

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2076

By: Caldwell (Chad)

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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; allowing a
13 member to be removed for certain reasons; providing
14 for filling of vacancies; prohibiting certain
15 legislators from serving as members; providing for
16 travel reimbursement; requiring first meeting of
17 Board to be held by certain date; providing for
18 frequency of meetings; specifying quorum
19 requirements; requiring virtual charter schools to
20 only be sponsored by the Statewide Charter School
21 Board beginning on certain date; abolishing the
22 Statewide Virtual Charter School Board upon certain
23 date; providing for succession to certain rights,
24 responsibilities, and agreements executed prior to
certain date; providing for transfer of powers,
duties, personnel, property, and other items;
directing the Director of the Office of Management
and Enterprise Services to coordinate certain
transfers; providing for succession of certain
contracts; providing for virtual charter school
sponsorship contract renewal; providing for
enforceability of certain administrative rules;
granting rulemaking authority; providing for
succession to certain rights, responsibilities, and
agreements executed by the State Board of Education
prior to certain date; directing Statewide Charter
School Board to assume certain sponsorships;
providing for certain sponsorship renewal; permitting
certain charter schools to apply for sponsorship
renewal with the Statewide Charter School Board;
establishing powers and duties of the Statewide

1 Charter School Board; reserving certain powers and
2 duties for the State Board of Education; defining
3 terms; providing for preparation of a conversion
4 plan; requiring certain items to be included in plan;
5 mandating conversion to school to comply with certain
6 laws; exempting application of certain laws;
7 providing for funding of conversion schools;
8 describing process for conversion school reversion;
9 requiring Board to make publicly available a list of
10 certain courses beginning on certain date; directing
11 the Board, in certain conjunction, to negotiate and
12 enter into contracts with certain providers; creating
13 the Statewide Charter School Board Revolving Fund;
14 specifying sources of fund; providing for
15 expenditures; providing purpose of fund; amending 70
16 O.S. 2021, Section 3-104, which relates to powers and
17 duties of the State Board of Education; updating
18 statutory references; modifying reference from the
19 Statewide Virtual Charter School Board to the
20 Statewide Charter School Board; amending 70 O.S.
21 2021, Sections 3-132, as amended by Section 1,
22 Chapter 222, O.S.L. 2022, 3-134, as amended by
23 Section 2, Chapter 222, O.S.L. 2022, 3-136, 3-137, 3-
24 139, 3-140, 3-142, 3-143, and 3-144 (70 O.S. Supp.
2022, Sections 3-132 and 3-134), which relate to
implementation of the Oklahoma Charter Schools Act;
modifying eligibility of certain entities to sponsor
charter schools; updating entity reference; excepting
existing 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; requiring certain
governing boards to meet monthly at a minimum;
including copies of certain contracts in application;
prohibiting certain entities from contracting with a
private school; removing references to charter
schools sponsored by certain entities; deleting
limitation of physical locations for certain charter
schools; striking appeals process for certain sponsor
rejections; prohibiting delegation of certain
responsibilities to a school district; providing for
powers and duties of charter school and virtual
charter school sponsors; requiring Statewide Charter

1 School Board to post certain information on its
2 website; modifying contents of certain written
3 contracts beginning on certain date; providing
4 exemption from certain statutes and rules for charter
5 schools and virtual charter schools; requiring
6 charter contract to describe educational program
7 being offered; subjecting charter schools and virtual
8 charter schools to certain limitations on spending;
9 prescribing requirements for governing board members;
10 subjecting governing board to certain conflict of
11 interest requirements; requiring governing board to
12 comply with certain instruction and continuing
13 education requirements; requiring notification to
14 sponsor of certain significant actions; requiring
15 charter contracts to include certain performance
16 provisions; authorizing sponsor to develop a separate
17 performance framework; requiring submission of data
18 in certain identical format; prescribing minimum
19 framework for performance evaluation; including
20 certain indicators of evaluation; requiring annual
21 evaluation of performance framework; mandating
22 presentation of evaluation results in certain open
23 meeting; limiting provisions of charter contracts;
24 permitting an applicant to hold multiple charter
contracts; defining term; prohibiting certain schools
from entering into certain employment contract under
certain circumstances; providing for contents of
employment contract; requiring disclosure of
employment rights; prohibiting certain schools from
serving certain students without certain contract;
authorizing sponsor to establish certain requirements
or conditions for certain schools; updating
references; requiring certain school district to
include charter school in bond issue planning;
providing for increase in length of certain charter
contracts; prescribing a performance report prior to
the final year of a charter contract renewal;
including certain information in report; permitting
sponsor to require charter school to develop a
corrective action plan; authorizing nonrenewal of
contract in certain cases; deleting requirement of
sponsor to appear before the State Board of Education
in certain circumstances; requiring certain school to
disclose revocation or nonrenewal in a subsequent
application; including virtual charter schools in
teacher salary and hiring provisions; updating
statutory language; requiring certain school district

1 to provide directory information for students
2 residing in the district upon request; prescribing
3 geographic boundaries for virtual charter schools;
4 prohibiting certain students from participating in
5 certain activities; permitting participation in
6 intramural activities; designating certain students
7 as transfer students; prescribing process for
8 enrollment in virtual charter school; requiring
9 transmission of student records within certain time;
10 directing certain notification if technology
11 infrastructure is inadequate; prescribing limitation
12 of student transfers; defining term; prohibiting
13 additional transfer without certain concurrence;
14 providing a grace period for withdrawal; requiring
15 certain notification; providing for transfer for
16 students who have a parent or guardian in the
17 military; prescribing process for transfer; defining
18 terms; prohibiting the Statewide Charter School Board
19 from charging a fee for administrative or other
20 services; specifying how sponsor fee should be used;
21 directing development of certain data codes for
22 reporting expenditures; requiring sponsor to publish
23 certain report on its website; mandating sponsor to
24 present report in public meeting; providing content
for report; 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, and 3-145.8, which relate to
virtual charter schools; deleting outdated language;
granting Statewide Virtual Charter School Board
authority over certain revolving fund until certain
date; transferring funds to certain revolving fund on
certain date; updating statutory references to
Statewide Charter School Board; requiring sponsor
governing board to designate representative to
complete annual sponsor workshop requirement;
including specified topics in workshop; amending 70
O.S. 2021, Section 5-200, which relates to management
organizations; requiring amounts paid to certain
organizations be pursuant to contract terms;
mandating disclosure pursuant to certain guidelines;
updating statutory citations; amending 70 O.S. 2021,
Section 18-124, which relates to limitations on

1 administrative services expenditures; providing
2 applicability of limitation to certain schools;
3 clarifying calculation for specified schools;
4 modifying definition; amending 70 O.S. 2021, Section
5 1210.704, which relates to the provision of advanced
6 placement courses; updating references to the
7 Statewide Charter School Board; repealing 70 O.S.
8 2021, Sections 3-135, 3-145.1, 3-145.2, 3-145.3, and
9 3-145.4, which relate to sponsor contract guidelines
10 and meetings and rule promulgation of the Statewide
11 Virtual Charter School Board; providing for
12 codification; providing effective dates; and
13 declaring an emergency.

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

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

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

1. Three members appointed by the Governor, one of whom shall
initially be a person appointed by the Governor and currently
serving as a member of the Statewide Virtual Charter School Board
and one of whom shall possess strong experience and expertise in
virtual charter schools;

1 2. Two members appointed by the President Pro Tempore of the
2 Senate, one of whom shall initially be a person appointed by the
3 President Pro Tempore and currently serving as a member of the
4 Statewide Virtual Charter School Board;

5 3. Two members appointed by the Speaker of the House of
6 Representatives, one of whom shall initially be a person appointed
7 by the Speaker and currently serving as a member of the Statewide
8 Virtual Charter School Board;

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

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

12 B. Initial appointments shall be made by August 31, 2023. The
13 President Pro Tempore of the Senate and the Speaker of the House of
14 Representatives shall each appoint one member for one (1) year and
15 one member for two (2) years. The Governor shall appoint one member
16 for one (1) year and two members for two (2) years. Members shall
17 serve until their successors are duly appointed for a term of three
18 (3) years. Appointments shall be made by and take effect on July 31
19 of the year in which the appointment is made. Annually by December
20 30, the Board shall elect from its membership a chair and vice-
21 chair. Members appointed to the Statewide Charter School Board
22 shall collectively possess strong experience and expertise in public
23 and nonprofit governance, management and finance, assessment,
24 curriculum and instruction, public charter schools, and public

1 education law. All appointed members of the Statewide Charter
2 School Board shall have demonstrated an understanding of and a
3 commitment to charter schools as a strategy for strengthening public
4 education.

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

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

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

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

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

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

16 E. No member of the Senate or House of Representatives may be
17 appointed to the Board while serving as a member of the Legislature.

18 F. Members of the Statewide Charter School Board shall not
19 receive compensation but shall be reimbursed for necessary travel
20 expenses pursuant to the provisions of the State Travel
21 Reimbursement Act.

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

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

4 I. Beginning July 1, 2024, statewide virtual charter schools
5 shall be sponsored only by the Statewide Charter School Board
6 created pursuant to this section. Effective July 1, 2024, the
7 Statewide Virtual Charter School Board shall be abolished and the
8 Statewide Charter School Board shall succeed to any contractual
9 rights and responsibilities and settlement agreements incurred by
10 the Statewide Virtual Charter School Board in a virtual charter
11 school sponsorship contract executed prior to July 1, 2024.

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

3 2. The Director of the Office of Management and Enterprise
4 Services shall coordinate the transfer of funds, allotments,
5 purchase orders, and outstanding financial obligations and
6 encumbrances relating to the regulation of virtual charter schools
7 as transferred pursuant to the provisions of this act.

8 3. Upon succession of sponsorship contracts, the Statewide
9 Charter School Board shall assume sponsorship of the virtual charter
10 schools for the remainder of the term of the contracts. Prior to
11 the end of the current term of the contract, the Statewide Charter
12 School Board shall allow a virtual charter school to apply for
13 renewal of the sponsorship contract in accordance with the renewal
14 procedures established pursuant to Section 3-137 of Title 70 of the
15 Oklahoma Statutes.

16 4. Effective July 1, 2024, all administrative rules promulgated
17 by the Statewide Virtual Charter School Board relating to the
18 implementation and enforcement of the Oklahoma Charter Schools Act
19 shall be enforceable by the Statewide Charter School Board. The
20 rules shall continue in force and effect and the Executive Director
21 of the Statewide Charter School Board shall have authority to amend,
22 repeal, recodify, or make additions to the rules pursuant to the
23 Administrative Procedures Act.

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1 J. Effective July 1, 2024, the Statewide Charter School Board
2 shall succeed to any contractual rights and responsibilities and
3 settlement agreements incurred by the State Board of Education in a
4 charter school sponsorship contract executed prior to July 1, 2024.
5 All property, equipment, supplies, records, assets, funds, current
6 and future liabilities, encumbrances, obligations, and indebtedness
7 associated with a charter school sponsorship contract entered into
8 by the State Board of Education prior to July 1, 2024, shall be
9 transferred to the Statewide Charter School Board. Appropriate
10 conveyances and other documents shall be executed to effectuate the
11 transfer of property associated with a sponsorship contract. Upon
12 succession of sponsorship contracts, the Statewide Charter School
13 Board shall assume sponsorship of the charter schools for the
14 remainder of the term of the contracts. Prior to the end of the
15 current term of the contract, the Statewide Charter School Board
16 shall allow a charter school to apply for renewal of the sponsorship
17 contract in accordance with the renewal procedures established
18 pursuant to Section 3-137 of Title 70 of the Oklahoma Statutes.

19 K. Beginning July 1, 2024, at the end of the current term of a
20 charter school sponsorship contract with a school district, an
21 accredited comprehensive or regional institution that is a member of
22 The Oklahoma State System of Higher Education, a community college,
23 or a federally recognized Indian tribe, a charter school may apply
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1 for contract renewal with the Statewide Charter School Board for
2 sponsorship.

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

6 A. Beginning July 1, 2024, and subject to the requirements of
7 the Oklahoma Charter Schools Act, the Statewide Charter School Board
8 shall:

9 1. Provide supervision and oversight of the operations of
10 statewide virtual charter schools in this state and charter schools
11 for which the Statewide Charter School Board is the sponsor,
12 recommend legislation pertaining to charter schools to the
13 Legislature, and promulgate rules and policies that the Board deems
14 necessary to accomplish the purposes prescribed in this section;

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

17 3. Establish a procedure for accepting, approving, and
18 disapproving charter school and statewide virtual charter school
19 applications and a process for renewal or revocation of approved
20 charter school contracts which meet the procedures set forth in the
21 Oklahoma Charter Schools Act;

22 4. Hire an executive director and other staff for its
23 operation;

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

3 6. Comply with the requirements of the Oklahoma Open Meeting
4 Act and Oklahoma Open Records Act; and

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

8 B. The State Board of Education shall be responsible for
9 accreditation of charter schools and virtual charter schools and
10 ensure compliance with special education laws and federal laws and
11 programs administered by the State Board of Education.

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

14 a. prior to July 1, 2024, a public school established by
15 contract with a school district board of education, a
16 technology center school district, a higher education
17 institution, a federally recognized Indian tribe, or
18 the State Board of Education, and

19 b. on July 1, 2024, and after, a public school
20 established by contract with a school district board
21 of education, a higher education institution, a
22 federally recognized Indian tribe, or the Statewide
23 Charter School Board,
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1 to provide learning that will improve student achievement and as
2 defined in the Elementary and Secondary Education Act of 1965, 20
3 U.S.C. 8065.

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

7 D. 1. For purposes of the Oklahoma Charter Schools Act,
8 "conversion school" means a school created by converting all or any
9 part of a traditional public school to access any or all
10 flexibilities afforded to a charter school; provided, however, all
11 or any part of a traditional public school may not be converted to a
12 virtual charter school.

13 2. Prior to the board of education of a school district
14 converting all or any part of a traditional public school to a
15 conversion school, the board shall prepare a conversion plan. The
16 conversion plan shall include documentation that demonstrates and
17 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,
18 19, 20, 21, 22, 23, 24, 34, and 35 of subsection B of Section 3-134
19 of Title 70 of the Oklahoma Statutes. The conversion plan and all
20 documents shall be in writing and shall be available to the public
21 pursuant to the requirements of the Oklahoma Open Records Act. All
22 votes by the board of education of a school district to approve a
23 conversion plan shall be held in an open public session. If the
24 board of education of a school district votes to approve a

1 conversion plan, the board shall notify the State Board of Education
2 within sixty (60) days after the vote. The notification shall
3 include a copy of the minutes for the board meeting at which the
4 conversion plan was approved.

5 3. A conversion school shall comply with all the same
6 accountability measures as are required of a charter school as
7 defined in subsection B of this section. The provisions of Sections
8 3-140 and 3-142 of Title 70 of the Oklahoma Statutes shall not apply
9 to a conversion school. Conversion schools shall comply with the
10 same laws and State Board of Education rules relating to student
11 enrollment which apply to traditional public schools. Conversion
12 schools shall be funded by the board of education of the school
13 district as a school site within the school district and funding
14 shall not be affected by the conversion of the school.

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

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

22 E. 1. Beginning July 1, 2024, the Statewide Charter School
23 Board shall make publicly available a list of supplemental online
24 courses which have been reviewed and certified by the Board to

1 ensure that the courses are high quality options and are aligned
2 with the subject matter standards adopted by the State Board of
3 Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma
4 Statutes. The Statewide Charter School Board shall give special
5 emphasis on listing supplemental online courses in science,
6 technology, engineering, and math (STEM), foreign language, and
7 advanced placement courses. School districts shall not be limited
8 to selecting supplemental online courses that have been reviewed and
9 certified by the Statewide Charter School Board and listed as
10 provided for in this paragraph.

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

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

20 There is hereby created in the State Treasury a revolving fund
21 for the Statewide Charter School Board to be designated the
22 "Statewide Charter School Board Revolving Fund". The fund shall be
23 a continuing fund, not subject to fiscal year limitations, and shall
24 consist of all monies received by the Statewide Charter School Board

1 from state appropriations. All monies accruing to the credit of the
2 fund are hereby appropriated and may be budgeted and expended by the
3 Statewide Charter School Board for the purposes set forth in Section
4 2 of this act. Expenditures from the fund shall be made upon
5 warrants issued by the State Treasurer against claims filed as
6 prescribed by law with the Director of the Office of Management and
7 Enterprise Services for approval and payment.

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

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

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

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

20 3. Submit to the Governor a departmental budget based upon
21 major functions of the Department as prepared by the ~~State~~
22 Superintendent of Public Instruction and supported by detailed data
23 on needs and proposed operations as partially determined by the
24 budgetary needs of local school districts filed with the State Board

1 of Education for the ensuing fiscal year. Appropriations therefor
2 shall be made in lump-sum form for each major item in the budget as
3 follows:

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

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

- 23 a. detailed statistics and other information concerning
24 enrollment, attendance, expenditures including State

1 Aid, and other pertinent data for all public schools
2 in this state,

3 b. reports from each and every division within the State
4 Department of Education as submitted by the ~~State~~
5 Superintendent of Public Instruction and any other
6 division, department, institution, or other agency
7 under the supervision of the Board,

8 c. recommendations for the improvement of the public
9 school system of the state,

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

12 e. a statement of plans and recommendations for the
13 management and improvement of public schools and such
14 other information relating to the educational
15 interests of the state as may be deemed necessary and
16 desirable;

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

20 6. Have authority in matters pertaining to the licensure and
21 certification of persons for instructional, supervisory, and
22 administrative positions and services in the public schools of the
23 state subject to the provisions of Section 6-184 of this title, and
24 shall formulate rules governing the issuance and revocation of

1 certificates for superintendents of schools, principals,
2 supervisors, librarians, clerical employees, school nurses, school
3 bus drivers, visiting teachers, classroom teachers, and for other
4 personnel performing instructional, administrative, and supervisory
5 services, but not including members of boards of education and other
6 employees who do not work directly with pupils, and may charge and
7 collect reasonable fees for the issuance of such certificates:

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

1 which, if committed or attempted in this state, would
2 be a crime or an attempt to commit a crime provided
3 for in any of ~~said~~ the laws,

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

1 programs. The State Board of Education shall also
2 have authority for the administration of teacher
3 residency and professional development, subject to the
4 provisions of the Oklahoma Teacher Preparation Act;

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

14 Any school district which maintains an elementary school and
15 faces the necessity of relocating its school facilities because of
16 construction of a lake, either by state or federal authority, which
17 will inundate the school facilities, shall be entitled to receive
18 probationary accreditation from the State Board of Education for a
19 period of five (5) years after ~~the effective date of this act~~ June
20 12, 1975, and any school district, otherwise qualified, shall be
21 entitled to receive probationary accreditation from the State Board
22 of Education for a period of two (2) consecutive years to attain the
23 minimum average daily attendance. The Head Start and public
24 nurseries or kindergartens operated from Community Action Program

1 funds shall not be subjected to the accrediting rules of the State
2 Board of Education. Neither will the State Board of Education make
3 rules affecting the operation of ~~the~~ public nurseries and
4 kindergartens operated from federal funds secured through Community
5 Action Programs even though they may be operating in the public
6 schools of the state. However, any ~~of the~~ Head Start ~~or,~~ public
7 nurseries, or kindergartens operated under federal regulations may
8 make application for accrediting from the State Board of Education
9 but will be accredited only if application for the approval of the
10 programs is made. The status of no school district shall be changed
11 which will reduce it to a lower classification until due notice has
12 been given to the proper authorities thereof and an opportunity
13 given to correct the conditions which otherwise would be the cause
14 of such reduction.

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

21 8. Be the legal agent of ~~the State of Oklahoma~~ this state to
22 accept, in its discretion, the provisions of any Act of Congress
23 appropriating or apportioning funds which are now, or may hereafter
24 be, provided for use in connection with any phase of the system of

1 public education in Oklahoma. It shall prescribe such rules as it
2 finds necessary to provide for the proper distribution of such funds
3 in accordance with the state and federal laws;

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

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

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

1 be necessary for the accomplishment of the above purpose, administer
2 the distribution of any state funds appropriated by the Legislature
3 required as federal matching to reimburse on children's meals;

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

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

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

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

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

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

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

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

23
24

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

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

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

1 sites, constructing, repairing, remodeling, or equipping buildings,
2 or acquiring school furniture, fixtures, or equipment. It is hereby
3 declared that the term "school districts" as used in Section 32 of
4 Article X of the Oklahoma Constitution shall mean school districts
5 and eligible charter schools as defined in subsection B of this
6 section. The State Board of Education shall disburse redbud school
7 grants annually from the State Public Common School Building
8 Equalization Fund to public schools and eligible charter schools
9 pursuant to subsection B of this section. The Board shall
10 promulgate rules for the implementation of disbursing redbud school
11 grants pursuant to this section. The State Board of Education shall
12 prescribe rules for making grants of aid from, and for otherwise
13 administering, the fund pursuant to the provisions of this
14 paragraph, and may employ and fix the duties and compensation of
15 technicians, aides, clerks, stenographers, attorneys, and other
16 personnel deemed necessary to carry out the provisions of this
17 paragraph. The cost of administering the fund shall be paid from
18 monies appropriated to the State Board of Education for the
19 operation of the State Department of Education. From monies
20 apportioned to the fund, the State Department of Education may
21 reserve not more than one-half of one percent (1/2 of 1%) for
22 purposes of administering the fund;

23 22. Recognize that the Director of the Oklahoma Department of
24 Corrections shall be the administrative authority for the schools

1 which are maintained in the state reformatories and shall appoint
2 the principals and teachers in such schools. Provided, that rules
3 of the State Board of Education for the classification, inspection,
4 and accreditation of public schools shall be applicable to such
5 schools; and such schools shall comply with standards set by the
6 State Board of Education; and

7 23. Have authority to administer a revolving fund which is
8 hereby created in the State Treasury, to be designated the
9 Statistical Services Revolving Fund. The fund shall consist of all
10 monies received from the various school districts of the state, the
11 United States Government, and other sources for the purpose of
12 furnishing or financing statistical services and for any other
13 purpose as designated by the Legislature. The State Board of
14 Education is hereby authorized to enter into agreements with school
15 districts, municipalities, the United States Government,
16 foundations, and other agencies or individuals for services,
17 programs, or research projects. The Statistical Services Revolving
18 Fund shall be administered in accordance with Section 155 of Title
19 62 of the Oklahoma Statutes.

20 B. 1. ~~The redbud~~ Redbud school grants shall be determined by
21 the State Department of Education as follows:

22 a. divide the county four-mill levy revenue by four to
23 determine the nonchargeable county four-mill revenue
24 for each school district,

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

1 f. for each school district or eligible charter school
2 which is below the baseline local funding per student,
3 the Department shall subtract the baseline local
4 funding per student from the average nonchargeable
5 millage per student of the school district or eligible
6 charter school to determine the nonchargeable millage
7 per student shortfall for each district, and

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

15 2. For fiscal year 2022, monies for the redbud school grants
16 shall be expended from the funds apportioned pursuant to ~~Section 2~~
17 Section 426 of this act Title 63 of the Oklahoma Statutes. For
18 fiscal year 2023 and each subsequent fiscal year, monies for the
19 redbud school grants shall be appropriated pursuant to ~~Section 2~~
20 Section 426 of this act Title 63 of the Oklahoma Statutes, not to
21 exceed three-fourths (3/4) of the tax collected in the preceding
22 fiscal year pursuant to Section 426 of Title 63 of the Oklahoma
23 Statutes as determined by the Oklahoma Tax Commission. For fiscal
24 year 2023 and each subsequent fiscal year, if such appropriated

1 funds are insufficient to fund the redbud school grants, then an
2 additional apportionment of funds shall be made from sales tax
3 collections as provided by subsection D of ~~Section 3~~ Section 1353 of
4 ~~this act~~ Title 68 of the Oklahoma Statutes. If both funds are
5 insufficient, the Department shall promulgate rules to permit a
6 decrease to the baseline local funding per student to the highest
7 amount allowed with the funding available.

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

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

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

1 6. The Department shall provide the Chair of the House
2 Appropriations and Budget Committee and the Chair of the Senate
3 Appropriations Committee, no later than February 1 of each year,
4 with an estimate of the upcoming year's redbud school grant
5 allocation as prescribed by this section.

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

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

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

16 2. ~~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 in which all or part of the school district is~~
19 ~~located in a county having more than five hundred thousand (500,000)~~
20 ~~population according to the latest Federal Decennial Census;~~

21 3. ~~By a technology center school district if the charter school~~
22 ~~is located in a school district served by the technology center~~
23 ~~school district and the school district has a school site that has~~
24 ~~been identified as in need of improvement by the State Board of~~

1 ~~Education pursuant to the Elementary and Secondary Education Act of~~
2 ~~1965, as amended or reauthorized;~~

3 4. By an accredited comprehensive or regional institution that
4 is a member of The Oklahoma State System of Higher Education or a
5 community college if the charter school is located in a school
6 district in which all or part of the school district is located in a
7 county having more than five hundred thousand (500,000) population
8 according to the latest Federal Decennial Census;

9 ~~5.~~ 3. By a comprehensive or regional institution that is a
10 member of The Oklahoma State System of Higher Education if the
11 charter school is located in a school district that has a school
12 site that has been identified as in need of improvement by the State
13 Board of Education pursuant to the Elementary and Secondary
14 Education Act of 1965, as amended or reauthorized. In addition, the
15 institution shall have a teacher education program accredited by the
16 ~~Oklahoma Commission for Teacher Preparation~~ Commission for
17 Educational Quality and Accountability and have a branch campus or
18 constituent agency physically located within the school district in
19 which the charter school is located in the State of Oklahoma;

20 ~~6.~~ 4. By a federally recognized Indian tribe, operating a high
21 school under the authority of the Bureau of Indian Affairs as of
22 November 1, 2010, if the charter school is for the purpose of
23 demonstrating native language immersion instruction, and is located
24 within its former reservation or treaty area boundaries. For

1 purposes of this paragraph, native language immersion instruction
2 shall require that educational instruction and other activities
3 conducted at the school site are primarily conducted in the native
4 language;

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

14 ~~8.~~ 6. By a federally recognized Indian tribe only when the
15 charter school is located within the former reservation or treaty
16 area boundaries of the tribe on property held in trust by the Bureau
17 of Indian Affairs of the United States Department of the Interior
18 for the benefit of the tribe; or

19 ~~9.~~ 7. By the ~~State Board of Education~~ when the applicant has
20 ~~first been denied a charter by the local school district in which it~~
21 ~~seeks to operate~~ Statewide Charter School Board. In counties with
22 fewer than five hundred thousand (500,000) population, according to
23 the latest Federal Decennial Census, the ~~State Board of Education~~
24 Statewide Charter School Board shall not sponsor more than five new

1 charter schools ~~per year~~ each year for the first five (5) years
2 ~~after the effective date of this act, with~~ and shall not sponsor
3 more than one charter school ~~sponsored~~ in a single school district
4 per year. ~~In order to authorize a charter school under this~~
5 ~~section, the State Board of Education shall find evidence of all of~~
6 ~~the following:~~

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

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

22 C. An eligible non-school-district sponsor shall give priority
23 to applicants that have demonstrated a record of operating at least
24 one school or similar program that demonstrates academic success and

1 organizational viability and serves student populations similar to
2 those the proposed charter school seeks to serve. In assessing the
3 potential for quality replication of a charter school, a sponsor
4 shall consider the following factors before approving a new site or
5 school:

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

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

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

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

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

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

24

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

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

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

1 ~~shall notify the State Board of Education within sixty (60) days~~
2 ~~after the vote. The notification shall include a copy of the~~
3 ~~minutes for the board meeting at which the conversion plan was~~
4 ~~approved.~~

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

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

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

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

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

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

20 B. Except as otherwise provided for in Section 3-137 of this
21 title, an applicant seeking to establish a virtual charter school
22 shall submit a written application to the Statewide Charter School
23 Board, and an applicant seeking to establish a charter school shall
24

1 submit a written application to the proposed sponsor as prescribed
2 in subsection E of this section. The application shall include:

3 1. A mission statement for the charter school or virtual
4 charter school;

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

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

14 4. A description of the hiring policy of the charter school or
15 virtual charter school;

16 5. The name of the applicant or applicants and requested
17 sponsor;

18 6. A description of the facility and location of the charter
19 school;

20 7. A description of the grades being served;

21 8. An outline of criteria designed to measure the effectiveness
22 of the charter school or virtual charter school;

23 9. A demonstration of support for the charter school from
24 residents of the school district in which the charter school is to

1 be located which may include but is not limited to a survey of the
2 school district residents or a petition signed by residents of the
3 school district;

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

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

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

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

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

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

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

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

1 18. Plans and ~~time lines~~ timelines 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~~ timelines 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 of members are residents within the geographic boundary of
21 the ~~sponsoring entity~~ charter school; and
- 22 35. A requirement that the charter school follow the
23 requirements of the Oklahoma Open Meeting Act and Oklahoma Open
24 Records Act; and

1 36. A copy of proposed contracts between the governing board of
2 a charter school or virtual charter school and an educational
3 management organization, as defined by Section 5-200 of this title,
4 which meet 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. A private school shall not be eligible to contract
9 for a charter school or virtual charter school under the provisions
10 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 federally recognized Indian tribe which meets the
15 criteria established in Section 3-132 of this title, or beginning
16 July 1, 2024, the Statewide Charter School Board. 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, a~~ higher education
18 institution, or a federally recognized Indian tribe ~~sponsor of a~~
19 ~~charter school~~ shall notify the State Board of Education and the
20 Statewide Charter School Board when it accepts sponsorship of a
21 charter school. The notification shall include a copy of the
22 charter of the charter school.

23 G. Applicants for charter schools proposed to be sponsored by
24 an entity other than a school district pursuant to ~~paragraph 1 of~~

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

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

20 I. A sponsor of a public charter school shall have the
21 following powers and duties over charter schools it sponsors, and
22 the Statewide Charter School Board shall have the following powers
23 and duties over the charter schools and statewide virtual charter
24 schools it sponsors:

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

4 2. Solicit and evaluate charter applications;

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

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

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

10 6. Monitor, in accordance with charter contract terms, the
11 performance and legal compliance of charter schools and virtual
12 charter schools; and

13 7. Determine whether each charter contract merits renewal,
14 nonrenewal, or revocation.

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

20 K. Sponsors, including the Statewide Charter School Board,
21 ~~shall be required to~~ develop and maintain chartering policies and
22 practices consistent with recognized principles and standards for
23 quality charter ~~authorizing as established by the State Department~~
24 ~~of Education~~ sponsoring in all major areas of ~~authorizing~~ sponsoring

1 responsibility, including organizational capacity and
2 infrastructure, soliciting and evaluating charter school and virtual
3 charter school applications, performance contracting, ongoing
4 charter school and virtual charter school oversight and evaluation
5 and charter contract renewal decision-making.

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

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

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

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

1 statutes which a charter school and virtual charter school must
2 comply with as required by this paragraph and shall annually provide
3 an update to the list;

4 2. A charter school and virtual charter school shall be
5 nonsectarian in its programs, admission policies, employment
6 practices, and all other operations. A sponsor including the
7 Statewide Charter School Board, may not ~~authorize~~ sponsor a charter
8 school, virtual charter school, or program that is affiliated with a
9 nonpublic sectarian school or religious institution;

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

1 offering a curriculum for deaf or blind students that is the same or
2 similar to the curriculum being provided by or for educating deaf or
3 blind students that are being served by the Oklahoma School for the
4 Blind or the Oklahoma School for the Deaf;

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

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

15 6. A charter school or virtual charter school, ~~to the extent~~
16 ~~possible,~~ shall be subject to the same reporting requirements,
17 financial audits, audit procedures, and audit requirements as a
18 school district. The State Department of Education or State Auditor
19 and Inspector may conduct financial, program, or compliance audits.
20 A charter school or virtual charter school shall use the Oklahoma
21 Cost Accounting System to report financial transactions to the
22 ~~sponsoring school district~~ State Department of Education. The
23 charter school or virtual charter school shall be subject to the
24 limitations on spending, including provisions of the Oklahoma

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

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

6 ~~8.~~ 7. A charter school or virtual charter school shall provide
7 for a governing ~~body~~ board for the school which shall be responsible
8 for the policies and operational decisions of the charter school or
9 virtual charter school. A majority of the charter school or virtual
10 charter school governing board members shall be residents of this
11 state and shall meet no less than monthly in a public meeting within
12 the boundaries of the school district in which the charter school is
13 located or within this state if the governing board oversees
14 multiple charter schools in this state or oversees a virtual charter
15 school. The governing board of a charter school or virtual charter
16 school shall be subject to the same conflict of interest
17 requirements as a member of a school district board of education,
18 including but not limited to Sections 5-113 and 5-124 of this title.
19 Members appointed to the governing board of a charter school or
20 virtual charter school shall be subject to the same instruction and
21 continuing education requirements as a member of a school district
22 board of education and pursuant to Section 5-110 of this title,
23 complete twelve (12) hours of instruction within fifteen (15) months
24

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

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

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

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

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

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

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

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

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

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

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

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

1 or prorated amounts to fulfill the requirements of this paragraph;
2 and

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

- 21 a. student academic proficiency,
- 22 b. student academic growth,
- 23 c. achievement gaps in both proficiency and growth
24 between major student subgroups,

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

17 The sponsor shall annually evaluate its charter schools
18 according to the performance framework. The results of the
19 evaluation shall be presented to the governing board of the charter
20 school and the governing board of the charter school sponsor in an
21 open meeting.

22 B. A charter contract shall provide for one charter district
23 that may include multiple charter sites to the extent approved by
24 the sponsor and consistent with applicable law. An applicant or the

1 governing board of an applicant may hold one or more charter
2 contracts. Each charter district that is part of a charter contract
3 shall be considered a local educational agency, as defined in 20
4 U.S.C. Section 7801, and shall be separate and distinct from any
5 other charter district. For the purposes of this subsection,
6 "separate and distinct" shall mean that a charter school governing
7 board with oversight of more than one charter district shall not
8 combine accounting, budgeting, recordkeeping, admissions,
9 employment, or policies and operational decisions of the charter
10 schools it oversees.

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

1 provide for employer-employee bargaining, but the charter school or
2 virtual charter school shall not be required to comply with the
3 provisions of Sections 509.1 through 509.10 of this title.

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

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

21 ~~C.~~ D. The charter of a charter school or virtual charter school
22 may be amended at the request of the governing ~~body~~ board of the
23 charter school or virtual charter school and upon the approval of
24 the sponsor.

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

3 ~~E.~~ F. The governing ~~body~~ board of a charter school ~~may~~ or
4 virtual charter school shall not levy taxes or issue bonds. If a
5 school district proposes a bond where a charter school is located,
6 the school district shall include charter schools in all planning
7 conversations regarding the bond.

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

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

3 Section 3-137. A. ~~An approved~~ An initial contract ~~for~~ between
4 a charter school or virtual charter school and its sponsor approved
5 on or after July 1, 2023, shall be effective for five (5) years from
6 the first day of operation. ~~A~~ After completing an initial five-year
7 term, a charter contract may be renewed for up to successive ~~five-~~
8 ~~year~~ ten-year terms of duration, although the sponsor may vary the
9 term based on the performance, demonstrated capacities, and
10 particular circumstances of each charter school. A sponsor may
11 grant renewal with specific conditions for necessary improvements to
12 a charter school.

13 B. Prior to the beginning of the ~~fourth~~ year before the final
14 year of ~~operation~~ a charter contract renewal of a charter school or
15 virtual charter school, the sponsor shall issue a ~~charter school~~
16 performance report and charter renewal application guidance to the
17 charter school and ~~the charter school~~ its governing board or the
18 virtual charter school and its governing board. The performance
19 report shall summarize the performance record to date of the charter
20 school or virtual charter school, based on the data required by the
21 Oklahoma Charter Schools Act, the annual performance framework
22 evaluation, the operating agreement review if the charter school or
23 virtual charter school contracts with an educational management
24 organization, and the charter contract and taking into consideration

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

17 C. 1. Prior to the beginning of the ~~fifth~~ final year of
18 operation, the charter school or virtual charter school may apply
19 for renewal of the contract with the sponsor, including the
20 Statewide Charter School Board. The renewal application guidance
21 shall, at a minimum, provide an opportunity for the charter school
22 or virtual charter school to:
23
24

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

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

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

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

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

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

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

10 E. If a sponsor denies a request for renewal, the governing
11 board of the sponsor may, if requested by the charter school,
12 proceed to binding arbitration as provided for in subsection G of
13 Section 3-134 of this title.

14 F. A sponsor may terminate a contract during the term of the
15 contract for failure to meet the requirements for student
16 performance contained in the contract and performance framework,
17 failure to meet the standards of fiscal management, violations of
18 the law, or other good cause. The sponsor shall give at least
19 ninety (90) days' written notice to the governing board of the
20 charter school or virtual charter school prior to terminating the
21 contract. The governing board may request, in writing, an informal
22 hearing before the sponsor within fourteen (14) days of receiving
23 notice. The sponsor shall conduct an informal hearing before taking
24 action. If a sponsor decides to terminate a contract, the governing

1 board may, if requested by the charter school, proceed to binding
2 arbitration as provided for in subsection G of Section 3-134 of this
3 title.

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

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

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

23 4. ~~In the event that a sponsor fails to close a charter school~~
24 ~~site consistent with this subsection, the sponsor shall appear~~

1 ~~before the State Board of Education to provide support for its~~
2 ~~decision. The State Board of Education may, by majority vote,~~
3 ~~uphold or overturn the decision of the sponsor. If the decision of~~
4 ~~the sponsor is overturned by the State Board of Education, the Board~~
5 ~~may implement one of the following actions:~~

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

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

21 ~~6.~~ 5. The requirements of this subsection shall not apply to a
22 charter school or virtual charter school that has been designated by
23 the State Department of Education as implementing an alternative
24 education program ~~throughout the charter school~~.

1 ~~7.~~ 6. In making a charter school site or virtual charter school
2 closure decision, the ~~State Board of Education~~ sponsor shall
3 consider the following:

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

22 ~~8.~~ 7. If ~~the State Board of Education has closed or transferred~~
23 ~~authorization of~~ at least twenty-five percent (25%) of the charter
24 schools chartered by one sponsor are closed within a five-year

1 ~~period pursuant to paragraph 4 of~~ this subsection, the authority of
2 the sponsor to ~~authorize~~ sponsor new charter schools may be
3 suspended by the ~~Board~~ Statewide Charter School Board until the
4 Board approves the sponsor to ~~authorize~~ sponsor new charter schools.
5 A determination ~~under~~ made pursuant to this paragraph ~~to suspend the~~
6 ~~authority of a sponsor to authorize new charter schools~~ shall
7 identify the deficiencies that, if corrected, will result in the
8 approval of the sponsor to ~~authorize~~ sponsor new charter schools.

9 H. If a sponsor terminates a contract or the charter school or
10 virtual charter school is closed, the closure shall be conducted in
11 accordance with the following protocol:

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

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

24

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

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

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

13 I. A sponsor including the Statewide Charter School Board,
14 shall develop revocation and nonrenewal processes that are
15 consistent with the Oklahoma Charter Schools Act and that:

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

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

21 3. Provide the charter school or virtual charter school with an
22 opportunity to submit documents and give testimony in a public
23 hearing challenging the rationale for closure and in support of the
24 continuation of the school at an orderly proceeding held for that

1 purpose and prior to taking any final nonrenewal or revocation
2 decision related to the school;

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

5 5. Permit the recording of the proceedings; and

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

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

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

24

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

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

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

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

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

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

23 B. A teacher who is employed by or teaching at a charter school
24 or virtual charter school and who submits an employment application

1 to the school district where the teacher was employed immediately
2 before employment by or at a charter school or virtual charter
3 school shall be given employment preference by the school district
4 if:

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

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

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

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

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

17 B. ~~Except for a charter school sponsored by the State Board of~~
18 ~~Education,~~ a A charter school shall admit students who reside in the
19 attendance area of a school or in a school district that is under a
20 court order of desegregation or that is a party to an agreement with
21 the United States Department of Education Office for Civil Rights
22 directed towards mediating alleged or proven racial discrimination
23 unless notice is received from the resident school district that
24 admission of the student would violate the court order or agreement.

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

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

13 E. A sponsor of a charter school shall not restrict the number
14 of students a charter school or virtual charter school may enroll.
15 The capacity of ~~the~~ a charter school or virtual charter school shall
16 be determined ~~annually~~ quarterly by the governing board of the
17 charter school or virtual charter school ~~based on the ability of the~~
18 ~~charter school to facilitate the academic success of the students,~~
19 ~~to achieve the other objectives specified in the charter contract,~~
20 ~~and to ensure that the student enrollment does not exceed the~~
21 ~~capacity of its facility or site~~ pursuant to the provisions of
22 Section 8-101.2 of this title.

23 F. Upon request of the charter school, the school district in
24 which the charter school is located shall provide directory

1 information for students residing in the school district pursuant to
2 Section 24A.16 of Title 51 of the Oklahoma Statutes.

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

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

18 I. 1. Beginning July 1, 2024, a public school student who
19 wishes to enroll in a virtual charter school shall be considered a
20 transfer student from his or her resident school district. A
21 virtual charter school shall pre-enroll any public school student
22 whose parent or legal guardian expresses intent to enroll in the
23 district. Upon pre-enrollment, the State Department of Education
24 shall initiate a transfer on a form to be completed by the receiving

1 virtual charter school. Upon approval of the receiving virtual
2 charter school, the student may begin instructional activities.
3 Upon notice that a public school student has transferred to a
4 virtual charter school, the resident school district shall transmit
5 the student's records within three (3) school days.

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

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

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

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

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

22 3. The parent or legal guardian of a student described in
23 paragraph 1 of this subsection shall provide proof of residence in
24 this state within ten (10) days after the published arrival date

1 provided on official documentation. A parent or legal guardian may
2 use the following addresses as proof of residence:

- 3 a. a temporary on-base billeting facility,
- 4 b. a purchased or leased home or apartment, or
- 5 c. federal government or public-private venture off-base
6 military housing.

7 4. The provisions of paragraph 3 of subsection H shall apply to
8 students described in paragraph 1 of this subsection.

9 5. For purposes of this subsection:

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

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

21 Section 3-142. A. The student membership and attendance of ~~the~~
22 a charter school shall be considered separate from the student
23 membership and attendance of the sponsor for the purpose of
24 calculating enrollment and funding including weighted average daily

1 membership pursuant to Section 18-201.1 of this title and State Aid
2 pursuant to Section 18-200.1 of this title. A charter school shall
3 receive the State Aid allocation, federal funds to which it is
4 eligible and qualifies for, and any other state-appropriated revenue
5 generated by its students for the applicable year. Not more than
6 three percent (3%) of the State Aid allocation may be charged by the
7 sponsor as a fee for administrative services rendered if the sponsor
8 is a school district, a comprehensive or regional institution of
9 higher education, a community college, or a federally recognized
10 Indian tribe pursuant to Section 3-132 of this title. The Statewide
11 Charter School Board shall not charge any charter school or virtual
12 charter school a fee for administrative or other services. The
13 ~~State Board of Education~~ State Department of Education shall
14 determine the policy and procedure for making payments to a charter
15 school. The fee for administrative services as authorized in this
16 subsection shall only be assessed on the State Aid allocation amount
17 and shall not be assessed on any other appropriated amounts. A
18 sponsor of a charter school shall not charge any additional State
19 Aid allocation or charge the charter school any additional fee above
20 the amounts allowed by this subsection unless the additional fees
21 are for additional services rendered. The charter school sponsor
22 shall provide to the State Department of Education financial records
23 documenting any state funds charged by the sponsor for
24 administrative services rendered for the previous year.

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

15 1. The weighted average daily membership for the first year of
16 operation of a charter school shall be determined initially by
17 multiplying the actual enrollment of students as of August 1 by
18 1.333. The charter school shall receive revenue equal to that which
19 would be generated by the estimated weighted average daily
20 membership calculated pursuant to this paragraph. At midyear, the
21 allocation for the charter school shall be adjusted using the first
22 quarter weighted average daily membership for the charter school
23 calculated pursuant to subsection A of this section.

24

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

16 C. Except as explicitly authorized by state law, a charter
17 school or virtual charter school shall not be eligible to receive
18 state-dedicated, local, or county revenue; provided, a charter
19 school or virtual charter school may be eligible to receive any
20 other aid, grants, or revenues allowed to other schools. A charter
21 school or virtual charter school shall be considered a local
22 education agency for purposes of funding.

23 D. Any unexpended funds received by a charter school or virtual
24 charter school may be reserved and used for future purposes. The

1 governing ~~body~~ board of a charter school or virtual charter school
2 shall not levy taxes or issue bonds. If otherwise allowed by law,
3 the governing ~~body~~ board of a charter school or virtual charter
4 school may enter into private contracts for the purposes of
5 borrowing money from lenders. If the governing ~~body~~ board of the
6 charter school or virtual charter school borrows money, the charter
7 school or virtual charter school shall be solely responsible for
8 repaying the debt, and the state or the sponsor shall not in any way
9 be responsible or obligated to repay the debt.

10 E. Any charter school or virtual charter school which chooses
11 to lease property shall be eligible to receive current government
12 lease rates.

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

24

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

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

21 Section 3-143. The ~~State Board of Education~~ Statewide Charter
22 School Board shall issue an annual report to the Legislature and the
23 Governor outlining the status of charter schools and virtual charter
24 schools in the state. Each charter school and virtual charter

1 school shall annually file a report with the ~~Office of~~
2 ~~Accountability.~~ The report Statewide Charter School Board that
3 shall include such information as requested by the ~~Office of~~
4 ~~Accountability,~~ Board including, but not limited to, information on
5 enrollment, testing, curriculum, finances, and employees.

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

8 Section 3-144. A. There is hereby created in the State
9 Treasury a fund to be designated the "Charter Schools Incentive
10 Fund". The fund shall be a continuing fund, not subject to fiscal
11 year limitations, and shall consist of all monies appropriated by
12 the Legislature, gifts, grants, devises, and donations from any
13 public or private source. The ~~State Department of Education~~
14 Statewide Charter School Board shall administer the fund for the
15 purpose of providing financial support to charter school and virtual
16 charter school applicants and charter schools and virtual charter
17 schools for start-up costs and costs associated with renovating or
18 remodeling existing buildings and structures for use by a charter
19 school. The ~~State Department of Education~~ Statewide Charter School
20 Board is authorized to allocate funds on a per-pupil basis for
21 purposes of providing matching funds for the federal State Charter
22 School Facilities Incentive Grants Program created pursuant to the
23 No Child Left Behind Act, 20 USCA, Section 7221d.

24

1 B. The State Board of Education shall adopt rules to implement
2 the provisions of this section, including application and
3 notification requirements.

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

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

12 ~~B. Effective July 1, 2014, the Statewide Virtual Charter School~~
13 ~~Board shall succeed to any contractual rights and responsibilities~~
14 ~~incurred by a school district in a virtual charter school contract~~
15 ~~executed prior to January 1, 2014, with a provider to provide full-~~
16 ~~time virtual education to students who do not reside within the~~
17 ~~school district boundaries. All property, equipment, supplies,~~
18 ~~records, assets, current and future liability, encumbrances,~~
19 ~~obligations, and indebtedness associated with the contract shall be~~
20 ~~transferred to the Statewide Virtual Charter School Board.~~
21 ~~Appropriate conveyances and other documents shall be executed to~~
22 ~~effectuate the transfer of any property associated with the~~
23 ~~contract. Upon succession of the contract, the Board shall assume~~
24 ~~sponsorship of the virtual charter school for the remainder of the~~

1 ~~term of the contract. Prior to the end of the current term of the~~
2 ~~contract, the Board shall allow the provider of the virtual charter~~
3 ~~school to apply for renewal of the contract with the Board in~~
4 ~~accordance with the renewal procedures established pursuant to~~
5 ~~Section 3-145.3 of this title.~~

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

8 Section 3-145.7 ~~There~~ A. Until July 1, 2024, there is hereby
9 created in the State Treasury a revolving fund for the Statewide
10 Virtual Charter School Board to be designated the "Statewide Virtual
11 Charter School Board Revolving Fund". The fund shall be a
12 continuing fund, not subject to fiscal year limitations, and shall
13 consist of all monies received by the Statewide Virtual Charter
14 School Board from State Aid pursuant to Section 3-145.3 of ~~Title 70~~
15 ~~of the Oklahoma Statutes~~ this title or any other state
16 appropriation. All monies accruing to the credit of the fund are
17 hereby appropriated and may be budgeted and expended by the
18 Statewide Virtual Charter School Board for the purpose of supporting
19 the mission of the Statewide Virtual Charter School Board.
20 Expenditures from the fund shall be made upon warrants issued by the
21 State Treasurer against claims filed as prescribed by law with the
22 Director of the Office of Management and Enterprise Services for
23 approval and payment.

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

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

9 Section 3-145.8 A. It shall be the duty of each virtual
10 charter school approved and sponsored by the ~~Statewide Virtual~~
11 ~~School Board pursuant to the provisions of Section 3-145.3 of Title~~
12 ~~70 of the Oklahoma Statutes~~ Statewide Charter School Board to keep a
13 full and complete record of the attendance of all students enrolled
14 in the virtual charter school in one of the student information
15 systems approved by the State Department of Education and locally
16 selected by the virtual school from the approved list.

17 B. By July 1, 2020, the governing ~~body~~ board of each virtual
18 charter school shall adopt an attendance policy. The policy may
19 allow attendance to be a proportional amount of the required
20 attendance policy provisions based upon the date of enrollment of
21 the student. The attendance policy shall include the following
22 provisions:

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

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

- 3 a. completes instructional activities on no less than
4 ninety percent (90%) of the days within the quarter,
- 5 b. is on pace for on-time completion of the course as
6 defined by the governing board of the virtual charter
7 school, or
- 8 c. completes no less than seventy-two instructional
9 activities within the quarter of the academic year.

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

- 13 a. the number of school days during which the student
14 completed the instructional activities during the
15 quarter,
- 16 b. the number of school days proportional to the
17 percentage of the course that has been completed, or
- 18 c. the number of school days proportional to the
19 percentage of the required minimum number of completed
20 instructional activities during the quarter.

21 C. For the purposes of this section, "instructional activities"
22 shall include instructional meetings with a teacher, completed
23 assignments that are used to record a grade for a student that is
24 factored into the student's grade for the semester during which the

1 assignment is completed, testing, and school-sanctioned field trips,
2 and orientation.

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

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

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

21 G. The governing ~~body~~ board of each statewide virtual charter
22 school shall develop, adopt, and post on the school's website a
23 policy regarding consequences for a student's failure to attend
24 school and complete instructional activities. The policy shall

1 state, at a minimum, that if a student fails to consistently attend
2 school and complete instructional activities after receiving a
3 notification pursuant to subsection E of this section and reasonable
4 intervention strategies have been implemented, a student shall be
5 subject to certain consequences including withdrawal from the school
6 for truancy.

7 H. If a statewide virtual charter school withdraws a student
8 pursuant to subsections F and G of this section, the virtual charter
9 school shall immediately notify the student's resident district in
10 writing of the student's disenrollment.

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

14 J. The ~~Statewide Virtual Charter School Board~~ Statewide Charter
15 School Board may promulgate rules to implement the provisions of
16 this section.

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

20 Beginning with the 2024-2025 school year, members of a charter
21 school sponsor governing board shall designate a representative from
22 the board to complete an annual sponsor workshop requirement
23 provided by the Statewide Charter School Board for a minimum of two
24 (2) hours but not to exceed twelve (12) hours. The sponsor workshop

1 shall include, but not be limited to, information regarding the
2 Charter Schools Act, charter governance, Internal Revenue Services
3 rules for nonprofits, and school finance laws.

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

6 Section 5-200. A. As used in this section, "educational
7 management organization" means a for-profit or nonprofit
8 organization that receives public funds to provide administration
9 and management services for a charter school, statewide virtual
10 charter school or traditional public school.

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

20 C. ~~Any~~ Pursuant to Internal Revenue Service guidelines, any
21 owner of an educational management organization shall be required to
22 disclose to the governing board of the school in a public meeting
23 any ownership position in any business that contracts or proposes to
24

1 contract with the same public school that the educational management
2 organization is managing.

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

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

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

12 B. Any school district with an average daily attendance (ADA)
13 of more than five hundred (500) students but not more than one
14 thousand five hundred (1,500) students for the preceding year which
15 expends for administrative services in the 2005-06 school year or
16 any school year thereafter, less expenditures for legal services,
17 more than seven percent (7%) of the amount it expends for total
18 expenditures, less expenditures for legal services, shall have the
19 amount which exceeds the seven percent (7%) withheld the following
20 year from the Foundation and Salary Incentive Aid for the school
21 district.

22 C. Any school district with an average daily attendance (ADA)
23 of five hundred (500) or fewer students for the preceding year which
24 expends for administrative services in the 2005-06 school year or

1 any school year thereafter, less expenditures for legal services,
2 more than eight percent (8%) of the amount it expends for total
3 expenditures, less expenditures for legal services, shall have the
4 amount which exceeds the eight percent (8%) withheld the following
5 year from the Foundation and Salary Incentive Aid for the school
6 district.

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

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

- 18 1. Staff for the board of education;
- 19 2. The secretary/clerk for the board of education;
- 20 3. Staff relations;
- 21 4. Negotiations staff;
- 22 5. Immediate staff of the superintendent, any elementary
23 superintendent or any assistant superintendent;

24

1 6. Any superintendent, elementary superintendent, or assistant
2 superintendent;

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

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

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

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

1 services, shall be recorded under the code for superintendent salary
2 as provided for in the Oklahoma Cost Accounting System.

3 ~~F.~~ G. Each school site within a school district shall take
4 steps to ensure that the administrative costs for the school comply
5 with the expenditure limits established for school districts in this
6 section.

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

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

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

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

19 B. ~~Local~~ School district boards of education ~~in each district~~
20 shall be responsible for ensuring annually that all high school
21 students have access to advanced placement courses beginning in the
22 2024-2025 school year. Such access may be provided through
23 enrollment in courses offered through:

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

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

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

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

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

17 D. The State Department of Education shall provide information
18 to all ~~local~~ boards of education, to be distributed to their
19 students and parents, on available opportunities and the enrollment
20 process for students to take advanced placement courses. The
21 information shall explain the value of advanced placement courses in
22 preparing students for postsecondary-level coursework, enabling
23 students to gain access to postsecondary opportunities, and
24 qualifying for scholarships and other financial aid opportunities.

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

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

8 SECTION 21. REPEALER 70 O.S. 2021, Sections 3-135, 3-
9 145.1, 3-145.2, 3-145.3, and 3-145.4, are hereby repealed.

10 SECTION 22. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
11 16, 17, 18, 19, 20, and 21 of this act shall become effective July
12 1, 2024.

13 SECTION 23. Sections 1, 2, and 3 of this act shall become
14 effective July 1, 2023.

15 SECTION 24. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19

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