terms.

13 If during the term of office to which a person was elected, that  
14 member ceases to be a resident of the state, the office shall become  
15 vacant and such vacancy shall be filled as provided in Section 13A-  
16 110 of Title 26 of the Oklahoma Statutes.

17 C. The term of office of each board member elected pursuant to  
18 the provisions of this section shall commence on the first regular,  
19 special, or emergency school board meeting after the date of the  
20 annual school election and after the member has been certified as  
21 elected.

22 SECTION 4. This act shall become effective November 1, 2023.  
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