

1 **SENATE FLOOR VERSION**

2 March 2, 2022

3 **AS AMENDED**

4 SENATE BILL NO. 1621

5 By: Pugh

6 **[charter schools - Statewide Charter School Board -**
7 **Statewide Charter School Board Revolving Fund -**
8 **repealers - codification - effective dates -**
9 **emergency]**

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

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

14 A. There is hereby created the Statewide Charter School Board.
15 Beginning July 1, 2023, the Board shall have the sole authority to
16 authorize and sponsor charter schools and statewide virtual charter
17 schools in this state. The Board shall be composed of eight (8)
18 voting members as follows:

19 1. Three members appointed by the Governor, one of whom shall
20 be a retired public school administrator, one of whom shall have
21 experience in financial management, and one of whom shall be a
22 member of a federally recognized Indian tribe;

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

1 3. Two members appointed by the Speaker of the House of
2 Representatives; and

3 4. The State Superintendent of Public Instruction or his or her
4 designee shall serve as an ex officio nonvoting member and shall not
5 be counted toward a quorum.

6 B. Initial appointments shall be made by August 31, 2022. The
7 President Pro Tempore of the Senate and the Speaker of the House of
8 Representatives shall each appoint one member for one (1) year and
9 one member for two (2) years. The Governor shall appoint one member
10 for one (1) year and two members for two (2) years. Members shall
11 serve until their successors are duly appointed for a term of three
12 (3) years. Appointments shall be made by and take effect on July 31
13 of the year in which the appointment is made. Annually by December
14 30 the Board shall elect from its membership a chair and vice chair.

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

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

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

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

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

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

2 E. No member of the Senate or House of Representatives may be
3 appointed to the Board while serving as a member of the Legislature,
4 or for two (2) full years following the expiration of the term of
5 office.

6 F. Members of the Statewide Charter School Board shall not
7 receive compensation but shall be reimbursed for necessary travel
8 expenses pursuant to the provisions of the State Travel
9 Reimbursement Act.

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

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

16 I. Beginning July 1, 2023, charter schools and statewide
17 virtual charter schools shall be sponsored only by the Statewide
18 Charter School Board created pursuant to this section. Effective
19 July 1, 2023, the Statewide Charter School Board shall succeed to
20 any contractual rights and responsibilities incurred by the
21 Statewide Virtual Charter School Board in a virtual charter school
22 sponsorship contract executed prior to July 1, 2023, and shall
23 succeed to any contractual rights and responsibilities incurred by a
24 school district, a technology center school district, an accredited

1 comprehensive or regional institution that is a member of The
2 Oklahoma State System of Higher Education, a community college, a
3 federally recognized Indian tribe, or the State Board of Education
4 in a charter school sponsorship contract executed prior to July 1,
5 2023. All property, equipment, supplies, records, assets, current
6 and future liabilities, encumbrances, obligations, and indebtedness
7 associated with a virtual charter school or charter school
8 sponsorship contract shall be transferred to the Statewide Charter
9 School Board. Appropriate conveyances and other documents shall be
10 executed to effectuate the transfer of property associated with a
11 sponsorship contract. Upon succession of sponsorship contracts, the
12 Statewide Charter School Board shall assume sponsorship of the
13 virtual charter schools and charter schools for the remainder of the
14 term of the contracts. Prior to the end of the current term of the
15 contract, the Statewide Charter School Board shall allow a charter
16 school to apply for renewal of the sponsorship contract in
17 accordance with the renewal procedures established pursuant to
18 Section 3-137 of Title 70 of the Oklahoma Statutes.

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

22 A. Beginning July 1, 2023, and subject to the requirements of
23 the Oklahoma Charter Schools Act, the Statewide Charter School Board
24 shall:

1 1. Provide general supervision and oversight of the operations
2 of charter schools and statewide virtual charter schools in this
3 state, recommend legislation pertaining to charter schools to the
4 Legislature, and promulgate rules and policies that the Board deems
5 necessary to accomplish the purposes prescribed in this section;

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

11 3. Hire an executive director and other staff for its
12 operation;

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

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

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

20 B. 1. For purposes of the Oklahoma Charter Schools Act,
21 "charter school" means:

22 a. prior to July 1, 2023, a public school established by
23 contract with a school district board of education, a
24 technology center school district, a higher education

1 institution, a federally recognized Indian tribe, or
2 the State Board of Education, and

3 b. on July 1, 2023, and after, a public school
4 established by contract with the Statewide Charter
5 School Board,

6 to provide learning that will improve student achievement and as
7 defined in the Elementary and Secondary Education Act of 1965, 20
8 U.S.C. 8065.

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

12 C. 1. For the purposes of the Oklahoma Charter Schools Act,
13 "conversion school" means a school created by converting all or any
14 part of a traditional public school in order to access any or all
15 flexibilities afforded to a charter school; provided, however, all
16 or any part of a traditional public school may not be converted to a
17 virtual charter school.

18 2. Prior to the board of education of a school district
19 converting all or any part of a traditional public school to a
20 conversion school, the board shall prepare a conversion plan. The
21 conversion plan shall include documentation that demonstrates and
22 complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,
23 19, 20, 21, 22, 23, 24, 34, and 35 of subsection B of Section 3-134
24 of Title 70 of the Oklahoma Statutes. The conversion plan and all

1 documents shall be in writing and shall be available to the public
2 pursuant to the requirements of the Oklahoma Open Records Act. All
3 votes by the board of education of a school district to approve a
4 conversion plan shall be held in an open public session. If the
5 board of education of a school district votes to approve a
6 conversion plan, the board shall notify the State Board of Education
7 within sixty (60) days after the vote. The notification shall
8 include a copy of the minutes for the board meeting at which the
9 conversion plan was approved.

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

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

24

1 5. Unless otherwise provided for in this subsection, a
2 conversion school shall retain the characteristics of a traditional
3 public school.

4 D. 1. Beginning July 1, 2023, the Statewide Charter School
5 Board shall make publicly available a list of supplemental online
6 courses which have been reviewed and certified by the Board to
7 ensure that the courses are high quality options and are aligned
8 with the subject matter standards adopted by the State Board of
9 Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma
10 Statutes. The Statewide Charter School Board shall give special
11 emphasis on listing supplemental online courses in science,
12 technology, engineering, and math (STEM), foreign language, and
13 advanced placement courses. School districts shall not be limited
14 to selecting supplemental online courses that have been reviewed and
15 certified by the Statewide Charter School Board and listed as
16 provided for in this paragraph.

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

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

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

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

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

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

24

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

5 3. Submit to the Governor a departmental budget based upon
6 major functions of the Department as prepared by the State
7 Superintendent of Public Instruction and supported by detailed data
8 on needs and proposed operations as partially determined by the
9 budgetary needs of local school districts filed with the State Board
10 of Education for the ensuing fiscal year. Appropriations therefor
11 shall be made in lump-sum form for each major item in the budget as
12 follows:

- 13 a. State Aid to schools,
- 14 b. the supervision of all other functions of general and
15 special education including general control, free
16 textbooks, school lunch, Indian education, and all
17 other functions of the Board and an amount sufficient
18 to adequately staff and administer these services, and
- 19 c. the Board shall determine the details by which the
20 budget and the appropriations are administered.
21 Annually, the Board shall make preparations to
22 consolidate all of the functions of the Department in
23 such a way that the budget can be based on two items,
24 administration and aid to schools. A maximum amount

1 for administration shall be designated as a part of
2 the total appropriation;

3 4. On the first day of December preceding each regular session
4 of the Legislature, prepare and deliver to the Governor and the
5 Legislature a report for the year ending June 30 immediately
6 preceding the regular session of the Legislature. The report shall
7 contain:

8 a. detailed statistics and other information concerning
9 enrollment, attendance, expenditures including State
10 Aid, and other pertinent data for all public schools
11 in this state,

12 b. reports from each and every division within the State
13 Department of Education as submitted by the ~~State~~
14 Superintendent of Public Instruction and any other
15 division, department, institution, or other agency
16 under the supervision of the Board,

17 c. recommendations for the improvement of the public
18 school system of the state,

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

21 e. a statement of plans and recommendations for the
22 management and improvement of public schools and such
23 other information relating to the educational
24

1 interests of the state as may be deemed necessary and
2 desirable;

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

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

18 a. the State Department of Education shall not issue a
19 certificate to and shall revoke the certificate of any
20 person who has been convicted, whether upon a verdict
21 or plea of guilty or upon a plea of nolo contendere,
22 or received a suspended sentence or any probationary
23 term for a crime or an attempt to commit a crime
24 provided for in Section 843.5 of Title 21 of the

1 Oklahoma Statutes if the offense involved sexual abuse
2 or sexual exploitation as those terms are defined in
3 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
4 Section 741, 843.1, if the offense included sexual
5 abuse or sexual exploitation, 865 et seq., 885, 888,
6 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
7 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
8 Statutes or who enters this state and who has been
9 convicted, received a suspended sentence, or received
10 a deferred judgment for a crime or attempted crime
11 which, if committed or attempted in this state, would
12 be a crime or an attempt to commit a crime provided
13 for in any of ~~said~~ the laws,

14 b. all funds collected by the State Department of
15 Education for the issuance of certificates to
16 instructional, supervisory, and administrative
17 personnel in the public schools of the state shall be
18 deposited in the "Teachers' Certificate Fund" in the
19 State Treasury and may be expended by the State Board
20 of Education to finance the activities of the State
21 Department of Education necessary to administer the
22 program, for consultative services, publication costs,
23 actual and necessary travel expenses as provided in
24 the State Travel Reimbursement Act incurred by persons

1 performing research work, and other expenses found
2 necessary by the State Board of Education for the
3 improvement of the preparation and certification of
4 teachers in Oklahoma. Provided, any unobligated
5 balance in the Teachers' Certificate Fund in excess of
6 Ten Thousand Dollars (\$10,000.00) on June 30 of any
7 fiscal year shall be transferred to the General
8 Revenue Fund of ~~the State of Oklahoma~~ this state.

9 Until July 1, 1997, the State Board of Education shall
10 have authority for approval of teacher education
11 programs. The State Board of Education shall also
12 have authority for the administration of teacher
13 residency and professional development, subject to the
14 provisions of the Oklahoma Teacher Preparation Act;

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

1 Any school district which maintains an elementary school and
2 faces the necessity of relocating its school facilities because of
3 construction of a lake, either by state or federal authority, which
4 will inundate the school facilities, shall be entitled to receive
5 probationary accreditation from the State Board of Education for a
6 period of five (5) years after the effective date of this act and
7 any school district, otherwise qualified, shall be entitled to
8 receive probationary accreditation from the State Board of Education
9 for a period of two (2) consecutive years to attain the minimum
10 average daily attendance. The Head Start and public nurseries or
11 kindergartens operated from Community Action Program funds shall not
12 be subjected to the accrediting rules of the State Board of
13 Education. Neither will the State Board of Education make rules
14 affecting the operation of the public nurseries and kindergartens
15 operated from federal funds secured through Community Action
16 Programs even though they may be operating in the public schools of
17 the state. However, any of the Head Start or public nurseries or
18 kindergartens operated under federal regulations may make
19 application for accrediting from the State Board of Education but
20 will be accredited only if application for the approval of the
21 programs is made. The status of no school district shall be changed
22 which will reduce it to a lower classification until due notice has
23 been given to the proper authorities thereof and an opportunity
24

1 given to correct the conditions which otherwise would be the cause
2 of such reduction.

3 Private and parochial schools may be accredited and classified
4 in like manner as public schools or, if an accrediting association
5 is approved by the State Board of Education, by procedures
6 established by the State Board of Education to accept accreditation
7 by such accrediting association, if application is made to the State
8 Board of Education for such accrediting;

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

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

22 10. Be and is hereby designated as the "State Educational
23 Agency" referred to in Public Law 396 of the 79th Congress of the
24 United States, which law states that ~~said~~ the act may be cited as

1 the "National School Lunch Act", and ~~said~~ the State Board of
2 Education is hereby authorized and directed to accept the terms and
3 provisions of ~~said~~ the act and to enter into such agreements, not in
4 conflict with the Constitution of Oklahoma or the Constitution and
5 Statutes of the United States, as may be necessary or appropriate to
6 secure for ~~the State of Oklahoma~~ this state the benefits of the
7 school lunch program established and referred to in ~~said~~ the act;

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

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

20 13. Have authority to require persons having administrative
21 control of all school districts in Oklahoma to make such regular and
22 special reports regarding the activities of the schools in ~~said~~ the
23 districts as the Board may deem needful for the proper exercise of
24 its duties and functions. Such authority shall include the right of

1 the State Board of Education to withhold all state funds under its
2 control, to withhold official recognition, including accrediting,
3 until such required reports have been filed and accepted in the
4 office of ~~said~~ the Board and to revoke the certificates of persons
5 failing or refusing to make such reports;

6 14. Have general supervision of the school lunch program. The
7 State Board of Education may sponsor workshops for personnel and
8 participants in the school lunch program and may develop, print, and
9 distribute free of charge or sell any materials, books, and
10 bulletins to be used in ~~such~~ the school lunch programs. There is
11 hereby created in the State Treasury a revolving fund for the Board,
12 to be designated the School Lunch Workshop Revolving Fund. The fund
13 shall consist of all fees derived from or on behalf of any
14 participant in any such workshop sponsored by the State Board of
15 Education, or from the sale of any materials, books, and bulletins,
16 and ~~such~~ funds shall be disbursed for expenses of such workshops and
17 for developing, printing, and distributing of ~~such~~ the materials,
18 books, and bulletins relating to the school lunch program. The fund
19 shall be administered in accordance with Section 155 of Title 62 of
20 the Oklahoma Statutes;

21 15. Prescribe all forms for school district and county officers
22 to report to the State Board of Education where required. The State
23 Board of Education shall also prescribe a list of appropriation
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for, and expended; and it shall be the duty of the State
2 Auditor and Inspector in prescribing all budgeting, accounting, and
3 reporting forms for school funds to conform to such lists;

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

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

9 18. Provide for the supervision of the transportation of
10 pupils;

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

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

19 21. Administer the State Public Common School Building
20 Equalization Fund established by Section 32 of Article X of the
21 Oklahoma Constitution. Any monies as may be appropriated or
22 designated by the Legislature, other than ad valorem taxes, any
23 other funds identified by the State Department of Education, which
24 may include, but not be limited to, grants-in-aid from the federal

1 government for building purposes, the proceeds of all property that
2 shall fall to the state by escheat, penalties for unlawful holding
3 of real estate by corporations, and capital gains on assets of the
4 permanent school funds, shall be deposited in the State Public
5 Common School Building Equalization Fund. The fund shall be used to
6 aid school districts and charter schools in acquiring buildings,
7 subject to the limitations fixed by Section 32 of Article X of the
8 Oklahoma Constitution. It is hereby declared that the term
9 "acquiring buildings" as used in Section 32 of Article X of the
10 Oklahoma Constitution shall mean acquiring or improving school
11 sites, constructing, repairing, remodeling, or equipping buildings,
12 or acquiring school furniture, fixtures, or equipment. It is hereby
13 declared that the term "school districts" as used in Section 32 of
14 Article X of the Oklahoma Constitution shall mean school districts
15 and eligible charter schools as defined in subsection B of this
16 section. The State Board of Education shall disburse redbud school
17 grants annually from the State Public Common School Building
18 Equalization Fund to public schools and eligible charter schools
19 pursuant to subsection B of this section. The Board shall
20 promulgate rules for the implementation of disbursing redbud school
21 grants pursuant to this section. The State Board of Education shall
22 prescribe rules for making grants of aid from, and for otherwise
23 administering, the fund pursuant to the provisions of this
24 paragraph, and may employ and fix the duties and compensation of

1 technicians, aides, clerks, stenographers, attorneys, and other
2 personnel deemed necessary to carry out the provisions of this
3 paragraph. The cost of administering the fund shall be paid from
4 monies appropriated to the State Board of Education for the
5 operation of the State Department of Education. From monies
6 apportioned to the fund, the State Department of Education may
7 reserve not more than one-half of one percent (1/2 of 1%) for
8 purposes of administering the fund;

9 22. Recognize that the Director of the Oklahoma Department of
10 Corrections shall be the administrative authority for the schools
11 which are maintained in the state reformatories and shall appoint
12 the principals and teachers in such schools. Provided, that rules
13 of the State Board of Education for the classification, inspection,
14 and accreditation of public schools shall be applicable to such
15 schools; and such schools shall comply with standards set by the
16 State Board of Education; and

17 23. Have authority to administer a revolving fund which is
18 hereby created in the State Treasury, to be designated the
19 Statistical Services Revolving Fund. The fund shall consist of all
20 monies received from the various school districts of the state, the
21 United States Government, and other sources for the purpose of
22 furnishing or financing statistical services and for any other
23 purpose as designated by the Legislature. The State Board of
24 Education is hereby authorized to enter into agreements with school

1 districts, municipalities, the United States Government,
2 foundations, and other agencies or individuals for services,
3 programs, or research projects. The Statistical Services Revolving
4 Fund shall be administered in accordance with Section 155 of Title
5 62 of the Oklahoma Statutes.

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

8 a. divide the county four-mill levy revenue by four to
9 determine the nonchargeable county four-mill revenue
10 for each school district,

11 b. determine the amount of new revenue generated by the
12 five-mill building fund levy as authorized by Section
13 10 of Article X of the Oklahoma Constitution for each
14 school district as reported in the Oklahoma Cost
15 Accounting System for the preceding fiscal year,

16 c. add the amounts calculated in subparagraphs a and b of
17 this paragraph to determine the nonchargeable millage
18 for each school district,

19 d. add the nonchargeable millage in each district
20 statewide as calculated in subparagraph c of this
21 paragraph and divide the total by the average daily
22 membership in public schools statewide based on the
23 preceding school year's average daily membership,
24 according to the provisions of Section 18-107 of this

1 title. This amount is the statewide nonchargeable
2 millage per student, known as the baseline local
3 funding per student,

4 e. all eligible charter schools shall be included in
5 these calculations as unique school districts,
6 ~~separate from the school district that may sponsor the~~
7 ~~eligible charter school,~~ and the total number of
8 districts shall be used to determine the statewide
9 average baseline local funding per student,

10 f. for each school district or eligible charter school
11 which is below the baseline local funding per student,
12 the Department shall subtract the baseline local
13 funding per student from the average nonchargeable
14 millage per student of the school district or eligible
15 charter school to determine the nonchargeable millage
16 per student shortfall for each district, and

17 g. the nonchargeable millage per student shortfall for a
18 school district or eligible charter school shall be
19 multiplied by the average daily membership of the
20 preceding school year of the eligible school district
21 or eligible charter school. This amount shall be the
22 redbud school grant amount for the school district or
23 eligible charter school.

24

1 2. For fiscal year 2022, monies for the redbud school grants
2 shall be expended from the funds apportioned pursuant to ~~Section 2~~
3 Section 426 of this act Title 63 of the Oklahoma Statutes. For
4 fiscal year 2023 and each subsequent fiscal year, monies for the
5 redbud school grants shall be appropriated pursuant to ~~Section 2~~
6 Section 426 of this act Title 63 of the Oklahoma Statutes, not to
7 exceed three-fourths (3/4) of the tax collected in the preceding
8 fiscal year pursuant to Section 426 of Title 63 of the Oklahoma
9 Statutes as determined by the Oklahoma Tax Commission. For fiscal
10 year 2023 and each subsequent fiscal year, if such appropriated
11 funds are insufficient to fund the redbud school grants, then an
12 additional apportionment of funds shall be made from sales tax
13 collections as provided by subsection D of ~~Section 3~~ Section 1353 of
14 ~~this act~~ Title 68 of the Oklahoma Statutes. If both funds are
15 insufficient, the Department shall promulgate rules to permit a
16 decrease to the baseline local funding per student to the highest
17 amount allowed with the funding available.

18 3. As used in this section, "eligible charter school" shall
19 mean a charter school which is sponsored pursuant to the provisions
20 of the Oklahoma Charter ~~School~~ Schools Act. Provided, however,
21 "eligible charter school" shall not include a statewide virtual
22 charter school sponsored by the ~~Statewide Virtual Charter School~~
23 ~~Board~~ Statewide Charter School Board but shall only include those
24 which provide in-person or blended instruction, as provided by

1 Section 1-111 of this title, to not less than two-thirds (2/3) of
2 students as the primary means of instructional service delivery.

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

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

11 6. The Department shall provide the Chair of the House
12 Appropriations and Budget Committee and the Chair of the Senate
13 Appropriations Committee no later than February 1 of each year with
14 an estimate of the upcoming year's redbud school grant allocation as
15 prescribed by this section.

16 SECTION 5. AMENDATORY 70 O.S. 2021, Section 3-134, is
17 amended to read as follows:

18 Section 3-134. A. ~~For written applications filed after January~~
19 ~~1, 2008, prior~~ Beginning July 1, 2023, prior to submission to the
20 Statewide Charter School Board of ~~the~~ an application ~~to a proposed~~
21 ~~sponsor~~ seeking to establish a charter school or virtual charter
22 school, the applicant shall be required to complete training which
23 shall not exceed ten (10) hours provided by the ~~State Department of~~
24 ~~Education~~ Statewide Charter School Board on the process and

1 requirements for establishing a charter school or virtual charter
2 school. The ~~Department~~ Board shall develop and implement the
3 training by ~~January 1, 2008~~ July 1, 2023. The ~~Department~~ Board may
4 provide the training in any format and manner that ~~the Department~~ it
5 determines to be efficient and effective including, but not limited
6 to, web-based training.

7 B. Except as otherwise provided for in Section 3-137 of this
8 title, an applicant seeking to establish a charter school or virtual
9 charter school shall submit a written application to the ~~proposed~~
10 ~~sponsor~~ Statewide Charter School Board ~~as prescribed in subsection E~~
11 ~~of this section~~. The application, application process, and
12 application time frames shall be posted on the Board's website. The
13 application shall include:

14 1. A mission statement for the charter school or virtual
15 charter school;

16 2. A description including, but not limited to, background
17 information of the organizational structure and the governing body
18 of the charter school or virtual charter school;

19 3. A financial plan for the first five (5) years of operation
20 of the charter school or virtual charter school and a description of
21 the treasurer or other officers or persons who shall have primary
22 responsibility for the finances of the charter school or virtual
23 charter school. Such person shall have demonstrated experience in
24 school finance or the equivalent thereof;

1 4. A description of the hiring policy of the charter school or
2 virtual charter school;

3 5. The name of the applicant or applicants ~~and requested~~
4 ~~sponsor~~;

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

7 7. A description of the grades being served;

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

10 9. A demonstration of support for the charter school from
11 residents of the school district in which the charter school is to
12 be located which may include but is not limited to a survey of the
13 school district residents or a petition signed by residents of the
14 school district;

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

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

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

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

23 14. A description of the instructional design of the charter
24 school, or virtual charter school including the type of learning

1 environment, class size and structure, curriculum overview, and
2 teaching methods;

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

7 16. The plans for identifying and successfully serving students
8 with disabilities, students who are English language learners, and
9 students who are academically behind;

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

12 18. Plans and time lines for student recruitment and
13 enrollment, including lottery procedures;

14 19. The student discipline policies for the charter school, or
15 virtual charter school including those for special education
16 students;

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

23 21. A clear description of the roles and responsibilities for
24 the governing board, the leadership and management team for the

1 charter school, or virtual charter school and any other entities
2 shown in the organizational chart;

3 22. The leadership and teacher employment policies for the
4 charter school or virtual charter school;

5 23. Proposed governing bylaws;

6 24. Explanations of any partnerships or contractual
7 partnerships central to the operations or mission of the charter
8 school or virtual charter school;

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

11 26. Opportunities and expectations for parental involvement;

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

14 28. A description of the financial plan and policies for the
15 charter school, or virtual charter school including financial
16 controls and audit requirements;

17 29. A description of the insurance coverage the charter school
18 or virtual charter school will obtain;

19 30. Start-up and five-year budgets with clearly stated
20 assumptions;

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

23 32. Evidence of anticipated fundraising contributions, if
24 claimed in the application;

1 33. A sound facilities plan, including backup or contingency
2 plans if appropriate;

3 34. A requirement that the charter school or virtual charter
4 school governing board meet at a minimum quarterly in the state and
5 that for those charter schools outside of counties with a population
6 of five hundred thousand (500,000) or more, that a majority of
7 members are residents within the geographic boundary of the
8 ~~sponsoring entity~~ charter school; and

9 35. A requirement that the charter school follow the
10 requirements of the Oklahoma Open Meeting Act and Oklahoma Open
11 Records Act.

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

18 D. ~~The sponsor of a charter school is the board of education of~~
19 ~~a school district, the board of education of a technology center~~
20 ~~school district, a higher education institution, the State Board of~~
21 ~~Education, or a federally recognized Indian tribe which meets the~~
22 ~~criteria established in Section 3-132 of this title. Any board of~~
23 ~~education of a school district in the state may sponsor one or more~~
24 ~~charter schools. The physical location of a charter school~~

1 ~~sponsored by a board of education of a school district or a~~
2 ~~technology center school district shall be within the boundaries of~~
3 ~~the sponsoring school district. The physical location of a charter~~
4 ~~school sponsored by the State Board of Education Statewide Charter~~
5 ~~School Board when the applicant of the charter school is the Office~~
6 ~~of Juvenile Affairs shall be where an Office of Juvenile Affairs~~
7 ~~facility for youth is located. The physical location of a charter~~
8 ~~school otherwise sponsored by the State Board of Education pursuant~~
9 ~~to paragraph 8 of subsection A of Section 3-132 of this title shall~~
10 ~~be in the school district in which the application originated.~~

11 E. ~~An applicant for a charter school may submit an application~~
12 ~~to a proposed sponsor which shall either accept or reject~~
13 ~~sponsorship of the charter school within ninety (90) days of receipt~~
14 ~~of the application. If the proposed sponsor rejects the~~
15 ~~application, it shall notify the applicant in writing of the reasons~~
16 ~~for the rejection. The applicant may submit a revised application~~
17 ~~for reconsideration to the proposed sponsor within thirty (30) days~~
18 ~~after receiving notification of the rejection. The proposed sponsor~~
19 ~~shall accept or reject the revised application within thirty (30)~~
20 ~~days of its receipt. Should the sponsor reject the application on~~
21 ~~reconsideration, the applicant may appeal the decision to the State~~
22 ~~Board of Education with the revised application for review pursuant~~
23 ~~to paragraph 8 of subsection A of Section 3-132 of this title. The~~

24

1 ~~State Board of Education shall hear the appeal no later than sixty~~
2 ~~(60) days from the date received by the Board.~~

3 ~~F. A board of education of a school district, board of~~
4 ~~education of a technology center school district, higher education~~
5 ~~institution, or federally recognized Indian tribe sponsor of a~~
6 ~~charter school shall notify the State Board of Education when it~~
7 ~~accepts sponsorship of a charter school. The notification shall~~
8 ~~include a copy of the charter of the charter school.~~

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

20 ~~H. If a board of education of a technology center school~~
21 ~~district, a higher education institution, the State Board of~~
22 ~~Education, or a federally recognized Indian tribe accepts~~
23 ~~sponsorship of a charter school, the administrative, fiscal and~~
24 ~~oversight responsibilities of the technology center school district,~~

1 ~~the higher education institution, or the federally recognized Indian~~
2 ~~tribe shall be listed in the contract.~~ No administrative, fiscal,
3 or oversight responsibilities of a charter school shall be delegated
4 to a school district unless the local school district agrees to
5 enter into a contract to assume the responsibilities.

6 ~~I. A sponsor of a public charter school~~ F. Beginning July 1,
7 2023, the Statewide Charter School Board shall have the following
8 powers and duties in its oversight of public charter schools and
9 virtual charter schools in this state:

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

14 2. Solicit and evaluate charter school and virtual charter
15 school applications;

16 3. Approve quality charter school and virtual charter school
17 applications that meet identified educational needs and promote a
18 diversity of educational choices;

19 4. Decline to approve weak or inadequate charter school or
20 virtual charter school applications;

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

23

24

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

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

6 ~~J. Sponsors shall establish a procedure for accepting,~~
7 ~~approving and disapproving charter school applications in accordance~~
8 ~~with subsection E of this section.~~

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

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

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

24

1 Section 3-136. A. ~~A~~ Beginning July 1, 2023, a written contract
2 entered into between the Statewide Charter School Board and the
3 governing body of a charter school or statewide virtual charter
4 school shall ~~adopt a charter which will~~ ensure compliance with the
5 following:

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

17 2. A charter school and virtual charter school shall be
18 nonsectarian in its programs, admission policies, employment
19 practices, and all other operations. ~~A sponsor~~ The Statewide
20 Charter School Board may not authorize a charter school, virtual
21 charter school, or program that is affiliated with a nonpublic
22 sectarian school or religious institution;

23 3. The charter contract shall provide a description of the
24 educational program to be offered. A charter school or virtual

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

18 4. A charter school or virtual charter school shall participate
19 in the testing as required by the Oklahoma School Testing Program
20 Act and the reporting of test results as is required of a school
21 district. A charter school or virtual charter school shall also
22 provide any necessary data to the Office of Accountability within
23 the State Department of Education;

24

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

5 6. A charter school or virtual charter school, to the extent
6 possible, shall be subject to the same reporting requirements,
7 financial audits, audit procedures, and audit requirements as a
8 school district. The State Department of Education, Statewide
9 Charter School Board, or State Auditor and Inspector may conduct
10 financial, program, or compliance audits. A charter school or
11 virtual charter school shall use the Oklahoma Cost Accounting System
12 to report financial transactions to the ~~sponsoring school district~~
13 State Department of Education;

14 7. 6. A charter school or virtual charter school shall comply
15 with all federal and state laws relating to the education of
16 children with disabilities in the same manner as a school district;

17 8. 7. A charter school or virtual charter school shall provide
18 for a governing body for the school which shall be responsible for
19 the policies and operational decisions of the charter school or
20 virtual charter school. A majority of the charter school or virtual
21 charter school governing body members shall be residents of this
22 state and shall meet no less than quarterly in a public meeting
23 within the boundaries of the school district in which the charter
24 school is located or within this state if the governing body

1 oversees multiple charter schools in this state or oversees a
2 virtual charter school. The governing body of a charter school or
3 virtual charter school shall be subject to the same conflict of
4 interest requirements as a member of a school district board of
5 education including but not limited to Sections 5-113 and 5-124 of
6 this title. Members appointed to the governing body of a charter
7 school or virtual charter school shall be subject to the same
8 instruction and continuing education requirements as a member of a
9 school district board of education and pursuant to Section 5-110 of
10 this title, complete twelve (12) hours of instruction within fifteen
11 (15) months of appointment to the governing body, and pursuant to
12 Section 5-110.1 of this title, attend continuing education;

13 ~~9.~~ 8. A charter school or virtual charter school shall not be
14 used as a method of generating revenue for students who are being
15 home schooled and are not being educated at an organized charter
16 school site or by a virtual charter school;

17 ~~10.~~ 9. A charter school ~~may~~ or virtual charter school shall be
18 as equally free and open to all students as traditional public
19 schools and shall not charge tuition or fees;

20 ~~11.~~ 10. A charter school or virtual charter school shall
21 provide instruction each year for at least the number of days
22 required in Section 1-109 of this title;

23

24

1 ~~12.~~ 11. A charter school or virtual charter school shall comply
2 with the student suspension requirements provided for in Section 24-
3 101.3 of this title;

4 ~~13.~~ 12. A charter school or virtual charter school shall be
5 considered a school district for purposes of tort liability under
6 The Governmental Tort Claims Act;

7 ~~14.~~ 13. Employees of a charter school or virtual charter school
8 may participate as members of the Teachers' Retirement System of
9 Oklahoma in accordance with applicable statutes and rules if
10 otherwise allowed pursuant to law;

11 ~~15.~~ 14. A charter school or virtual charter school may
12 participate in all health and related insurance programs available
13 to ~~the employees of the sponsor of the charter school~~ a public
14 school district;

15 ~~16.~~ 15. A charter school or virtual charter school shall comply
16 with the Oklahoma Open Meeting Act and the Oklahoma Open Records
17 Act;

18 ~~17.~~ ~~The governing body of a charter school shall be subject to~~
19 ~~the same conflict of interest requirements as a member of a local~~
20 ~~school board; and~~

21 ~~18.~~ 16. No later than September 1 each year, the governing
22 board of each charter school or virtual charter school formed
23 pursuant to the Oklahoma Charter Schools Act shall prepare a
24 statement of actual income and expenditures for the charter school

1 or virtual charter school for the fiscal year that ended on the
2 preceding June 30, in a manner compliant with Section 5-135 of this
3 title. The statement of expenditures shall include functional
4 categories as defined in rules adopted by the State Board of
5 Education to implement the Oklahoma Cost Accounting System pursuant
6 to Section 5-145 of this title. Charter schools and virtual charter
7 schools shall not be permitted to submit estimates of expenditures
8 or prorated amounts to fulfill the requirements of this paragraph;
9 and

10 17. A charter school or virtual charter school contract shall
11 include performance provisions based on a performance framework that
12 clearly sets forth the academic and operational performance
13 indicators, measures, and metrics that will guide the evaluation of
14 a charter school or virtual charter school by the Statewide Charter
15 School Board. The Board shall require a charter school or virtual
16 charter school to submit the data required in this subsection in the
17 identical format that is required by the State Department of
18 Education of all public schools in order to avoid duplicative
19 administrative efforts or allow a charter school or virtual charter
20 school to provide permission to the Department to share all required
21 data with the Board. The performance framework shall include
22 indicators, measures, and metrics for, at a minimum:

- 23 1. Student academic proficiency;
- 24 2. Student academic growth;

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

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

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

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

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

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

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

3 E. The governing body of a charter school or virtual charter
4 school may not levy taxes or issue bonds.

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

22 SECTION 7. AMENDATORY 70 O.S. 2021, Section 3-137, is
23 amended to read as follows:
24

1 Section 3-137. A. ~~An approved contract for a charter school~~
2 Beginning July 1, 2023, a charter school contract approved by the
3 Statewide Charter School Board shall be effective for five (5) years
4 from the first day of operation. A charter contract may be renewed
5 for successive five-year terms of duration, although the ~~sponsor~~
6 Board may vary the term based on the performance, demonstrated
7 capacities, and particular circumstances of each charter school. ~~A~~
8 ~~sponsor~~ The Board may grant renewal with specific conditions for
9 necessary improvements to a charter school.

10 B. Prior to the beginning of the fourth year of operation of a
11 charter school or virtual charter school, the ~~sponsor~~ Statewide
12 Charter School Board shall issue a ~~charter school~~ performance report
13 and charter renewal application guidance to the charter school and
14 ~~the charter school~~ its governing board or the virtual charter school
15 and its governing board. The performance report shall summarize the
16 performance record to date of the charter school or virtual charter
17 school, based on the data required by the Oklahoma Charter Schools
18 Act and the charter contract and taking into consideration the
19 percentage of at-risk students enrolled in the school, and shall
20 provide notice of any weaknesses or concerns perceived by the
21 ~~sponsor~~ Board concerning the charter school or virtual charter
22 school that may jeopardize its position in seeking renewal if not
23 timely rectified. The charter school or virtual charter school
24

1 shall have forty-five (45) days to respond to the performance report
2 and submit any corrections or clarifications for the report.

3 C. 1. Prior to the beginning of the fifth year of operation,
4 the charter school or virtual charter school may apply to the
5 Statewide Charter School Board for renewal of the contract ~~with the~~
6 ~~sponsor~~. The renewal application guidance shall, at a minimum,
7 provide an opportunity for the charter school or virtual charter
8 school to:

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

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

21 D. The ~~sponsor~~ Statewide Charter School Board may deny the
22 request for renewal if it determines the charter school or virtual
23 charter school has failed to complete the obligations of the
24 contract or comply with the provisions of the Oklahoma Charter

1 Schools Act. ~~A sponsor~~ The Board shall give written notice of its
2 intent to deny the request for renewal at least eight (8) months
3 prior to expiration of the contract. In making charter renewal
4 decisions, ~~a sponsor~~ the Board shall:

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

10 2. Grant renewal to charter schools or virtual charter schools
11 that have achieved the standards, targets, and performance
12 expectations as stated in the charter contract and are
13 organizationally and fiscally viable and have been faithful to the
14 terms of the contract and applicable law;

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

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

19 ~~E. If a sponsor denies a request for renewal, the governing~~
20 ~~board of the sponsor may, if requested by the charter school,~~
21 ~~proceed to binding arbitration as provided for in subsection C of~~
22 ~~Section 3-134 of this title.~~

23 ~~F. A sponsor~~ The Statewide Charter School Board may terminate a
24 contract during the term of the contract for failure to meet the

1 requirements for student performance contained in the contract,
2 failure to meet the standards of fiscal management, violations of
3 the law, or other good cause. The ~~sponsor~~ Board shall give at least
4 ninety (90) days' written notice to the governing board of the
5 charter school or virtual charter school prior to terminating the
6 contract. The governing board may request, in writing, an informal
7 hearing before the ~~sponsor~~ Statewide Charter School Board within
8 fourteen (14) days of receiving notice. The ~~sponsor~~ Board shall
9 conduct an informal hearing before taking action. ~~If a sponsor~~
10 ~~decides to terminate a contract, the governing board may, if~~
11 ~~requested by the charter school, proceed to binding arbitration as~~
12 ~~provided for in subsection G of Section 3-134 of this title.~~

13 G. F. 1. Beginning in the 2016-2017 school year, the State
14 Board of Education shall identify charter schools and virtual
15 charter schools in the state that are ranked in the bottom five
16 percent (5%) of all public schools as determined pursuant to Section
17 1210.545 of this title.

18 2. At the time of its charter renewal, based on an average of
19 the current year and the two (2) prior operating years, ~~a sponsor~~
20 the Statewide Charter School Board may close a charter school site
21 or virtual charter school identified as being among the bottom five
22 percent (5%) of public schools in the state. The average of the
23 current year and two (2) prior operating years shall be calculated
24

1 by using the percentage ranking for each year divided by three, as
2 determined by this subsection.

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

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

- 17 a. ~~transfer the sponsorship of the charter school~~
18 ~~identified in this paragraph to another sponsor,~~
- 19 b. ~~order the closure of the charter school identified in~~
20 ~~this paragraph at the end of the current school year,~~
21 ~~or~~
- 22 c. ~~order the reduction of any administrative fee~~
23 ~~collected by the sponsor that is applicable to the~~
24 ~~charter school identified in this paragraph. The~~

1 ~~reduction shall become effective at the beginning of~~
2 ~~the month following the month the hearing of the~~
3 ~~sponsor is held by the State Board of Education.~~

4 ~~5.~~ A charter school or virtual charter school that is closed by
5 the ~~State Board of Education~~ Statewide Charter School Board pursuant
6 to ~~paragraph 4~~ of this subsection shall not be granted a subsequent
7 charter ~~by any other sponsor~~ contract.

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

12 ~~7.~~ 6. In making a charter school site or virtual charter school
13 closure decision, the ~~State Board of Education~~ Statewide Charter
14 School Board shall consider the following:

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

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

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

23 ~~H. G.~~ If a ~~sponsor~~ the Statewide Charter School Board
24 terminates a contract or the charter school or virtual charter

1 school is closed, the closure shall be conducted in accordance with
2 the following protocol:

3 1. Within two (2) calendar weeks of a final closure
4 determination, the ~~sponsor~~ Statewide Charter School Board shall meet
5 with the governing board and leadership of the charter school or
6 virtual charter school to establish a transition team composed of
7 school staff, applicant staff, and others designated by the
8 applicant that will attend to the closure, including the transfer of
9 students, student records, and school funds;

10 2. The ~~sponsor~~ Statewide Charter School Board and transition
11 team shall communicate regularly and effectively with families of
12 students enrolled in the charter school or virtual charter school,
13 as well as with school staff and other stakeholders, to keep them
14 apprised of key information regarding the closure of the school and
15 their options and risks;

16 3. The ~~sponsor~~ Statewide Charter School Board and transition
17 team shall ensure that current instruction of students enrolled in
18 the charter school or virtual charter school continues per the
19 charter ~~agreement~~ contract for the remainder of the school year;

20 4. The ~~sponsor~~ Statewide Charter School Board and transition
21 team shall ensure that all necessary and prudent notifications are
22 issued to agencies, employees, insurers, contractors, creditors,
23 debtors, and management organizations; and
24

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

5 ~~I. A sponsor shall develop revocation and nonrenewal processes~~
6 ~~that are consistent with the Oklahoma Charter Schools Act and that:~~

7 ~~1. Provide the charter school with a timely notification of the~~
8 ~~prospect of revocation or nonrenewal and of the reasons for possible~~
9 ~~closure;~~

10 ~~2. Allow the charter school a reasonable amount of time in~~
11 ~~which to prepare a response;~~

12 ~~3. Provide the charter school with an opportunity to submit~~
13 ~~documents and give testimony in a public hearing challenging the~~
14 ~~rationale for closure and in support of the continuation of the~~
15 ~~school at an orderly proceeding held for that purpose and prior to~~
16 ~~taking any final nonrenewal or revocation decision related to the~~
17 ~~school;~~

18 ~~4. Allow the charter school access to representation by counsel~~
19 ~~to call witnesses on its behalf;~~

20 ~~5. Permit the recording of the proceedings; and~~

21 ~~6. After a reasonable period for deliberation, require a final~~
22 ~~determination be made and conveyed in writing to the charter school.~~

1 ~~J. If a sponsor revokes or does not renew a charter, the~~
2 ~~sponsor shall clearly state in a resolution the reasons for the~~
3 ~~revocation or nonrenewal.~~

4 ~~K. 1. Before a sponsor may issue a charter to a charter school~~
5 ~~governing body that has had its charter terminated or has been~~
6 ~~informed that its charter will not be renewed by the current~~
7 ~~sponsor, the sponsor shall request to have the proposal reviewed by~~
8 ~~the State Board of Education at a hearing. The State Board of~~
9 ~~Education shall conduct a hearing in which the sponsor shall present~~
10 ~~information indicating that the proposal of the organizer is~~
11 ~~substantively different in the areas of deficiency identified by the~~
12 ~~current sponsor from the current proposal as set forth within the~~
13 ~~charter with its current sponsor.~~

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

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

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

22 ~~M. H.~~ If a contract is not renewed or is terminated according
23 to this section, a student who attended the charter school or
24 virtual charter school may enroll in the resident school district of

1 the student or may apply for a transfer in accordance with Section
2 8-103 of this title.

3 SECTION 8. AMENDATORY 70 O.S. 2021, Section 3-139, is
4 amended to read as follows:

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

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

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

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

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

24

1 Section 3-140. A. ~~Except for a charter school sponsored by the~~
2 ~~State Board of Education, a~~ A charter school with a brick-and-mortar
3 school site or sites shall enroll those students whose legal
4 residence is within the boundaries of the school district in which
5 the charter school is located and who submit a timely application,
6 or those students who transfer to the district in which the charter
7 school is located in accordance with Section 8-103 ~~or 8-104~~ of this
8 title, unless the number of applications exceeds the capacity of a
9 program, class, grade level, or building. Students who reside in a
10 school district where a charter school is located shall not be
11 required to obtain a transfer in order to attend a charter school in
12 the school district of residence. If capacity is insufficient to
13 enroll all eligible students, the charter school shall select
14 students through a lottery selection process. ~~Except for a charter~~
15 ~~school sponsored by the State Board of Education, a~~ A charter school
16 shall give enrollment preference to eligible students who reside
17 within the boundaries of the school district in which the charter
18 school is located. ~~Except for a charter school sponsored by the~~
19 ~~State Board of Education, a charter school created after November 1,~~
20 ~~2010, shall give enrollment preference to eligible students who~~
21 ~~reside within the boundaries of the school district in which the~~
22 ~~charter school is located~~ and who attend a school site that has been
23 identified as in need of improvement by the State Board of Education
24 pursuant to the Elementary and Secondary Education Act of 1965, as

1 amended or reauthorized. A charter school may limit admission to
2 students within a given age group or grade level. A charter school
3 sponsored by the ~~State Board of Education~~ Statewide Charter School
4 Board when the applicant of the charter school is the Office of
5 Juvenile Affairs shall limit admission to youth that are in the
6 custody or supervision of the Office of Juvenile Affairs.

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

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

22 D. Except as provided in subsections B and C of this section, a
23 charter school or virtual charter school shall not limit admission
24 based on ethnicity, national origin, gender, income level, disabling

1 condition, proficiency in the English language, measures of
2 achievement, aptitude, or athletic ability.

3 E. ~~A sponsor of a charter school~~ The Statewide Charter School
4 Board shall not restrict the number of students a charter school or
5 virtual charter school may enroll. The capacity of ~~the~~ a charter
6 school with a brick-and-mortar school site or sites shall be
7 determined ~~annually~~ quarterly by the governing board of the charter
8 school ~~based on the ability of the charter school to facilitate the~~
9 ~~academic success of the students, to achieve the other objectives~~
10 ~~specified in the charter contract,~~ and to ensure that the student
11 ~~enrollment does not exceed the capacity of its facility or site~~
12 pursuant to the provisions of Section 8-101.2 of this title.

13 F. Beginning July 1, 2023, each statewide virtual charter
14 school which has been approved and sponsored by the Statewide
15 Charter School Board or any virtual charter school for which the
16 Board has assumed sponsorship as provided for in Section 1 of this
17 act shall be considered a statewide virtual charter school and the
18 geographic boundaries of each statewide virtual charter school shall
19 be the borders of the state.

20 G. Beginning July 1, 2023, students enrolled full-time in a
21 statewide virtual charter school sponsored by the Statewide Charter
22 School Board shall not be authorized to participate in any
23 activities administered by the Oklahoma Secondary Schools Activities
24 Association. However, the students may participate in intramural

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

4 H. 1. Beginning July 1, 2023, a public school student who
5 wishes to enroll in a virtual charter school shall be considered a
6 transfer student from their resident school district. A virtual
7 charter school shall pre-enroll any public school student whose
8 parent or legal guardian expresses intent to enroll in the district.
9 Upon pre-enrollment, the State Department of Education shall
10 initiate a transfer on a form to be completed by the receiving
11 virtual charter school. Upon approval of the receiving virtual
12 charter school, the student may begin instructional activities.
13 Upon notice that a public school student has transferred to a
14 virtual charter school, the resident school district shall transmit
15 the student's records within three (3) school days.

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

21 3. A public school student may transfer to one statewide
22 virtual charter school at any time during a school year. For
23 purposes of this subsection, "school year" shall mean July 1 through
24 the following June 30. After one statewide virtual charter school

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

22 I. 1. Beginning July 1, 2023, a student shall be eligible to
23 enroll in a statewide virtual charter school sponsored by the
24 Statewide Charter School Board pursuant to Section 1 of this act if

1 he or she is a student whose parent or legal guardian is transferred
2 or is pending transfer to a military installation within this state
3 while on active military duty pursuant to an official military
4 order.

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

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

- 13 a. a temporary on-base billeting facility,
- 14 b. a purchased or leased home or apartment, or
- 15 c. federal government or public-private venture off-base
16 military housing.

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

19 5. For purposes of this subsection:

- 20 a. "active military duty" means full-time military duty
21 status in the active uniformed service of the United
22 States including members of the National Guard and
23 Military Reserve on active duty orders, and

24

1 ~~any additional State Aid allocation or charge the charter school or~~
2 ~~virtual charter school any additional a fee above the amounts~~
3 ~~allowed by this subsection unless the additional fees are for~~
4 ~~additional services rendered for administrative or other services.~~
5 ~~The charter school sponsor shall provide to the State Department of~~
6 ~~Education financial records documenting any state funds charged by~~
7 ~~the sponsor for administrative services rendered for the previous~~
8 ~~year.~~

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

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

1 virtual charter school shall receive revenue equal to that which
2 would be generated by the estimated weighted average daily
3 membership calculated pursuant to this paragraph. At midyear, the
4 allocation for the full-time statewide virtual charter school shall
5 be adjusted using the first quarter weighted average daily
6 membership for the virtual charter school calculated pursuant to
7 subsection A of this section.

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

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

24

1 and the state or the ~~sponsor~~ Statewide Charter School Board shall
2 not in any way be responsible or obligated to repay the debt.

3 E. Any charter school or virtual charter school which chooses
4 to lease property shall be eligible to receive current government
5 lease rates.

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

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

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

10 SECTION 11. AMENDATORY 70 O.S. 2021, Section 3-143, is
11 amended to read as follows:

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

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

23 Section 3-144. A. There is hereby created in the State
24 Treasury a fund to be designated the "Charter Schools Incentive

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

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

18 SECTION 13. AMENDATORY 70 O.S. 2021, Section 3-145.5, is
19 amended to read as follows:

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

1 a provider to provide full-time virtual education to students who do
2 not reside within the school district boundaries.

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

21 SECTION 14. AMENDATORY 70 O.S. 2021, Section 3-145.7, is
22 amended to read as follows:

23 Section 3-145.7. There Until July 1, 2023, there is hereby
24 created in the State Treasury a revolving fund for the Statewide

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

15 On July 1, 2023, the Statewide Virtual Charter School Board
16 shall transfer any unencumbered funds in the Statewide Virtual
17 Charter School Board Revolving Fund to the Statewide Charter School
18 Board Revolving Fund created pursuant to Section 3 of this act. Any
19 funds which are unexpended on January 1, 2024, shall be transferred
20 to the Statewide Charter School Board Revolving Fund.

21 SECTION 15. AMENDATORY 70 O.S. 2021, Section 3-145.8, is
22 amended to read as follows:

23 Section 3-145.8. A. It shall be the duty of each virtual
24 charter school approved and sponsored by the ~~Statewide Virtual~~

1 ~~School Board pursuant to the provisions of Section 3-145.3 of Title~~
2 ~~70 of the Oklahoma Statutes~~ Statewide Charter School Board to keep a
3 full and complete record of the attendance of all students enrolled
4 in the virtual charter school in one of the student information
5 systems approved by the State Department of Education and locally
6 selected by the virtual school from the approved list.

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

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

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

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

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

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

23

24

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

4 a. the number of school days during which the student
5 completed the instructional activities during the
6 quarter,

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

9 c. the number of school days proportional to the
10 percentage of the required minimum number of completed
11 instructional activities during the quarter.

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

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

1 completing any other instructional activity. The ~~Statewide Virtual~~
2 ~~Charter School Board~~ Statewide Charter School Board shall promulgate
3 rules to develop materials for orientation.

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

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

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

22 H. If a statewide virtual charter school withdraws a student
23 pursuant to subsections F and G of this section, the virtual charter
24

1 school shall immediately notify the student's resident district in
2 writing of the student's disenrollment.

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

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

9 SECTION 16. AMENDATORY 70 O.S. 2021, Section 1210.704,
10 is amended to read as follows:

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

14 B. ~~Local~~ School district boards of education ~~in each district~~
15 shall be responsible for ensuring annually that all high school
16 students have access to advanced placement courses beginning in the
17 2024-2025 school year. Such access may be provided through
18 enrollment in courses offered through:

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

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

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

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

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

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

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

24

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

4 SECTION 17. REPEALER 70 O.S. 2021, Sections 3-132, 3-
5 135, 3-145.1, 3-145.2, 3-145.3, and 3-145.4 are hereby repealed.

6 SECTION 18. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
7 16, and 17 of this act shall become effective July 1, 2023.

8 SECTION 19. Sections 1, 2, and 3 of this act shall become
9 effective July 1, 2022.

10 SECTION 20. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 March 2, 2022 - DO PASS
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