

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1621

By: Pugh

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5
6 AS INTRODUCED

7 An Act relating to charter schools; creating the
8 Statewide Charter School Board; providing authority
9 of board beginning on certain date; providing for
10 membership; requiring appointments by certain date;
11 providing terms of members; providing for election of
12 chair and vice chair; allowing a member to be removed
13 for certain reasons; providing for filling of
14 vacancies; prohibiting certain members of the
15 Legislature from serving on certain Board and for
16 certain time period thereafter; providing for travel
17 reimbursement; requiring first meeting to be held by
18 certain date; providing for frequency of meetings;
19 specifying quorum; directing certain schools to only
20 be sponsored by the Statewide Charter School Board
21 beginning on certain date; providing for succession
22 to certain rights and responsibilities executed prior
23 to certain date; providing powers and duties of the
24 Statewide Charter School Board beginning on certain
date; providing definitions; requiring the Board to
make publicly available a list of certain courses
beginning on certain date; allowing the Board, in
certain conjunction, to negotiate and enter into
contracts with certain providers; creating the
Statewide Charter School Board Revolving Fund;
specifying sources of fund; providing for
expenditures; providing purpose of fund; amending 70
O.S. 2021, Section 3-104, which relates to powers and
duties of the State Board of Education; updating
statutory references; modifying reference from the
Statewide Virtual Charter School Board to the
Statewide Charter School Board; amending 70 O.S.
2021, Sections 3-134, 3-136, 3-137, 3-139, 3-140, 3-
142, 3-143, and 3-144, which relate to implementation
of the Oklahoma Charter Schools Act; modifying
reference from the State Department of Education to

1 the Statewide Charter School Board as the provider of
2 certain training; modifying application process for
3 certain schools; removing references to charter
4 schools sponsored by certain entities; providing for
5 powers and duties of the Statewide Charter School
6 Board beginning on certain date; modifying contents
7 of certain written contracts beginning on certain
8 date; prohibiting a certain schools from entering
9 into certain employment contract under certain
10 circumstances; providing for contents of employment
11 contract; requiring disclosure of employment rights;
12 prohibiting certain schools from serving certain
13 students without certain contract; updating
14 references; removing outdated language; prohibiting
15 the Statewide Charter School Board from charging a
16 fee for administrative or other services; updating
17 language regarding submission of certain annual
18 report; modifying authority over the Charter Schools
19 Incentive Fund; amending 70 O.S. 2021, Sections 3-
20 145.5, 3-145.7, and 3-145.8, which relate to virtual
21 charter schools; removing outdated language; updating
22 references; directing the Statewide Virtual Charter
23 School Board to have authority over certain revolving
24 fund until certain date; requiring the transfer of
25 certain funds to certain revolving fund on certain
26 date; amending 70 O.S. 2021, Section 1210.704, which
27 relates to the provision of advanced placement
28 courses; updating references; updating statutory
29 reference; repealing 70 O.S. 2021, Sections 3-132, 3-
30 135, 3-145.1, 3-145.2, 3-145.3, and 3-145.4, which
31 relate to sponsor contract guidelines and meetings
32 and rule promulgation of the Statewide Virtual
33 Charter School Board; providing for codification;
34 providing effective dates; and declaring an
35 emergency.

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

37 SECTION 1. NEW LAW A new section of law to be codified
38 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless
39 there is created a duplication in numbering, reads as follows:
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1 A. There is hereby created the Statewide Charter School Board.
2 Beginning July 1, 2023, the Board shall have the sole authority to
3 authorize and sponsor charter schools and statewide virtual charter
4 schools in this state. The Board shall be composed of eight (8)
5 voting members as follows:

6 1. Three members appointed by the Governor, one of whom shall
7 be a retired public school administrator, one of whom shall have
8 experience in financial management, and one of whom shall be a
9 member of a federally recognized Indian tribe;

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

12 3. Two members appointed by the Speaker of the House of
13 Representatives; and

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

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

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

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

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

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

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

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

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

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

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

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

4 I. Beginning July 1, 2023, charter schools and statewide
5 virtual charter schools shall be sponsored only by the Statewide
6 Charter School Board created pursuant to this section. Effective
7 July 1, 2023, the Statewide Charter School Board shall succeed to
8 any contractual rights and responsibilities incurred by the
9 Statewide Virtual Charter School Board in a virtual charter school
10 sponsorship contract executed prior to July 1, 2023, and shall
11 succeed to any contractual rights and responsibilities incurred by a
12 school district, a technology center school district, an accredited
13 comprehensive or regional institution that is a member of The
14 Oklahoma State System of Higher Education, a community college, a
15 federally recognized Indian tribe, or the State Board of Education
16 in a charter school sponsorship contract executed prior to July 1,
17 2023. All property, equipment, supplies, records, assets, current
18 and future liabilities, encumbrances, obligations, and indebtedness
19 associated with a virtual charter school or charter school
20 sponsorship contract shall be transferred to the Statewide Charter
21 School Board. Appropriate conveyances and other documents shall be
22 executed to effectuate the transfer of property associated with a
23 sponsorship contract. Upon succession of sponsorship contracts, the
24 Statewide Charter School Board shall assume sponsorship of the

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

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

10 A. Beginning July 1, 2023, and subject to the requirements of
11 the Oklahoma Charter Schools Act, the Statewide Charter School Board
12 shall:

13 1. Provide general supervision and oversight of the operations
14 of charter schools and statewide virtual charter schools in this
15 state, recommend legislation pertaining to charter schools to the
16 Legislature, and promulgate rules and policies that the Board deems
17 necessary to accomplish the purposes prescribed in this section;

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

23 3. Hire an executive director and other staff for its
24 operation;

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

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

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

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

10 a. prior to July 1, 2023, a public school established by
11 contract with a school district board of education, a
12 technology center school district, a higher education
13 institution, a federally recognized Indian tribe, or
14 the State Board of Education, and

15 b. on July 1, 2023, and after, a public school
16 established by contract with the Statewide Charter
17 School Board

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

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

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

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

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

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

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

16 D. 1. Beginning July 1, 2023, the Statewide Charter School
17 Board shall make publicly available a list of supplemental online
18 courses which have been reviewed and certified by the Board to
19 ensure that the courses are high quality options and are aligned
20 with the subject matter standards adopted by the State Board of
21 Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma
22 Statutes. The Statewide Charter School Board shall give special
23 emphasis on listing supplemental online courses in science,
24 technology, engineering, and math (STEM), foreign language, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Section 3-134. A. ~~For written applications filed after January~~
6 ~~1, 2008, prior~~ Beginning July 1, 2023, prior to submission to the
7 Statewide Charter School Board of ~~the~~ an application ~~to a proposed~~
8 ~~sponsor~~ seeking to establish a charter school or virtual charter
9 school, the applicant shall be required to complete training which
10 shall not exceed ten (10) hours provided by the ~~State Department of~~
11 ~~Education~~ Statewide Charter School Board on the process and
12 requirements for establishing a charter school or virtual charter
13 school. The ~~Department~~ Board shall develop and implement the
14 training by ~~January 1, 2008~~ July 1, 2023. The ~~Department~~ Board may
15 provide the training in any format and manner that ~~the Department~~ it
16 determines to be efficient and effective including, but not limited
17 to, web-based training.

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

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

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

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

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

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

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

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

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

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

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

1 18. Plans and time lines for student recruitment and
2 enrollment, including lottery procedures;

3 19. The student discipline policies for the charter school, or
4 virtual charter school including those for special education
5 students;

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

12 21. A clear description of the roles and responsibilities for
13 the governing board, the leadership and management team for the
14 charter school, or virtual charter school and any other entities
15 shown in the organizational chart;

16 22. The leadership and teacher employment policies for the
17 charter school or virtual charter school;

18 23. Proposed governing bylaws;

19 24. Explanations of any partnerships or contractual
20 partnerships central to the operations or mission of the charter
21 school or virtual charter school;

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

24 26. Opportunities and expectations for parental involvement;

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

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

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

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

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

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

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

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

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

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

7 D. ~~The sponsor of a charter school is the board of education of~~
8 ~~a school district, the board of education of a technology center~~
9 ~~school district, a higher education institution, the State Board of~~
10 ~~Education, or a federally recognized Indian tribe which meets the~~
11 ~~criteria established in Section 3-132 of this title.~~ Any board of
12 ~~education of a school district in the state may sponsor one or more~~
13 ~~charter schools.~~ The physical location of a charter school
14 ~~sponsored by a board of education of a school district or a~~
15 ~~technology center school district shall be within the boundaries of~~
16 ~~the sponsoring school district.~~ The physical location of a charter
17 school sponsored by the ~~State Board of Education~~ Statewide Charter
18 School Board when the applicant of the charter school is the Office
19 of Juvenile Affairs shall be where an Office of Juvenile Affairs
20 facility for youth is located. ~~The physical location of a charter~~
21 ~~school otherwise sponsored by the State Board of Education pursuant~~
22 ~~to paragraph 8 of subsection A of Section 3-132 of this title shall~~
23 ~~be in the school district in which the application originated.~~

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

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

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

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

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

19 ~~I. A sponsor of a public charter school~~ F. Beginning July 1,
20 2023, the Statewide Charter School Board shall have the following
21 powers and duties in its oversight of public charter schools and
22 virtual charter schools in this state:

23 1. Provide oversight of the operations of charter schools and
24 virtual charter schools in the state through annual performance

1 reviews ~~of charter schools~~ and reauthorization ~~of charter schools~~
2 ~~for which it is a sponsor;~~

3 2. Solicit and evaluate charter school and virtual charter
4 school applications;

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

8 4. Decline to approve weak or inadequate charter school or
9 virtual charter school applications;

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

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

15 7. Determine whether each charter contract merits renewal,
16 nonrenewal, or revocation.

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

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

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

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

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

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

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

1 comply with as required by this paragraph and shall annually provide
2 an update to the list;

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

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

1 the curriculum being provided by or for educating deaf or blind
2 students that are being served by the Oklahoma School for the Blind
3 or the Oklahoma School for the Deaf;

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

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

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

1 ~~7.~~ 6. A charter school or virtual charter school shall comply
2 with all federal and state laws relating to the education of
3 children with disabilities in the same manner as a school district;

4 ~~8.~~ 7. A charter school or virtual charter school shall provide
5 for a governing body for the school which shall be responsible for
6 the policies and operational decisions of the charter school or
7 virtual charter school. A majority of the charter school or virtual
8 charter school governing body members shall be residents of this
9 state and shall meet no less than quarterly in a public meeting
10 within the boundaries of the school district in which the charter
11 school is located or within this state if the governing body
12 oversees multiple charter schools in this state or oversees a
13 virtual charter school. The governing body of a charter school or
14 virtual charter school shall be subject to the same conflict of
15 interest requirements as a member of a school district board of
16 education including but not limited to Sections 5-113 and 5-124 of
17 this title. Members appointed to the governing body of a charter
18 school or virtual charter school shall be subject to the same
19 instruction and continuing education requirements as a member of a
20 school district board of education and pursuant to Section 5-110 of
21 this title, complete twelve (12) hours of instruction within fifteen
22 (15) months of appointment to the governing body, and pursuant to
23 Section 5-110.1 of this title, attend continuing education;
24

1 ~~9.~~ 8. A charter school or virtual charter school shall not be
2 used as a method of generating revenue for students who are being
3 home schooled and are not being educated at an organized charter
4 school site or by a virtual charter school;

5 ~~10.~~ 9. A charter school ~~may~~ or virtual charter school shall be
6 as equally free and open to all students as traditional public
7 schools and shall not charge tuition or fees;

8 ~~11.~~ 10. A charter school or virtual charter school shall
9 provide instruction each year for at least the number of days
10 required in Section 1-109 of this title;

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

14 ~~13.~~ 12. A charter school or virtual charter school shall be
15 considered a school district for purposes of tort liability under
16 The Governmental Tort Claims Act;

17 ~~14.~~ 13. Employees of a charter school or virtual charter school
18 may participate as members of the Teachers' Retirement System of
19 Oklahoma in accordance with applicable statutes and rules if
20 otherwise allowed pursuant to law;

21 ~~15.~~ 14. A charter school or virtual charter school may
22 participate in all health and related insurance programs available
23 to the employees of ~~the sponsor of the charter school~~ a public
24 school district;

1 ~~16.~~ 15. A charter school or virtual charter school shall comply
2 with the Oklahoma Open Meeting Act and the Oklahoma Open Records
3 Act;

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

7 ~~18.~~ 16. No later than September 1 each year, the governing
8 board of each charter school or virtual charter school formed
9 pursuant to the Oklahoma Charter Schools Act shall prepare a
10 statement of actual income and expenditures for the charter school
11 or virtual charter school for the fiscal year that ended on the
12 preceding June 30, in a manner compliant with Section 5-135 of this
13 title. The statement of expenditures shall include functional
14 categories as defined in rules adopted by the State Board of
15 Education to implement the Oklahoma Cost Accounting System pursuant
16 to Section 5-145 of this title. Charter schools and virtual charter
17 schools shall not be permitted to submit estimates of expenditures
18 or prorated amounts to fulfill the requirements of this paragraph;
19 and

20 17. A charter school or virtual charter school contract shall
21 include performance provisions based on a performance framework that
22 clearly sets forth the academic and operational performance
23 indicators, measures, and metrics that will guide the evaluation of
24 a charter school or virtual charter school by the Statewide Charter

1 School Board. The Board shall require a charter school or virtual
2 charter school to submit the data required in this subsection in the
3 identical format that is required by the State Department of
4 Education of all public schools in order to avoid duplicative
5 administrative efforts or allow a charter school or virtual charter
6 school to provide permission to the Department to share all required
7 data with the Board. The performance framework shall include
8 indicators, measures, and metrics for, at a minimum:

9 1. Student academic proficiency;

10 2. Student academic growth;

11 3. Achievement gaps in both proficiency and growth between major
12 student subgroups;

13 4. Student attendance;

14 5. Recurrent enrollment from year to year as determined by the
15 methodology used for public schools in Oklahoma;

16 6. In the case of high schools, graduation rates as determined
17 by the methodology used for public schools in Oklahoma;

18 7. In the case of high schools, postsecondary readiness;

19 8. Financial performance and sustainability; and

20 9. Governing board performance and stewardship, including
21 compliance with all applicable laws, regulations, and terms of the
22 charter contract.

23 B. The charter contract of a charter school or virtual charter
24 school shall include a description of the personnel policies,

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

16 Upon contracting with any teacher or other personnel, the
17 governing body of a charter school or virtual charter school shall,
18 in writing, disclose employment rights of the employees in the event
19 the charter school or virtual charter school closes or the charter
20 contract is not renewed.

21 No charter school or virtual charter school may begin serving
22 students without a contract executed in accordance with the
23 provisions of the Oklahoma Charter Schools Act and approved in an
24 open meeting of the Statewide Charter School Board. The Board may

1 establish reasonable preopening requirements or conditions to
2 monitor the start-up progress of newly approved charter schools or
3 virtual charter schools and ensure that each brick-and-mortar school
4 is prepared to open smoothly on the date agreed and to ensure that
5 each school meets all building, health, safety, insurance, and other
6 legal requirements for the opening of a school.

7 C. The charter of a charter school or virtual charter school
8 may be amended at the request of the governing body of the charter
9 school or virtual charter school and upon the approval of the
10 ~~sponsor~~ Statewide Charter School Board.

11 D. A charter school or virtual charter school may enter into
12 contracts and sue and be sued.

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

15 F. The charter of a charter school or virtual charter school
16 shall include a provision specifying the method or methods to be
17 employed for disposing of real and personal property acquired by the
18 charter school or virtual charter school upon expiration or
19 termination of the charter or failure of the charter school or
20 virtual charter school to continue operations. Except as otherwise
21 provided, any real or personal property purchased with state or
22 local funds shall be retained by the ~~sponsoring school district~~
23 Statewide Charter School Board. If a charter school that was
24 previously sponsored by the board of education of a school district

1 continues operation within the school district under a new charter
2 ~~sponsored by an entity authorized pursuant to Section 3-132 of this~~
3 ~~title contract with the Statewide Charter School Board,~~ the charter
4 school may retain any personal property purchased with state or
5 local funds for use in the operation of the charter school until
6 termination of the new charter or failure of the charter school to
7 continue operations.

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

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

19 B. Prior to the beginning of the fourth year of operation of a
20 charter school or virtual charter school, the ~~sponsor~~ Statewide
21 Charter School Board shall issue a ~~charter school~~ performance report
22 and charter renewal application guidance to the charter school and
23 ~~the charter school~~ its governing board or the virtual charter school
24 and its governing board. The performance report shall summarize the

1 performance record to date of the charter school or virtual charter
2 school, based on the data required by the Oklahoma Charter Schools
3 Act and the charter contract and taking into consideration the
4 percentage of at-risk students enrolled in the school, and shall
5 provide notice of any weaknesses or concerns perceived by the
6 ~~sponsor~~ Board concerning the charter school or virtual charter
7 school that may jeopardize its position in seeking renewal if not
8 timely rectified. The charter school or virtual charter school
9 shall have forty-five (45) days to respond to the performance report
10 and submit any corrections or clarifications for the report.

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

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

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

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

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

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

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

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

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

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

23 ~~G. F.~~ 1. Beginning in the 2016-2017 school year, the State
24 Board of Education shall identify charter schools and virtual

1 charter schools in the state that are ranked in the bottom five
2 percent (5%) of all public schools as determined pursuant to Section
3 1210.545 of this title.

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

12 3. If there is a change to the calculation described in Section
13 1210.545 of this title that results in a charter school site or
14 virtual charter school that was not ranked in the bottom five
15 percent (5%) being ranked in the bottom five percent (5%), then the
16 ~~sponsor~~ Statewide Charter School Board shall use the higher of the
17 two rankings to calculate the ranking of the charter school site or
18 virtual charter school.

19 ~~4. In the event that a sponsor fails to close a charter school~~
20 ~~site consistent with this subsection, the sponsor shall appear~~
21 ~~before the State Board of Education to provide support for its~~
22 ~~decision. The State Board of Education may, by majority vote,~~
23 ~~uphold or overturn the decision of the sponsor. If the decision of~~

1 ~~the sponsor is overturned by the State Board of Education, the Board~~
2 ~~may implement one of the following actions:~~

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

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

18 ~~6.~~ 5. The requirements of this subsection shall not apply to a
19 charter school or virtual charter school that has been designated by
20 the State Department of Education as implementing an alternative
21 education program ~~throughout the charter school~~.

22 ~~7.~~ 6. In making a charter school site or virtual charter school
23 closure decision, the ~~State Board of Education~~ Statewide Charter
24 School Board shall consider the following:

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

19 ~~8. 7.~~ If the ~~State Board of Education~~ Statewide Charter School
20 Board has closed ~~or transferred authorization of~~ at least twenty-
21 five percent (25%) of the charter schools ~~chartered by one sponsor~~
22 ~~pursuant to paragraph 4 of~~ or virtual charter schools proposed by
23 one applicant pursuant to this subsection, the authority of the
24 ~~sponsor applicant to authorize~~ apply for new charter schools or

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

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

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

20 2. The ~~sponsor~~ Statewide Charter School Board and transition
21 team shall communicate regularly and effectively with families of
22 students enrolled in the charter school or virtual charter school,
23 as well as with school staff and other stakeholders, to keep them
24

1 apprised of key information regarding the closure of the school and
2 their options and risks;

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

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

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

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

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

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

22 3. ~~Provide the charter school with an opportunity to submit~~
23 ~~documents and give testimony in a public hearing challenging the~~
24 ~~rationale for closure and in support of the continuation of the~~

1 ~~school at an orderly proceeding held for that purpose and prior to~~
2 ~~taking any final nonrenewal or revocation decision related to the~~
3 ~~school;~~

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

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

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

9 ~~J. If a sponsor revokes or does not renew a charter, the~~
10 ~~sponsor shall clearly state in a resolution the reasons for the~~
11 ~~revocation or nonrenewal.~~

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

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

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

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

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

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

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

20 B. A teacher who is employed by or teaching at a charter school
21 or virtual charter school and who submits an employment application
22 to the school district where the teacher was employed immediately
23 before employment by or at a charter school or virtual charter
24

1 school shall be given employment preference by the school district
2 if:

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

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

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

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

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

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

23 C. A charter school may designate a specific geographic area
24 within the school district in which the charter school is located as
25

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

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

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

21 F. Beginning July 1, 2023, each statewide virtual charter
22 school which has been approved and sponsored by the Statewide
23 Charter School Board or any virtual charter school for which the
24 Board has assumed sponsorship of as provided for in Section 1 of

1 this act shall be considered a statewide virtual charter school and
2 the geographic boundaries of each statewide virtual charter school
3 shall be the borders of the state.

4 G. Beginning July 1, 2023, students enrolled full-time in a
5 statewide virtual charter school sponsored by the Statewide Charter
6 School Board shall not be authorized to participate in any
7 activities administered by the Oklahoma Secondary Schools Activities
8 Association. However, the students may participate in intramural
9 activities sponsored by a statewide virtual charter school, an
10 online provider for the charter school, or any other outside
11 organization.

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

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

6 3. A public school student may transfer to one statewide
7 virtual charter school at any time during a school year. For
8 purposes of this subsection, "school year" shall mean July 1 through
9 the following June 30. After one statewide virtual charter school
10 transfer during a school year, no public school student shall be
11 permitted to transfer to any other statewide virtual charter school
12 without the concurrence of both the resident school district and the
13 receiving virtual charter school. A student shall have a grace
14 period of fifteen (15) school days from the first day of enrollment
15 in a statewide virtual charter school to withdraw without academic
16 penalty and shall continue to have the option of one virtual charter
17 school transfer without the concurrence of both districts during
18 that same school year. A statewide virtual charter school student
19 that has utilized the allowable one transfer pursuant to this
20 subsection shall not be permitted to transfer to another district or
21 other statewide virtual charter school without first notifying his
22 or her resident district and initiating a new transfer. Upon
23 cancellation of a transfer the virtual charter school shall transmit
24 the student's records to the student's new school district within

1 three (3) school days. Students enrolled in a statewide virtual
2 charter school shall not be required to submit a virtual charter
3 transfer for consecutive years of enrollment. Any student enrolled
4 in a statewide virtual charter school the year prior to the
5 implementation of this section shall not be required to submit a
6 transfer in order to remain enrolled.

7 I. 1. Beginning July 1, 2023, a student shall be eligible to
8 enroll in a statewide virtual charter school sponsored by the
9 Statewide Charter School Board pursuant to Section 1 of this act if
10 he or she is a student whose parent or legal guardian is transferred
11 or is pending transfer to a military installation within this state
12 while on active military duty pursuant to an official military
13 order.

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

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

22 a. a temporary on-base billeting facility,

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

1 c. federal government or public-private venture off-base
2 military housing.

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

5 5. For purposes of this subsection:

6 a. "active military duty" means full-time military duty
7 status in the active uniformed service of the United
8 States including members of the National Guard and
9 Military Reserve on active duty orders, and

10 b. "military installation" means a base, camp, post,
11 station, yard, center, homeport facility for any ship,
12 or other installation under the jurisdiction of the
13 Department of Defense or the United States Coast
14 Guard.

15 SECTION 10. AMENDATORY 70 O.S. 2021, Section 3-142, is
16 amended to read as follows:

17 Section 3-142. A. The student membership and attendance of ~~the~~
18 a charter school shall be considered ~~separate from the student~~
19 ~~membership and attendance of the sponsor~~ for the purpose of
20 calculating enrollment and funding including weighted average daily
21 membership pursuant to Section 18-201.1 of this title and State Aid
22 pursuant to Section 18-200.1 of this title. A charter school shall
23 receive the State Aid allocation, federal funds to which it is
24 eligible and qualifies for, and any other state-appropriated revenue

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

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

1 quarter weighted average daily membership for the charter school
2 calculated pursuant to subsection A of this section.

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

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

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

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

15 F. Except as otherwise provided in this subsection, each
16 charter school shall pay to the Charter School Closure Reimbursement
17 Revolving Fund created in subsection G of this section an amount
18 equal to Five Dollars (\$5.00) per student based on average daily
19 membership, as defined by paragraph 2 of Section 18-107 of this
20 title, during the first nine (9) weeks of the school year. Each
21 charter school shall complete the payment every school year within
22 thirty (30) days after the first nine (9) weeks of the school year.
23 If the Charter School Closure Reimbursement Revolving Fund has a
24

1 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
2 payment shall be required the following school year.

3 G. There is hereby created in the State Treasury a revolving
4 fund for the ~~State Department of Education~~ Statewide Charter School
5 Board to be designated the "Charter School Closure Reimbursement
6 Revolving Fund". The fund shall be a continuing fund, not subject
7 to fiscal year limitations, and shall consist of all monies received
8 by the ~~State Department of Education~~ Statewide Charter School Board
9 from charter schools as provided in subsection F of this section.
10 All monies accruing to the credit of said fund are hereby
11 appropriated and may be budgeted and expended by the ~~State~~
12 ~~Department of Education~~ Statewide Charter School Board for the
13 purpose of ~~reimbursing charter school sponsors for costs~~ paying for
14 expenditures incurred due to the closure of a charter school.

15 Expenditures from said fund shall be made upon warrants issued by
16 the State Treasurer against claims filed as prescribed by law with
17 the Director of the Office of Management and Enterprise Services for
18 approval and payment. ~~The State Department of Education may~~
19 ~~promulgate rules regarding sponsor eligibility for reimbursement.~~

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

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

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

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

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

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

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

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

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

21 ~~Appropriate conveyances and other documents shall be executed to~~
22 ~~effectuate the transfer of any property associated with the~~
23 ~~contract. Upon succession of the contract, the Board shall assume~~
24 ~~sponsorship of the virtual charter school for the remainder of the~~

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

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

8 Section 3-145.7. ~~There~~ Until July 1, 2023, there is hereby
9 created in the State Treasury a revolving fund for the Statewide
10 Virtual Charter School Board to be designated the "Statewide Virtual
11 Charter School Board Revolving Fund". The fund shall be a
12 continuing fund, not subject to fiscal year limitations, and shall
13 consist of all monies received by the Statewide Virtual Charter
14 School Board from State Aid pursuant to Section 3-145.3 of ~~Title 70~~
15 ~~of the Oklahoma Statutes~~ this title or any other state
16 appropriation. All monies accruing to the credit of the fund are
17 hereby appropriated and may be budgeted and expended by the
18 Statewide Virtual Charter School Board for the purpose of supporting
19 the mission of the Statewide Virtual Charter School Board.
20 Expenditures from the fund shall be made upon warrants issued by the
21 State Treasurer against claims filed as prescribed by law with the
22 Director of the Office of Management and Enterprise Services for
23 approval and payment.

1 On July 1, 2023, the Statewide Virtual Charter School Board
2 shall transfer any unencumbered funds in the Statewide Virtual
3 Charter School Board Revolving Fund to the Statewide Charter School
4 Board Revolving Fund created pursuant to Section 3 of this act. Any
5 funds which are unexpended on January 1, 2024, shall be transferred
6 to the Statewide Charter School Board Revolving Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 B. ~~Local~~ School district boards of education ~~in each district~~
23 shall be responsible for ensuring annually that all high school
24 students have access to advanced placement courses beginning in the
25

1 2024-2025 school year. Such access may be provided through
2 enrollment in courses offered through:

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

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

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

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

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

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

1 preparing students for postsecondary-level coursework, enabling
2 students to gain access to postsecondary opportunities, and
3 qualifying for scholarships and other financial aid opportunities.

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

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

11 SECTION 17. REPEALER 70 O.S. 2021, Sections 3-132, 3-
12 135, 3-145.1, 3-145.2, 3-145.3, and 3-145.4 are hereby repealed.

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

15 SECTION 19. Section 1, 2, and 3 of this act shall become
16 effective July 1, 2022.

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

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