

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1621

By: Pugh of the Senate

3 and

4 Caldwell (Chad) of the
5 House

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

10

11 AUTHOR: Remove as principal House author Caldwell (Chad) and
12 substitute as principal House author Dills. Retain Caldwell
(Chad) as House coauthor.

13 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
14 and insert:

15 "An Act relating to charter schools; creating the
16 Statewide Charter School Board; providing authority
of board beginning on certain date; providing for
17 membership; requiring initial appointments by
certain date; providing terms of members; providing
18 for annual election of chair and vice chair; allowing
a member to be removed for certain reasons; providing
19 for filling of vacancies; prohibiting certain
legislators from serving as members; providing for
20 travel reimbursement; requiring first meeting of
Board to be held by certain date; providing for
21 frequency of meetings; specifying quorum
requirements; requiring virtual charter schools to
22 only be sponsored by the Statewide Charter School
Board beginning on certain date; abolishing the
23 Statewide Virtual Charter School Board upon certain
date; providing for succession to certain rights,
24 responsibilities, and agreements executed prior to
certain date; providing for transfer of powers,

1 duties, personnel, property, and other items;
2 directing the Director of the Office of Management
3 and Enterprise Services to coordinate certain
4 transfers; providing for succession of certain
5 contracts; providing for virtual charter school
6 sponsorship contract renewal; providing for
7 enforceability of certain administrative rules;
8 granting rulemaking authority; providing for
9 succession to certain rights, responsibilities, and
10 agreements executed by the State Board of Education
11 prior to certain date; directing Statewide Charter
12 School Board to assume certain sponsorships;
13 providing for certain sponsorship renewal;
14 permitting certain charter schools to apply for
15 sponsorship renewal with the Statewide Charter
16 School Board; establishing powers and duties of the
17 Statewide Charter School Board; reserving certain
18 powers and duties for the State Board of Education;
19 defining terms; providing for preparation of a
20 conversion plan; requiring certain items to be
21 included in plan; mandating conversion to school to
22 comply with certain laws; exempting application of
23 certain laws; providing for funding of conversion
24 schools; describing process for conversion school
reversion; requiring Board to make publicly
available a list of certain courses beginning on
certain date; directing 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 3-132,
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 eligibility of
certain entities to sponsor charter schools;
updating entity reference; excepting existing
charter schools from certain limitation; striking
duplicative language; transferring certain training
duty from the State Department of Education to the
Statewide Charter School Board; requiring training
after certain date for certain sponsors;

1 establishing deadline for training development and
2 implementation; modifying application process and
3 contents for certain schools; requiring certain
4 governing boards to meet monthly at a minimum;
5 including copies of certain contracts in
6 application; prohibiting certain entities from
7 contracting with a private school; removing
8 references to charter schools sponsored by certain
9 entities; deleting limitation of physical locations
10 for certain charter schools; striking appeals
11 process for certain sponsor rejections; prohibiting
12 delegation of certain responsibilities to a school
13 district; providing for powers and duties of charter
14 school and virtual charter school sponsors;
15 requiring Statewide Charter School Board to post
16 certain information on its website; modifying
17 contents of certain written contracts beginning on
18 certain date; providing exemption from certain
19 statutes and rules for charter schools and virtual
20 charter schools; requiring charter contract to
21 describe educational program being offered;
22 subjecting charter schools and virtual charter
23 schools to certain limitations on spending;
24 prescribing requirements for governing board
members; subjecting governing board to certain
conflict of interest requirements; requiring
governing board to comply with certain instruction
and continuing education requirements; requiring
notification to sponsor of certain significant
actions; requiring charter contracts to include
certain performance provisions; authorizing sponsor
to develop a separate performance framework;
requiring submission of data in certain identical
format; prescribing minimum framework for
performance evaluation; including certain indicators
of evaluation; requiring annual evaluation of
performance framework; mandating presentation of
evaluation results in certain open meeting; limiting
provisions of charter contracts; permitting an
applicant to hold multiple charter contracts;
defining term; prohibiting certain schools from
entering into certain employment contract under
certain circumstances; providing for contents of
employment contract; requiring disclosure of
employment rights; prohibiting certain schools from
serving certain students without certain contract;
authorizing sponsor to establish certain

1 requirements or conditions for certain schools;
2 updating references; requiring certain school
3 district to include charter school in bond issue
4 planning; providing for increase in length of
5 certain charter contracts; prescribing a performance
6 report prior to the final year of a charter contract
7 renewal; including certain information in report;
8 permitting sponsor to require charter school to
9 develop a corrective action plan; authorizing
10 nonrenewal of contract in certain cases; deleting
11 requirement of sponsor to appear before the State
12 Board of Education in certain circumstances;
13 requiring certain school to disclose revocation or
14 nonrenewal in a subsequent application; including
15 virtual charter schools in teacher salary and hiring
16 provisions; updating statutory language; requiring
17 certain school district to provide directory
18 information for students residing in the district
19 upon request; prescribing geographic boundaries for
20 virtual charter schools; prohibiting certain
21 students from participating in certain activities;
22 permitting participation in intramural activities;
23 designating certain students as transfer students;
24 prescribing process for enrollment in virtual
charter school; requiring transmission of student
records within certain time; directing certain
notification if technology infrastructure is
inadequate; prescribing limitation of student
transfers; defining term; prohibiting additional
transfer without certain concurrence; providing a
grace period for withdrawal; requiring certain
notification; providing for transfer for students
who have a parent or guardian in the military;
prescribing process for transfer; defining terms;
prohibiting the Statewide Charter School Board from
charging a fee for administrative or other services;
specifying how sponsor fee should be used; directing
development of certain data codes for reporting
expenditures; requiring sponsor to publish certain
report on its website; mandating sponsor to present
report in public meeting; providing content for
report; updating statutory language; transferring
oversight authority of the Charter School Closure
Reimbursement Revolving Fund; reassigning duty to
submit certain annual report; modifying authority
over the Charter Schools Incentive Fund; amending 70
O.S. 2021, Sections 3-145.5, 3-145.7, and 3-145.8,

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

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

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

A. There is hereby created the Statewide Charter School Board.
Beginning July 1, 2023, the Board shall have the sole authority to
sponsor statewide virtual charter schools in this state and may

1 sponsor charter schools in this state. The Board shall be composed
2 of nine (9) voting members as follows:

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

8 2. Two members appointed by the President Pro Tempore of the
9 Oklahoma State Senate, one of whom shall initially be a person
10 appointed by the President Pro Tempore and currently serving as a
11 member of the Statewide Virtual Charter School Board;

12 3. Two members appointed by the Speaker of the Oklahoma House
13 of Representatives, one of whom shall initially be a person
14 appointed by the Speaker and currently serving as a member of the
15 Statewide Virtual Charter School Board;

16 4. The State Superintendent of Public Instruction or his or her
17 designee; and

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

19 B. Initial appointments shall be made by August 31, 2022. The
20 President Pro Tempore of the Senate and the Speaker of the House of
21 Representatives shall each appoint one member for one (1) year and
22 one member for two (2) years. The Governor shall appoint one member
23 for one (1) year and two members for two (2) years. Members shall
24 serve until their successors are duly appointed for a term of three

1 (3) years. Appointments shall be made by and take effect on July 31
2 of the year in which the appointment is made. Annually by December
3 30 the Board shall elect from its membership a chair and vice-chair.
4 Members appointed to the Statewide Charter School Board shall
5 collectively possess strong experience and expertise in public and
6 nonprofit governance, management and finance, assessment, curriculum
7 and instruction, public charter schools, and public education law.
8 All appointed members of the Statewide Charter School Board shall
9 have demonstrated an understanding of and a commitment to charter
10 schools as a strategy for strengthening public education.

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

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

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

17 3. Being found mentally incompetent by a court of competent
18 jurisdiction; or

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

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

22 E. No member of the Senate or House of Representatives may be
23 appointed to the Board while serving as a member of the Legislature.
24

1 F. Members of the Statewide Charter School Board shall not
2 receive compensation but shall be reimbursed for necessary travel
3 expenses pursuant to the provisions of the State Travel
4 Reimbursement Act.

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

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

11 I. Beginning July 1, 2023, statewide virtual charter schools
12 shall be sponsored only by the Statewide Charter School Board
13 created pursuant to this section. Effective July 1, 2023, the
14 Statewide Virtual Charter School Board shall be abolished and the
15 Statewide Charter School Board shall succeed to any contractual
16 rights and responsibilities and settlement agreements incurred by
17 the Statewide Virtual Charter School Board in a virtual charter
18 school sponsorship contract executed prior to July 1, 2023.

19 1. All powers, duties, responsibilities, policies, personnel,
20 property, equipment, supplies, records, assets, funds, current and
21 future liabilities, encumbrances, obligations, and indebtedness of
22 the Statewide Virtual Charter School Board or associated with a
23 virtual charter school sponsorship contract entered into by the
24 Statewide Virtual Charter School Board prior to July 1, 2023, shall

1 be transferred to the Statewide Charter School Board. No items
2 shall be expended or used for any purpose other than the performance
3 of duties and responsibilities as directed and required in this act.
4 Appropriate conveyances and other documents shall be executed to
5 effectuate the transfer of property associated with a sponsorship
6 contract. The Statewide Charter School Board may contract for
7 additional legal and administrative services as necessary to
8 effectuate the transfers provided in this subsection.

9 2. The Director of the Office of Management and Enterprise
10 Services shall coordinate the transfer of funds, allotments,
11 purchase orders, and outstanding financial obligations and
12 encumbrances relating to the regulation of virtual charter schools
13 as transferred pursuant to the provisions of this act.

14 3. Upon succession of sponsorship contracts, the Statewide
15 Charter School Board shall assume sponsorship of the virtual charter
16 schools for the remainder of the term of the contracts. Prior to
17 the end of the current term of the contract, the Statewide Charter
18 School Board shall allow a virtual charter school to apply for
19 renewal of the sponsorship contract in accordance with the renewal
20 procedures established pursuant to Section 3-137 of Title 70 of the
21 Oklahoma Statutes.

22 4. Effective July 1, 2023, all administrative rules promulgated
23 by the Statewide Virtual Charter School Board relating to the
24 implementation and enforcement of the Oklahoma Charter Schools Act

1 shall be enforceable by the Statewide Charter School Board. The
2 rules shall continue in force and effect and the Executive Director
3 of the Statewide Charter School Board shall have authority to amend,
4 repeal, recodify, or make additions to the rules pursuant to the
5 Administrative Procedures Act.

6 J. Effective July 1, 2023, the Statewide Charter School Board
7 shall succeed to any contractual rights and responsibilities and
8 settlement agreements incurred by the State Board of Education in a
9 charter school sponsorship contract executed prior to July 1, 2023.
10 All property, equipment, supplies, records, assets, funds, current
11 and future liabilities, encumbrances, obligations, and indebtedness
12 associated with a charter school sponsorship contract entered into
13 by the State Board of Education prior to July 1, 2023, shall be
14 transferred to the Statewide Charter School Board. Appropriate
15 conveyances and other documents shall be executed to effectuate the
16 transfer of property associated with a sponsorship contract. Upon
17 succession of sponsorship contracts, the Statewide Charter School
18 Board shall assume sponsorship of the charter schools for the
19 remainder of the term of the contracts. Prior to the end of the
20 current term of the contract, the Statewide Charter School Board
21 shall allow a charter school to apply for renewal of the sponsorship
22 contract in accordance with the renewal procedures established
23 pursuant to Section 3-137 of Title 70 of the Oklahoma Statutes.

24

1 K. Beginning July 1, 2023, at the end of the current term of a
2 charter school sponsorship contract with a school district, an
3 accredited comprehensive or regional institution that is a member of
4 The Oklahoma State System of Higher Education, a community college,
5 or a federally recognized Indian tribe, a charter school may apply
6 for contract renewal with the Statewide Charter School Board for
7 sponsorship.

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

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

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

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

22 3. Establish a procedure for accepting, approving, and
23 disapproving charter school and statewide virtual charter school
24 applications and a process for renewal or revocation of approved

1 charter contracts which meet the procedures set forth in the
2 Oklahoma Charter Schools Act;

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

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

7 6. Comply with the requirements of the Oklahoma Open Meeting
8 Act and Oklahoma Open Records Act; and

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

12 B. The State Board of Education shall be responsible for
13 accreditation of charter schools and virtual charter schools and
14 ensure compliance with special education laws and federal laws and
15 programs administered by the State Board of Education.

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

18 a. prior to July 1, 2023, a public school established by
19 contract with a school district board of education, a
20 technology center school district, a higher education
21 institution, a federally recognized Indian tribe, or
22 the State Board of Education, and

23 b. on July 1, 2023, and after, a public school
24 established by contract with a school district board

1 of education, a higher education institution, a
2 federally recognized Indian tribe, or the Statewide
3 Charter School Board,
4 to provide learning that will improve student achievement and as
5 defined in the Elementary and Secondary Education Act of 1965, 20
6 U.S.C. 8065.

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

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

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

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

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

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

22 5. Unless otherwise provided for in this subsection, a
23 conversion school shall retain the characteristics of a traditional
24 public school.

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

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

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

23 There is hereby created in the State Treasury a revolving fund
24 for the Statewide Charter School Board to be designated the

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

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

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

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

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

23 3. Submit to the Governor a departmental budget based upon
24 major functions of the Department as prepared by the State

1 Superintendent of Public Instruction and supported by detailed data
2 on needs and proposed operations as partially determined by the
3 budgetary needs of local school districts filed with the State Board
4 of Education for the ensuing fiscal year. Appropriations therefor
5 shall be made in lump-sum form for each major item in the budget as
6 follows:

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

21 4. On the first day of December preceding each regular session
22 of the Legislature, prepare and deliver to the Governor and the
23 Legislature a report for the year ending June 30 immediately

24

1 preceding the regular session of the Legislature. The report shall
2 contain:

3 a. detailed statistics and other information concerning
4 enrollment, attendance, expenditures including State
5 Aid, and other pertinent data for all public schools
6 in this state,

7 b. reports from each and every division within the State
8 Department of Education as submitted by the State
9 Superintendent of Public Instruction and any other
10 division, department, institution, or other agency
11 under the supervision of the Board,

12 c. recommendations for the improvement of the public
13 school system of the state,

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

16 e. a statement of plans and recommendations for the
17 management and improvement of public schools and such
18 other information relating to the educational
19 interests of the state as may be deemed necessary and
20 desirable;

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

24

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

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

1 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
2 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
3 Statutes or who enters this state and who has been
4 convicted, received a suspended sentence, or received
5 a deferred judgment for a crime or attempted crime
6 which, if committed or attempted in this state, would
7 be a crime or an attempt to commit a crime provided
8 for in any of ~~said~~ the laws,

9 b. all funds collected by the State Department of
10 Education for the issuance of certificates to
11 instructional, supervisory, and administrative
12 personnel in the public schools of the state shall be
13 deposited in the "Teachers' Certificate Fund" in the
14 State Treasury and may be expended by the State Board
15 of Education to finance the activities of the State
16 Department of Education necessary to administer the
17 program, for consultative services, publication costs,
18 actual and necessary travel expenses as provided in
19 the State Travel Reimbursement Act incurred by persons
20 performing research work, and other expenses found
21 necessary by the State Board of Education for the
22 improvement of the preparation and certification of
23 teachers in Oklahoma. Provided, any unobligated
24 balance in the Teachers' Certificate Fund in excess of

1 Ten Thousand Dollars (\$10,000.00) on June 30 of any
2 fiscal year shall be transferred to the General
3 Revenue Fund of ~~the State of Oklahoma~~ this state.

4 Until July 1, 1997, the State Board of Education shall
5 have authority for approval of teacher education
6 programs. The State Board of Education shall also
7 have authority for the administration of teacher
8 residency and professional development, subject to the
9 provisions of the Oklahoma Teacher Preparation Act;

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

19 Any school district which maintains an elementary school and
20 faces the necessity of relocating its school facilities because of
21 construction of a lake, either by state or federal authority, which
22 will inundate the school facilities, shall be entitled to receive
23 probationary accreditation from the State Board of Education for a
24 period of five (5) years after ~~the effective date of this act~~ June

1 12, 1975, and any school district, otherwise qualified, shall be
2 entitled to receive probationary accreditation from the State Board
3 of Education for a period of two (2) consecutive years to attain the
4 minimum average daily attendance. The Head Start and public
5 nurseries or kindergartens operated from Community Action Program
6 funds shall not be subjected to the accrediting rules of the State
7 Board of Education. Neither will the State Board of Education make
8 rules affecting the operation of the public nurseries and
9 kindergartens operated from federal funds secured through Community
10 Action Programs even though they may be operating in the public
11 schools of the state. However, any of the Head Start or public
12 nurseries or kindergartens operated under federal regulations may
13 make application for accrediting from the State Board of Education
14 but will be accredited only if application for the approval of the
15 programs is made. The status of no school district shall be changed
16 which will reduce it to a lower classification until due notice has
17 been given to the proper authorities thereof and an opportunity
18 given to correct the conditions which otherwise would be the cause
19 of such reduction.

20 Private and parochial schools may be accredited and classified
21 in like manner as public schools or, if an accrediting association
22 is approved by the State Board of Education, by procedures
23 established by the State Board of Education to accept accreditation
24

1 by such accrediting association, if application is made to the State
2 Board of Education for such accrediting;

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

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

16 10. Be and is hereby designated as the "State Educational
17 Agency" referred to in Public Law 396 of the 79th Congress of the
18 United States, which law states that ~~said~~ the act may be cited as
19 the "National School Lunch Act", and ~~said~~ the State Board of
20 Education is hereby authorized and directed to accept the terms and
21 provisions of ~~said~~ the act and to enter into such agreements, not in
22 conflict with the Constitution of Oklahoma or the Constitution and
23 Statutes of the United States, as may be necessary or appropriate to
24

1 secure for ~~the State of Oklahoma~~ this state the benefits of the
2 school lunch program established and referred to in ~~said~~ the act;

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

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

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

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

16 15. Prescribe all forms for school district and county officers
17 to report to the State Board of Education where required. The State
18 Board of Education shall also prescribe a list of appropriation
19 accounts by which the funds of school districts shall be budgeted,
20 accounted for, and expended; and it shall be the duty of the State
21 Auditor and Inspector in prescribing all budgeting, accounting, and
22 reporting forms for school funds to conform to such lists;

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

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

4 18. Provide for the supervision of the transportation of
5 pupils;

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

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

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

1 aid school districts and charter schools in acquiring buildings,
2 subject to the limitations fixed by Section 32 of Article X of the
3 Oklahoma Constitution. It is hereby declared that the term
4 "acquiring buildings" as used in Section 32 of Article X of the
5 Oklahoma Constitution shall mean acquiring or improving school
6 sites, constructing, repairing, remodeling, or equipping buildings,
7 or acquiring school furniture, fixtures, or equipment. It is hereby
8 declared that the term "school districts" as used in Section 32 of
9 Article X of the Oklahoma Constitution shall mean school districts
10 and eligible charter schools as defined in subsection B of this
11 section. The State Board of Education shall disburse redbud school
12 grants annually from the State Public Common School Building
13 Equalization Fund to public schools and eligible charter schools
14 pursuant to subsection B of this section. The Board shall
15 promulgate rules for the implementation of disbursing redbud school
16 grants pursuant to this section. The State Board of Education shall
17 prescribe rules for making grants of aid from, and for otherwise
18 administering, the fund pursuant to the provisions of this
19 paragraph, and may employ and fix the duties and compensation of
20 technicians, aides, clerks, stenographers, attorneys, and other
21 personnel deemed necessary to carry out the provisions of this
22 paragraph. The cost of administering the fund shall be paid from
23 monies appropriated to the State Board of Education for the
24 operation of the State Department of Education. From monies

1 apporportioned to the fund, the State Department of Education may
2 reserve not more than one-half of one percent (1/2 of 1%) for
3 purposes of administering the fund;

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

12 23. Have authority to administer a revolving fund which is
13 hereby created in the State Treasury, to be designated the
14 Statistical Services Revolving Fund. The fund shall consist of all
15 monies received from the various school districts of the state, the
16 United States Government, and other sources for the purpose of
17 furnishing or financing statistical services and for any other
18 purpose as designated by the Legislature. The State Board of
19 Education is hereby authorized to enter into agreements with school
20 districts, municipalities, the United States Government,
21 foundations, and other agencies or individuals for services,
22 programs, or research projects. The Statistical Services Revolving
23 Fund shall be administered in accordance with Section 155 of Title
24 62 of the Oklahoma Statutes.

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

3 a. divide the county four-mill levy revenue by four to
4 determine the nonchargeable county four-mill revenue
5 for each school district,

6 b. determine the amount of new revenue generated by the
7 five-mill building fund levy as authorized by Section
8 10 of Article X of the Oklahoma Constitution for each
9 school district as reported in the Oklahoma Cost
10 Accounting System for the preceding fiscal year,

11 c. add the amounts calculated in subparagraphs a and b of
12 this paragraph to determine the nonchargeable millage
13 for each school district,

14 d. add the nonchargeable millage in each district
15 statewide as calculated in subparagraph c of this
16 paragraph and divide the total by the average daily
17 membership in public schools statewide based on the
18 preceding school year's average daily membership,
19 according to the provisions of Section 18-107 of this
20 title. This amount is the statewide nonchargeable
21 millage per student, known as the baseline local
22 funding per student,

23 e. all eligible charter schools shall be included in
24 these calculations as unique school districts,

1 separate from the school district that may sponsor the
2 eligible charter school, and the total number of
3 districts shall be used to determine the statewide
4 average baseline local funding per student,

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

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

19 2. For fiscal year 2022, monies for the redbud school grants
20 shall be expended from the funds apportioned pursuant to ~~Section 2~~
21 Section 426 of this act Title 63 of the Oklahoma Statutes. For
22 fiscal year 2023 and each subsequent fiscal year, monies for the
23 redbud school grants shall be appropriated pursuant to ~~Section 2~~
24 Section 426 of this act Title 63 of the Oklahoma Statutes, not to

1 exceed three-fourths (3/4) of the tax collected in the preceding
2 fiscal year pursuant to Section 426 of Title 63 of the Oklahoma
3 Statutes as determined by the Oklahoma Tax Commission. For fiscal
4 year 2023 and each subsequent fiscal year, if such appropriated
5 funds are insufficient to fund the redbud school grants, then an
6 additional apportionment of funds shall be made from sales tax
7 collections as provided by subsection D of ~~Section 3~~ Section 1353 of
8 ~~this act~~ Title 68 of the Oklahoma Statutes. If both funds are
9 insufficient, the Department shall promulgate rules to permit a
10 decrease to the baseline local funding per student to the highest
11 amount allowed with the funding available.

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

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

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

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

10 SECTION 5. AMENDATORY 70 O.S. 2021, Section 3-132, is
11 amended to read as follows:

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

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

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

24

1 ~~3. By a technology center school district if the charter school~~
2 ~~is located in a school district served by the technology center~~
3 ~~school district and the school district has a school site that has~~
4 ~~been identified as in need of improvement by the State Board of~~
5 ~~Education pursuant to the Elementary and Secondary Education Act of~~
6 ~~1965, as amended or reauthorized;~~

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

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

1 ~~6.~~ 4. By a federally recognized Indian tribe, operating a high
2 school under the authority of the Bureau of Indian Affairs as of
3 November 1, 2010, if the charter school is for the purpose of
4 demonstrating native language immersion instruction, and is located
5 within its former reservation or treaty area boundaries. For
6 purposes of this paragraph, native language immersion instruction
7 shall require that educational instruction and other activities
8 conducted at the school site are primarily conducted in the native
9 language;

10 ~~7.~~ 5. Until June 30, 2023, the State Board of Education and
11 beginning July 1, 2023, the Statewide Charter School Board when the
12 applicant of the charter school is the Office of Juvenile Affairs or
13 the applicant has a contract with the Office of Juvenile Affairs to
14 provide a fixed rate level E, D, or D+ group home service and the
15 charter school is for the purpose of providing education services to
16 youth in the custody or supervision of the state. ~~Not more than two~~
17 ~~charter schools shall be sponsored by the Board as provided for in~~
18 ~~this paragraph during the period of time beginning July 1, 2010,~~
19 ~~through July 1, 2016;~~

20 ~~8.~~ 6. By a federally recognized Indian tribe only when the
21 charter school is located within the former reservation or treaty
22 area boundaries of the tribe on property held in trust by the Bureau
23 of Indian Affairs of the United States Department of the Interior
24 for the benefit of the tribe; or

1 ~~9. 7. By the State Board of Education when the applicant has~~
2 ~~first been denied a charter by the local school district in which it~~
3 ~~seeks to operate~~ Statewide Charter School Board. In counties with
4 fewer than five hundred thousand (500,000) population, according to
5 the latest Federal Decennial Census, the ~~State Board of Education~~
6 Statewide Charter School Board shall not sponsor more than five new
7 charter schools ~~per year~~ each year ~~for the first five (5) years~~
8 ~~after the effective date of this act, with~~ and shall not sponsor
9 more than one charter school ~~sponsored~~ in a single school district
10 per year. ~~In order to authorize a charter school under this~~
11 ~~section, the State Board of Education shall find evidence of all of~~
12 ~~the following:~~

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

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

4 C. An eligible non-school-district sponsor shall give priority
5 to applicants that have demonstrated a record of operating at least
6 one school or similar program that demonstrates academic success and
7 organizational viability and serves student populations similar to
8 those the proposed charter school seeks to serve. In assessing the
9 potential for quality replication of a charter school, a sponsor
10 shall consider the following factors before approving a new site or
11 school:

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

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

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

19 4. Any management organization involved in a potential
20 replication is fully vetted, and the academic, financial, and
21 operational records of the schools it operates are found to be
22 satisfactory;

23

24

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

4 6. A financial structure that ensures that funds attributable
5 to each charter school within a network and required by law to be
6 utilized by a school remain with and are used to benefit that
7 school.

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

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

20 ~~2. Prior to the board of education of a school district~~
21 ~~converting all or any part of a traditional public school to a~~
22 ~~conversion school, the board shall prepare a conversion plan. The~~
23 ~~conversion plan shall include documentation that demonstrates and~~
24 ~~complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,~~

1 ~~19, 20, 21, 22, 23, 24, 34 and 35 of subsection B of Section 3-134~~
2 ~~of this title. The conversion plan and all documents shall be in~~
3 ~~writing and shall be available to the public pursuant to the~~
4 ~~requirements of the Oklahoma Open Records Act. All votes by the~~
5 ~~board of education of a school district to approve a conversion plan~~
6 ~~shall be held in an open public session. If the board of education~~
7 ~~of a school district votes to approve a conversion plan, the board~~
8 ~~shall notify the State Board of Education within sixty (60) days~~
9 ~~after the vote. The notification shall include a copy of the~~
10 ~~minutes for the board meeting at which the conversion plan was~~
11 ~~approved.~~

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

22 ~~4. The board of education of a school district may vote to~~
23 ~~revert a conversion school back to a traditional public school at~~
24

1 ~~any time; provided, the change shall only occur during a break~~
2 ~~between school years.~~

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

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

9 SECTION 6. AMENDATORY 70 O.S. 2021, Section 3-134, is
10 amended to read as follows:

11 Section 3-134. A. For written applications filed after ~~January~~
12 ~~1, 2008~~ July 1, 2023, prior to submission of the application to a
13 proposed sponsor seeking to establish a charter school or to the
14 Statewide Charter School Board to establish a virtual charter
15 school, the applicant shall be required to complete training which
16 shall not exceed ten (10) hours provided by the ~~State Department of~~
17 ~~Education~~ Statewide Charter School Board on the process and
18 requirements for establishing a charter school or virtual charter
19 school. The sponsor of a charter school that enters into a new or
20 renewed sponsorship contract on or after July 1, 2023, shall be
21 required to complete training provided by the Statewide Charter
22 School Board on the oversight duties of the sponsor. The ~~Department~~
23 ~~Board~~ shall develop and implement the training by ~~January 1, 2008~~
24 July 1, 2023. The ~~Department~~ Board may provide the training in any

1 format and manner that ~~the Department~~ it determines to be efficient
2 and effective including, but not limited to, web-based training.

3 B. Except as otherwise provided for in Section 3-137 of this
4 title, an applicant seeking to establish a virtual charter school
5 shall submit a written application to the Statewide Charter School
6 Board, and an applicant seeking to establish a charter school shall
7 submit a written application to the proposed sponsor as prescribed
8 in subsection E of this section. The application shall include:

9 1. A mission statement for the charter school or virtual
10 charter school;

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

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

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

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

24

- 1 6. A description of the facility and location of the charter
2 school;
- 3 7. A description of the grades being served;
- 4 8. An outline of criteria designed to measure the effectiveness
5 of the charter school or virtual charter school;
- 6 9. A demonstration of support for the charter school from
7 residents of the school district in which the charter school is to
8 be located which may include but is not limited to a survey of the
9 school district residents or a petition signed by residents of the
10 school district;
- 11 10. Documentation that the applicants completed ~~charter school~~
12 training as set forth in subsection A of this section;
- 13 11. A description of the minimum and maximum enrollment planned
14 per year for each term of the charter contract;
- 15 12. The proposed calendar for the charter school or virtual
16 charter school and sample daily schedule;
- 17 13. Unless otherwise authorized by law or regulation, a
18 description of the academic program aligned with state standards;
- 19 14. A description of the instructional design of the charter
20 school, or virtual charter school including the type of learning
21 environment, class size and structure, curriculum overview, and
22 teaching methods;
- 23 15. The plan for using internal and external assessments to
24 measure and report student progress on the performance framework

1 developed by the applicant in accordance with ~~subsection C of~~
2 ~~Section 3-135~~ Section 3-136 of this title;

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

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

8 18. Plans and time lines for student recruitment and
9 enrollment, including lottery procedures;

10 19. The student discipline policies for the charter school, or
11 virtual charter school including those for special education
12 students;

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

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

23 22. The leadership and teacher employment policies for the
24 charter school or virtual charter school;

- 1 23. Proposed governing bylaws;
- 2 24. Explanations of any partnerships or contractual
3 partnerships central to the operations or mission of the charter
4 school or virtual charter school;
- 5 25. The plans for providing transportation, food service, and
6 all other significant operational or ancillary services;
- 7 26. Opportunities and expectations for parental involvement;
- 8 27. A detailed school start-up plan that identifies tasks, time
9 lines, and responsible individuals;
- 10 28. A description of the financial plan and policies for the
11 charter school, or virtual charter school including financial
12 controls and audit requirements;
- 13 29. A description of the insurance coverage the charter school
14 or virtual charter school will obtain;
- 15 30. Start-up and five-year budgets with clearly stated
16 assumptions;
- 17 31. Start-up and first-year cash-flow projections with clearly
18 stated assumptions;
- 19 32. Evidence of anticipated fundraising contributions, if
20 claimed in the application;
- 21 33. A sound facilities plan, including backup or contingency
22 plans if appropriate;
- 23 34. A requirement that the charter school or virtual charter
24 school governing board meet at a minimum ~~quarterly~~ monthly in the

1 state and that for those charter schools outside of counties with a
2 population of five hundred thousand (500,000) or more, that a
3 majority of members are residents within the geographic boundary of
4 the ~~sponsoring entity~~ charter school; and

5 35. A requirement that the charter school follow the
6 requirements of the Oklahoma Open Meeting Act and Oklahoma Open
7 Records Act; and

8 36. A copy of proposed contracts between the governing board of
9 a charter school or virtual charter school and an educational
10 management organization, as defined by Section 5-200 of this title,
11 which meet the requirements of the Oklahoma Charter Schools Act.

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

18 D. The sponsor of a charter school is the board of education of
19 a school district, ~~the board of education of a technology center~~
20 ~~school district~~, a higher education institution, ~~the State Board of~~
21 ~~Education~~, ~~or~~ a federally recognized Indian tribe which meets the
22 criteria established in Section 3-132 of this title, or beginning
23 July 1, 2023, the Statewide Charter School Board. Any board of
24 education of a school district in the state may sponsor one or more

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

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

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

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

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

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

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

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

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

16 2. Solicit and evaluate charter applications;

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

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

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

22 6. Monitor, in accordance with charter contract terms, the
23 performance and legal compliance of charter schools and virtual
24 charter schools; and

1 7. Determine whether each charter contract merits renewal,
2 nonrenewal, or revocation.

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

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

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

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

23 Section 3-136. A. A Beginning July 1, 2023, a written contract
24 entered into between the Statewide Charter School Board and the

1 governing board of a charter school or statewide virtual charter
2 school or a written contract entered into between a sponsor and the
3 governing board of a charter school shall ~~adopt a charter which will~~
4 ensure compliance with the following:

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

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

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

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

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

23 5. ~~Except as provided for in the Oklahoma Charter Schools Act~~
24 ~~and its charter, a charter school shall be exempt from all statutes~~

1 ~~and rules relating to schools, boards of education, and school~~
2 ~~districts;~~

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

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

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

1 located or within this state if the governing board oversees
2 multiple charter schools in this state or oversees a virtual charter
3 school. The governing board of a charter school or virtual charter
4 school shall be subject to the same conflict of interest
5 requirements as a member of a school district board of education
6 including but not limited to Sections 5-113 and 5-124 of this title.
7 Members appointed to the governing board of a charter school or
8 virtual charter school shall be subject to the same instruction and
9 continuing education requirements as a member of a school district
10 board of education and pursuant to Section 5-110 of this title,
11 complete twelve (12) hours of instruction within fifteen (15) months
12 of appointment to the governing board, and pursuant to Section 5-
13 110.1 of this title, attend continuing education;

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

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

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

24

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

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

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

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

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

18 ~~17.~~ 16. The governing ~~body~~ board of a charter school or virtual
19 charter school shall ~~be subject to the same conflict of interest~~
20 ~~requirements as a member of a local school board~~ promptly notify the
21 sponsor in the instance of any significant adverse actions, material
22 findings of noncompliance, or pending actions, claims, or
23 proceedings in this state relating to the charter school or an
24

1 educational management organization with which the charter school
2 has a contract; and

3 ~~18.~~ 17. No later than September 1 each year, the governing
4 board of each charter school or virtual charter school formed
5 pursuant to the Oklahoma Charter Schools Act shall prepare a
6 statement of actual income and expenditures for the charter school
7 or virtual charter school for the fiscal year that ended on the
8 preceding June 30, in a manner compliant with Section 5-135 of this
9 title. The statement of expenditures shall include functional
10 categories as defined in rules adopted by the State Board of
11 Education to implement the Oklahoma Cost Accounting System pursuant
12 to Section 5-145 of this title. Charter schools and virtual charter
13 schools shall not be permitted to submit estimates of expenditures
14 or prorated amounts to fulfill the requirements of this paragraph;
15 and

16 18. A charter school or virtual charter school contract shall
17 include performance provisions based on a performance framework that
18 clearly sets forth the academic and operational performance
19 indicators that shall be used by charter school and virtual charter
20 school sponsors to evaluate their respective schools. The sponsor
21 may develop a separate performance framework to evaluate a charter
22 school or virtual charter school that has been designated by the
23 State Department of Education as implementing an alternative
24 education program throughout the school. The sponsor shall require

1 a charter school or virtual charter school to submit the data
2 required in this subsection in the identical format that is required
3 by the State Department of Education of all public schools in order
4 to avoid duplicative administrative efforts or allow a charter
5 school or virtual charter school to provide permission to the
6 Department to share all required data with the Board. The
7 performance framework shall serve as the minimum requirement for
8 charter school and virtual charter school performance evaluation and
9 shall include, but not be limited to, the following indicators:

- 10 a. student academic proficiency,
- 11 b. student academic growth,
- 12 c. achievement gaps in both proficiency and growth
13 between major student subgroups,
- 14 d. student attendance,
- 15 e. recurrent enrollment from year to year as determined
16 by the methodology used for public schools in
17 Oklahoma,
- 18 f. in the case of high schools, graduation rates as
19 determined by the methodology used for public schools
20 in Oklahoma,
- 21 g. in the case of high schools, postsecondary readiness,
- 22 h. financial performance and sustainability and
23 compliance with state and Internal Revenue Service
24 financial reporting requirements,

- 1 i. audit findings or deficiencies,
- 2 j. accreditation and timely reporting, and
- 3 k. governing board performance and stewardship including
- 4 compliance with all applicable laws, regulations, and
- 5 terms of the charter contract.

6 The sponsor shall annually evaluate its charter schools according to
7 the performance framework. The results of the evaluation shall be
8 presented to the governing board of the charter school and the
9 governing board of the charter school sponsor in an open meeting.

10 B. A charter contract shall provide for one charter district
11 that may include multiple charter sites to the extent approved by
12 the sponsor and consistent with applicable law. An applicant or the
13 governing board of an applicant may hold one or more charter
14 contracts. Each charter district that is part of a charter contract
15 shall be considered a local educational agency, as defined in 20
16 U.S.C. Section 7801, and shall be separate and distinct from any
17 other charter district. For the purposes of this subsection,
18 "separate and distinct" shall mean that a charter school governing
19 board with oversight of more than one charter district shall not
20 combine accounting, budgeting, recordkeeping, admissions,
21 employment, or policies and operational decisions of the charter
22 schools it oversees.

23 C. 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 its sponsor. The employment
6 contract shall set forth the personnel policies of the charter
7 school or virtual charter school including, but not limited to,
8 policies related to certification, professional development
9 evaluation, suspension, dismissal and nonreemployment, sick leave,
10 personal business leave, emergency leave, and family and medical
11 leave. The contract shall also specifically set forth the salary,
12 hours, fringe benefits, and work conditions. The contract may
13 provide for employer-employee bargaining, but the charter school or
14 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 board 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 governing board of the sponsor or the Statewide

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

9 ~~C.~~ D. The charter of a charter school or virtual charter school
10 may be amended at the request of the governing ~~body~~ board of the
11 charter school or virtual charter school and upon the approval of
12 the sponsor.

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

15 ~~E.~~ F. The governing ~~body~~ board of a charter school ~~may~~ or
16 virtual charter school shall not levy taxes or issue bonds. If a
17 school district proposes a bond where a charter school is located,
18 the school district shall include charter schools in all planning
19 conversations regarding the bond.

20 ~~F.~~ G. The charter of a charter school or virtual charter school
21 shall include a provision specifying the method or methods to be
22 employed for disposing of real and personal property acquired by the
23 charter school or virtual charter school upon expiration or
24 termination of the charter or failure of the charter school or

1 virtual charter school to continue operations. Except as otherwise
2 provided, any real or personal property purchased with state or
3 local funds shall be retained by the ~~sponsoring school district~~
4 sponsor. If a charter school that was previously sponsored by the
5 board of education of a school district continues operation within
6 the school district under a new charter sponsored by an entity
7 authorized pursuant to Section 3-132 of this title, the charter
8 school may retain any personal property purchased with state or
9 local funds for use in the operation of the charter school until
10 termination of the new charter or failure of the charter school to
11 continue operations.

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

14 Section 3-137. A. ~~An approved~~ An initial contract ~~for~~ between
15 a charter school or virtual charter school and its sponsor approved
16 on or after July 1, 2023, shall be effective for five (5) years from
17 the first day of operation. ~~A~~ After completing an initial five-year
18 term, a charter contract may be renewed for up to successive ~~five-~~
19 ~~year~~ ten-year terms of duration, although the sponsor may vary the
20 term based on the performance, demonstrated capacities, and
21 particular circumstances of each charter school. A sponsor may
22 grant renewal with specific conditions for necessary improvements to
23 a charter school.

24

1 B. Prior to the beginning of the ~~fourth~~ year before the final
2 year of operation a charter contract renewal of a charter school or
3 virtual charter school, the sponsor shall issue a ~~charter school~~
4 performance report and charter renewal application guidance to the
5 charter school and the charter school its governing board or the
6 virtual charter school and its governing board. The performance
7 report shall summarize the performance record to date of the charter
8 school or virtual charter school, based on the data required by the
9 Oklahoma Charter Schools Act, the annual performance framework
10 evaluation, the operating agreement review if the charter school or
11 virtual charter school contracts with an educational management
12 organization, and the charter contract and taking into consideration
13 the percentage of at-risk students enrolled in the school, ~~and~~. The
14 performance report shall provide notice of any weaknesses ~~or~~,
15 concerns, violations, or deficiencies perceived by the sponsor
16 concerning the charter school or virtual charter school that may
17 jeopardize its position in seeking renewal if not timely rectified.
18 ~~The~~ If there are weaknesses, concerns, violations, or deficiencies
19 the sponsor may require a charter school or virtual charter school
20 to develop a corrective action plan and corresponding timeline to
21 remedy any weaknesses, concerns, violations, or deficiencies. If
22 the sponsor requires a corrective action plan, the charter school or
23 virtual charter school shall have forty-five (45) days to respond to
24 the performance report and submit any corrections or clarifications

1 for the report. If the charter school or virtual charter school
2 does not substantially complete the corrective action plan, the
3 sponsor may choose not to renew the charter contract pursuant to the
4 requirements of this section.

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

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

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

23 D. The sponsor may deny the request for renewal if it
24 determines the charter school or virtual charter school has failed

1 to complete the obligations of the contract or comply with the
2 provisions of the Oklahoma Charter Schools Act. A sponsor shall
3 give written notice of its intent to deny the request for renewal at
4 least eight (8) months prior to expiration of the contract. In
5 making charter renewal decisions, a sponsor shall:

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

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

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

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

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

24

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

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

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

1 prior operating years shall be calculated by using the percentage
2 ranking for each year divided by three, as determined by this
3 subsection.

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

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

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

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

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

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

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

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

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

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

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

23 1. Within two (2) calendar weeks of a final closure
24 determination, the sponsor shall meet with the governing board and

1 leadership of the charter school or virtual charter school to
2 establish a transition team composed of school staff, applicant
3 staff, and others designated by the applicant that will attend to
4 the closure, including the transfer of students, student records,
5 and school funds;

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

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

15 4. The sponsor and transition team shall ensure that all
16 necessary and prudent notifications are issued to agencies,
17 employees, insurers, contractors, creditors, debtors, and management
18 organizations; and

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

23
24

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

4 1. Provide the charter school or virtual charter school with a
5 timely notification of the prospect of revocation or nonrenewal and
6 of the reasons for possible closure;

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

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

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

17 5. Permit the recording of the proceedings; and

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

21 J. If a sponsor revokes or does not renew a charter contract,
22 the sponsor shall clearly state in a resolution the reasons for the
23 revocation or nonrenewal. If a charter is revoked or nonrenewed,
24

1 the charter school or virtual charter school shall disclose the
2 revocation or nonrenewal in any subsequent application.

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

13 F. Upon request of the charter school, the school district in
14 which the charter school is located shall provide directory
15 information for students residing in the school district pursuant to
16 Section 24A.16 of Title 51 of the Oklahoma Statutes.

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

24

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

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

21 2. The State Department of Education shall notify the
22 Legislature and Governor if it determines that the information
23 technology infrastructure necessary to process the transfer of
24

1 students to a virtual charter school is inadequate and additional
2 time is needed for implementation.

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

1 in a statewide virtual charter school the year prior to the
2 implementation of this section shall not be required to submit a
3 transfer in order to remain enrolled.

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

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

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

19 a. a temporary on-base billeting facility,

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

21 c. federal government or public-private venture off-base
22 military housing.

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

1 5. For purposes of this subsection:

2 a. "active military duty" means full-time military duty
3 status in the active uniformed service of the United
4 States including members of the National Guard and
5 Military Reserve on active duty orders, and

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

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

13 Section 3-142. A. The student membership and attendance of ~~the~~
14 a charter school shall be considered separate from the student
15 membership and attendance of the sponsor for the purpose of
16 calculating enrollment and funding including weighted average daily
17 membership pursuant to Section 18-201.1 of this title and State Aid
18 pursuant to Section 18-200.1 of this title. A charter school shall
19 receive the State Aid allocation, federal funds to which it is
20 eligible and qualifies for, and any other state-appropriated revenue
21 generated by its students for the applicable year. Not more than
22 three percent (3%) of the State Aid allocation may be charged by the
23 sponsor as a fee for administrative services rendered if the sponsor
24 is a school district, a comprehensive or regional institution of

1 higher education, a community college, or a federally recognized
2 Indian tribe pursuant to Section 3-132 of this title. The Statewide
3 Charter School Board shall not charge any charter school or virtual
4 charter school a fee for administrative or other services. The
5 ~~State Board of Education~~ State Department of Education shall
6 determine the policy and procedure for making payments to a charter
7 school. The fee for administrative services as authorized in this
8 subsection shall only be assessed on the State Aid allocation amount
9 and shall not be assessed on any other appropriated amounts. A
10 sponsor of a charter school shall not charge any additional State
11 Aid allocation or charge the charter school any additional fee above
12 the amounts allowed by this subsection unless the additional fees
13 are for additional services rendered. The charter school sponsor
14 shall provide to the State Department of Education financial records
15 documenting any state funds charged by the sponsor for
16 administrative services rendered for the previous year.

17 B. The fee for administrative services authorized by subsection
18 A of this section shall be used by the sponsor to provide oversight
19 and services to the charter schools it sponsors. The State
20 Department of Education shall develop data codes for the Oklahoma
21 Cost Accounting System which shall be used to comply with the
22 administrative services reporting required by this section. A
23 charter school sponsor shall publish a detailed report on its
24 website and present the report in a public meeting of the charter

1 school governing board and the charter school sponsor governing
2 board. The report shall provide sponsor performance and stewardship
3 including compliance with all applicable laws, regulations, and
4 terms of the charter contract and listing expenses related to
5 oversight and services provided by the sponsor to the charter
6 schools it sponsors.

7 1. The weighted average daily membership for the first year of
8 operation of a charter school shall be determined initially by
9 multiplying the actual enrollment of students as of August 1 by
10 1.333. The 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 charter school shall be adjusted using the first
14 quarter weighted average daily membership for the charter school
15 calculated pursuant to subsection A of this section.

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

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

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

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

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

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

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

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

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

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

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

22 Section 3-144. A. There is hereby created in the State
23 Treasury a fund to be designated the "Charter Schools Incentive
24 Fund". The fund shall be a continuing fund, not subject to fiscal

1 year limitations, and shall consist of all monies appropriated by
2 the Legislature, gifts, grants, devises, and donations from any
3 public or private source. The ~~State Department of Education~~
4 Statewide Charter School Board shall administer the fund for the
5 purpose of providing financial support to charter school and virtual
6 charter school applicants and charter schools and virtual charter
7 schools for start-up costs and costs associated with renovating or
8 remodeling existing buildings and structures for use by a charter
9 school. The ~~State Department of Education~~ Statewide Charter School
10 Board is authorized to allocate funds on a per-pupil basis for
11 purposes of providing matching funds for the federal State Charter
12 School Facilities Incentive Grants Program created pursuant to the
13 No Child Left Behind Act, 20 USCA, Section 7221d.

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

17 SECTION 14. AMENDATORY 70 O.S. 2021, Section 3-145.5, is
18 amended to read as follows:

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

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

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

21 Section 3-145.7 ~~There~~ A. Until July 1, 2023, there is hereby
22 created in the State Treasury a revolving fund for the Statewide
23 Virtual Charter School Board to be designated the "Statewide Virtual
24 Charter School Board Revolving Fund". The fund shall be a

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

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

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

21 Section 3-145.8 A. It shall be the duty of each virtual
22 charter school approved and sponsored by the ~~Statewide Virtual~~
23 ~~School Board pursuant to the provisions of Section 3-145.3 of Title~~
24 ~~70 of the Oklahoma Statutes~~ Statewide Charter School Board to keep a

1 full and complete record of the attendance of all students enrolled
2 in the virtual charter school in one of the student information
3 systems approved by the State Department of Education and locally
4 selected by the virtual school from the approved list.

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

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

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

- 15 a. completes instructional activities on no less than
16 ninety percent (90%) of the days within the quarter,
- 17 b. is on pace for on-time completion of the course as
18 defined by the governing board of the virtual charter
19 school, or
- 20 c. completes no less than seventy-two instructional
21 activities within the quarter of the academic year.

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

- 1 a. the number of school days during which the student
2 completed the instructional activities during the
3 quarter,
- 4 b. the number of school days proportional to the
5 percentage of the course that has been completed, or
- 6 c. the number of school days proportional to the
7 percentage of the required minimum number of completed
8 instructional activities during the quarter.

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

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

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

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

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

19 H. If a statewide virtual charter school withdraws a student
20 pursuant to subsections F and G of this section, the virtual charter
21 school shall immediately notify the student's resident district in
22 writing of the student's disenrollment.

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

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

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

10 Beginning with the 2023-2024 school year, members of a charter
11 school sponsor governing board shall designate a representative from
12 the board to complete an annual sponsor workshop requirement
13 provided by the Statewide Charter School Board for a minimum of two
14 (2) hours but not to exceed twelve (12) hours. The sponsor workshop
15 shall include, but not be limited to, information regarding the
16 Charter Schools Act, charter governance, Internal Revenue Services
17 rules for nonprofits, and school finance laws.

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

20 Section 5-200. A. As used in this section, "educational
21 management organization" means a for-profit or nonprofit
22 organization that receives public funds to provide administration
23 and management services for a charter school, statewide virtual
24 charter school or traditional public school.

1 B. A charter school that contracts with an educational
2 management organization shall use the Oklahoma Cost Accounting
3 System (OCAS) to report the total amount paid to an educational
4 management organization pursuant to the terms of the contract as
5 well as actual itemized expenditure information for the goods or
6 services provided by the management organization as defined by OCAS
7 expenditure codes, including the total compensation package of the
8 superintendent including the base salary, insurance, retirement and
9 other fringe benefits.

10 C. ~~Any~~ Pursuant to Internal Revenue Service guidelines, any
11 owner of an educational management organization shall be required to
12 disclose to the governing board of the school in a public meeting
13 any ownership position in any business that contracts or proposes to
14 contract with the same public school that the educational management
15 organization is managing.

16 D. Whenever any person shall enter into a contract with any
17 school district or public charter school in the state to teach in
18 such school district or public charter school the contract shall be
19 binding on the teacher and on the board of education until the
20 teacher legally has been discharged from the teaching position or
21 released by the board of education from the contract. Except as
22 provided in Section 5-106A of ~~Title 70 of the Oklahoma Statutes~~ this
23 title, until such teacher has been thus discharged or released, the
24 teacher shall not have authority to enter into a contract with any

1 other board of education in Oklahoma for the same time covered by
2 the original contract. If upon written complaint by the board of
3 education in a district any teacher is reported to have failed to
4 obey the terms of the contract previously made and to have entered
5 into a contract with another board of education, including a public
6 charter school board of education, without having been released from
7 the former contract except as provided in Section 5-106A of ~~Title 70~~
8 ~~of the Oklahoma Statutes~~ this title, the teacher, upon being found
9 to be employed full-time for another public school, including a
10 public charter school in the state, at a hearing held before the
11 State Board of Education, shall have such teacher's certificate
12 suspended for the remainder of the term for which the contract was
13 made.

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

16 Section 18-124. A. Any school district with an average daily
17 attendance (ADA) of more than one thousand five hundred (1,500)
18 students for the preceding year which expends for administrative
19 services in the 2005-06 school year or any school year thereafter,
20 less expenditures for legal services, more than five percent (5%) of
21 the amount it expends for total expenditures, less expenditures for
22 legal services, shall have the amount which exceeds the five percent
23 (5%) withheld the following year from the Foundation and Salary
24 Incentive Aid for the school district.

1 B. Any school district with an average daily attendance (ADA)
2 of more than five hundred (500) students but not more than one
3 thousand five hundred (1,500) students for the preceding year which
4 expends for administrative services in the 2005-06 school year or
5 any school year thereafter, less expenditures for legal services,
6 more than seven percent (7%) of the amount it expends for total
7 expenditures, less expenditures for legal services, shall have the
8 amount which exceeds the seven percent (7%) withheld the following
9 year from the Foundation and Salary Incentive Aid for the school
10 district.

11 C. Any school district with an average daily attendance (ADA)
12 of five hundred (500) or fewer students for the preceding year which
13 expends for administrative services in the 2005-06 school year or
14 any school year thereafter, less expenditures for legal services,
15 more than eight percent (8%) of the amount it expends for total
16 expenditures, less expenditures for legal services, shall have the
17 amount which exceeds the eight percent (8%) withheld the following
18 year from the Foundation and Salary Incentive Aid for the school
19 district.

20 D. The provisions of this section shall apply to charter
21 schools and virtual charter schools which contract with an
22 educational management organization as defined in Section 5-200 of
23 this title. The expenditure limits shall not exceed the percentages
24 prescribed in subsections A, B, and C of this section, and the

1 calculation of administrative services for schools which contract
2 with an educational management organization shall be the combined
3 amount of administrative services expended by the school and the
4 educational management organization.

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

- 7 1. Staff for the board of education;
- 8 2. The secretary/clerk for the board of education;
- 9 3. Staff relations;
- 10 4. Negotiations staff;
- 11 5. Immediate staff of the superintendent, any elementary
12 superintendent or any assistant superintendent;
- 13 6. Any superintendent, elementary superintendent, or assistant
14 superintendent;
- 15 7. Any employee of a school district employed as a director,
16 coordinator, supervisor, or who has responsibility for
17 administrative functions of a school district; ~~and~~
- 18 8. Any consultant hired by the school district; and
- 19 9. Administrative services paid to an educational management
20 organization as defined in Section 5-200 of this title.

21 ~~E.~~ F. If an employee of a school district is employed in a
22 position where part of the employee's time is spent as an
23 administrator and part of the time is spent in nonadministrative
24 functions, the percentage of time spent as an administrator shall be

1 included as administrative services. A superintendent who spends
2 part of the time performing exempted nonadministrative services such
3 as teaching in the classroom, serving as a principal, counselor, or
4 library media specialist, can code up to forty percent (40%) of
5 their salary to other nonadministrative functions. The total amount
6 of time a superintendent of a school district spends performing
7 services for a school district shall be included as administrative
8 services even if part of the time the superintendent is performing
9 nonexempted nonadministrative service functions. The total amount
10 received by a superintendent from the school district as salary, for
11 the performance of administrative and nonexempted nonadministrative
12 services, shall be recorded under the code for superintendent salary
13 as provided for in the Oklahoma Cost Accounting System.

14 ~~F.~~ G. Each school site within a school district shall take
15 steps to ensure that the administrative costs for the school comply
16 with the expenditure limits established for school districts in this
17 section.

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

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

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

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

6 B. ~~Local~~ School district boards of education ~~in each district~~
7 shall be responsible for ensuring annually that all high school
8 students have access to advanced placement courses beginning in the
9 2024-2025 school year. Such access may be provided through
10 enrollment in courses offered through:

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

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

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

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

18 C. The ~~Statewide Virtual Charter School Board~~ Statewide Charter
19 School Board shall maintain an online learning platform to provide
20 high quality online learning opportunities for Oklahoma students
21 that are aligned with the subject matter standards adopted by the
22 State Board of Education pursuant to Section 11-103.6 of ~~Title 70 of~~
23 ~~the Oklahoma Statutes~~ this title. The Board shall implement online
24 courses, with an emphasis on science, technology, engineering, and

1 math (STEM) courses, foreign language courses, and advanced
2 placement courses. The online platform shall be available to all
3 Oklahoma school districts.

4 D. The State Department of Education shall provide information
5 to all ~~local~~ boards of education, to be distributed to their
6 students and parents, on available opportunities and the enrollment
7 process for students to take advanced placement courses. The
8 information shall explain the value of advanced placement courses in
9 preparing students for postsecondary-level coursework, enabling
10 students to gain access to postsecondary opportunities, and
11 qualifying for scholarships and other financial aid opportunities.

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

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

19 SECTION 21. REPEALER 70 O.S. 2021, Sections 3-135, 3-
20 145.1, 3-145.2, 3-145.3, and 3-145.4, are hereby repealed.

21 SECTION 22. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
22 16, 17, 18, 19, 20, and 21 of this act shall become effective July
23 1, 2023."

24

1 ENGROSSED SENATE
BILL NO. 1621

By: Pugh of the Senate

2
3 and

4 Caldwell (Chad) of the
House

5
6
7 [charter schools - Statewide Charter School Board -
Statewide Charter School Board Revolving Fund -
8 repealers - codification - effective dates -
9 emergency]

10

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

12 SECTION 23. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless
14 there is created a duplication in numbering, reads as follows:

15 A. There is hereby created the Statewide Charter School Board.
16 Beginning July 1, 2023, the Board shall have the sole authority to
17 authorize and sponsor statewide virtual charter schools in this
18 state and may authorize and sponsor charter schools in this state.
19 The Board shall be composed of nine (9) voting members as follows:

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

24

1 2. Two members appointed by the President Pro Tempore of the
2 Senate, one of whom shall be a retired public charter school teacher
3 and one of whom shall be someone with executive-level business
4 experience who lives in a county with a population of more than one
5 hundred thousand (100,000) according to the latest Federal Decennial
6 Census;

7 3. Two members appointed by the Speaker of the House of
8 Representatives, one of whom shall be a retired public school
9 teacher and one of whom shall be someone with executive-level
10 business experience who lives in a county with a population of less
11 than one hundred thousand (100,000) according to the latest Federal
12 Decennial Census;

13 4. The State Superintendent of Public Instruction or his or her
14 designee; and

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

16 B. Initial appointments shall be made by August 31, 2022. The
17 President Pro Tempore of the Senate and the Speaker of the House of
18 Representatives shall each appoint one member for one (1) year and
19 one member for two (2) years. The Governor shall appoint one member
20 for one (1) year and two members for two (2) years. Members shall
21 serve until their successors are duly appointed for a term of three
22 (3) years. Appointments shall be made by and take effect on July 31
23 of the year in which the appointment is made. Annually by December
24 30 the Board shall elect from its membership a chair and vice chair.

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

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

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

7 3. Being found mentally incompetent by a court of competent
8 jurisdiction; or

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

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

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

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

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

23

24

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, statewide virtual charter schools
5 shall be sponsored only by the Statewide Charter School Board
6 created pursuant to this section. Effective July 1, 2023, the
7 Statewide Charter School Board shall succeed to any contractual
8 rights and responsibilities incurred by the Statewide Virtual
9 Charter School Board in a virtual charter school sponsorship
10 contract executed prior to July 1, 2023. All property, equipment,
11 supplies, records, assets, current and future liabilities,
12 encumbrances, obligations, and indebtedness associated with a
13 virtual charter school sponsorship contract entered into by the
14 Statewide Virtual Charter School Board prior to July 1, 2023, shall
15 be transferred to the Statewide Charter School Board. Appropriate
16 conveyances and other documents shall be executed to effectuate the
17 transfer of property associated with a sponsorship contract. Upon
18 succession of sponsorship contracts, the Statewide Charter School
19 Board shall assume sponsorship of the virtual charter schools for
20 the remainder of the term of the contracts. Prior to the end of the
21 current term of the contract, the Statewide Charter School Board
22 shall allow a virtual charter school to apply for renewal of the
23 sponsorship contract in accordance with the renewal procedures

24

1 established pursuant to Section 3-137 of Title 70 of the Oklahoma
2 Statutes.

3 J. Effective July 1, 2023, the Statewide Charter School Board
4 shall succeed to any contractual rights and responsibilities
5 incurred by the State Board of Education in a charter school
6 sponsorship contract executed prior to July 1, 2023. All property,
7 equipment, supplies, records, assets, current and future
8 liabilities, encumbrances, obligations, and indebtedness associated
9 with a charter school sponsorship contract entered into by the State
10 Board of Education prior to July 1, 2023, shall be transferred to
11 the Statewide Charter School Board. Appropriate conveyances and
12 other documents shall be executed to effectuate the transfer of
13 property associated with a sponsorship contract. Upon succession of
14 sponsorship contracts, the Statewide Charter School Board shall
15 assume sponsorship of the charter schools for the remainder of the
16 term of the contracts. Prior to the end of the current term of the
17 contract, the Statewide Charter School Board shall allow a charter
18 school to apply for renewal of the sponsorship contract in
19 accordance with the renewal procedures established pursuant to
20 Section 3-137 of Title 70 of the Oklahoma Statutes.

21 K. Beginning July 1, 2023, prior to the end of the current term
22 of a charter school sponsorship contract with a school district, an
23 accredited comprehensive or regional institution that is a member of
24 The Oklahoma State System of Higher Education, a community college,

1 or a federally recognized Indian tribe, a charter school may apply
2 to the Statewide Charter School Board for sponsorship.

3 SECTION 24. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Beginning July 1, 2023, and subject to the requirements of
7 the Oklahoma Charter Schools Act, the Statewide Charter School Board
8 shall:

9 1. Provide general oversight of the operations of all charter
10 schools in this state;

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

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

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

24

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

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

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

8 B. 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 a school district board
17 of education, a higher education institution, a
18 federally recognized Indian tribe, or the Statewide
19 Charter School Board,

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

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

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

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

1 include a copy of the minutes for the board meeting at which the
2 conversion plan was approved.

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

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

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

20 D. 1. Beginning July 1, 2023, the Statewide Charter School
21 Board shall make publicly available a list of supplemental online
22 courses which have been reviewed and certified by the Board to
23 ensure that the courses are high quality options and are aligned
24 with the subject matter standards adopted by the State Board of

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

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

15 SECTION 25. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 There is hereby created in the State Treasury a revolving fund
19 for the Statewide Charter School Board to be designated the
20 "Statewide Charter School Board Revolving Fund". The fund shall be
21 a continuing fund, not subject to fiscal year limitations, and shall
22 consist of all monies received by the Statewide Charter School Board
23 from state appropriations. All monies accruing to the credit of the
24 fund are hereby appropriated and may be budgeted and expended by the

1 Statewide Charter School Board for the purposes set forth in Section
2 2 of this act. Expenditures from the fund shall be made upon
3 warrants issued by the State Treasurer against claims filed as
4 prescribed by law with the Director of the Office of Management and
5 Enterprise Services for approval and payment.

6 SECTION 26. AMENDATORY 70 O.S. 2021, Section 3-104, is
7 amended to read as follows:

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

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

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

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

1 shall be made in lump-sum form for each major item in the budget as
2 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 27. AMENDATORY 70 O.S. 2021, Section 3-132, is
7 amended to read as follows:

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

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

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

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

24

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

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

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

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

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

5 ~~7.~~ 5. Until June 30, 2023, the State Board of Education and
6 beginning July 1, 2023, the Statewide Charter School Board when the
7 applicant of the charter school is the Office of Juvenile Affairs or
8 the applicant has a contract with the Office of Juvenile Affairs to
9 provide a fixed rate level E, D, or D+ group home service and the
10 charter school is for the purpose of providing education services to
11 youth in the custody or supervision of the state. ~~Not more than two~~
12 ~~charter schools shall be sponsored by the Board as provided for in~~
13 ~~this paragraph during the period of time beginning July 1, 2010,~~
14 ~~through July 1, 2016;~~

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

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

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

6 a. ~~a thorough and high-quality charter school application~~
7 ~~from the applicant based on the authorizing standards~~
8 ~~in subsection B of Section 3-134 of this title,~~

9 b. ~~a clear demonstration of community support for the~~
10 ~~charter school, and~~

11 c. ~~the grounds and basis of objection by the school~~
12 ~~district for denying the operation of the charter are~~
13 ~~not supported by the greater weight of evidence and~~
14 ~~the strength of the application~~ 7. Beginning July 1,
15 2023, by the Statewide Charter School Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 28. AMENDATORY 70 O.S. 2021, Section 3-134, is
22 amended to read as follows:

23 Section 3-134. A. For written applications filed after January
24 ~~1, 2008~~ July 1, 2023, prior to submission of the application to a

1 proposed sponsor seeking to establish a charter school or to the
2 Statewide Charter School Board to establish a virtual charter
3 school, the applicant shall be required to complete training which
4 shall not exceed ten (10) hours provided by the ~~State Department of~~
5 ~~Education~~ Statewide Charter School Board on the process and
6 requirements for establishing a charter school or virtual charter
7 school. The sponsor of a charter school that enters into a new or
8 renewed sponsorship contract on or after July 1, 2023, shall be
9 required to complete training provided by the Statewide Charter
10 School Board on the oversight duties of the sponsor. The ~~Department~~
11 ~~Board~~ shall develop and implement the training by ~~January 1, 2008~~
12 July 1, 2023. The ~~Department~~ Board may provide the training in any
13 format and manner that ~~the Department~~ it determines to be efficient
14 and effective including, but not limited to, web-based training.

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

21 1. A mission statement for the charter school or virtual
22 charter school;

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

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

10 4. A description of the hiring policy of the charter school or
11 virtual charter school;

12 5. The name of the applicant or applicants and requested
13 sponsor;

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

16 7. A description of the grades being served;

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

19 9. A demonstration of support for the charter school from
20 residents of the school district in which the charter school is to
21 be located which may include but is not limited to a survey of the
22 school district residents or a petition signed by residents of the
23 school district;

24

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

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

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

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

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

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

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

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

22 18. Plans and time lines for student recruitment and
23 enrollment, including lottery procedures;

24

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

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

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

14 22. The leadership and teacher employment policies for the
15 charter school or virtual charter school;

16 23. Proposed governing bylaws;

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

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

22 26. Opportunities and expectations for parental involvement;

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

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

4 29. A description of the insurance coverage the charter school
5 or virtual charter school will obtain;

6 30. Start-up and five-year budgets with clearly stated
7 assumptions;

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

10 32. Evidence of anticipated fundraising contributions, if
11 claimed in the application;

12 33. A sound facilities plan, including backup or contingency
13 plans if appropriate;

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

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

23 C. A board of education of a public school district, public
24 body, public or private college or university, private person, or

1 private organization may contract with a sponsor to establish a
2 charter school. A private school shall not be eligible to contract
3 for a charter school or virtual charter school under the provisions
4 of the Oklahoma Charter Schools Act.

5 D. The sponsor of a charter school is the board of education of
6 a school district, ~~the board of education of a technology center~~
7 ~~school district,~~ a higher education institution, ~~the State Board of~~
8 ~~Education,~~ or a federally recognized Indian tribe which meets the
9 criteria established in Section 3-132 of this title, or beginning
10 July 1, 2023, the Statewide Charter School Board. Any board of
11 education of a school district in the state may sponsor one or more
12 charter schools. The physical location of a charter school
13 sponsored by a board of education of a school district ~~or a~~
14 ~~technology center school district~~ shall be within the boundaries of
15 the sponsoring school district. The physical location of a charter
16 school sponsored by the ~~State Board of Education~~ Statewide Charter
17 School Board when the applicant of the charter school is the Office
18 of Juvenile Affairs shall be where an Office of Juvenile Affairs
19 facility for youth is located. ~~The physical location of a charter~~
20 ~~school otherwise sponsored by the State Board of Education pursuant~~
21 ~~to paragraph 8 of subsection A of Section 3-132 of this title shall~~
22 ~~be in the school district in which the application originated.~~

23 E. An applicant for a charter school may submit an application
24 to a proposed sponsor which shall either accept or reject

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

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

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

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

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

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

24

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

4 2. Solicit and evaluate charter applications;

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

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

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

10 6. Approve or deny proposed contracts between the governing
11 board of a charter school or virtual charter school and an
12 educational management organization, as defined by Section 5-200 of
13 this title;

14 7. Monitor, in accordance with charter contract terms, the
15 performance and legal compliance of charter schools and virtual
16 charter schools; and

17 ~~7.~~ 8. Determine whether each charter contract merits renewal,
18 nonrenewal, or revocation.

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

1 K. Sponsors including the Statewide Charter School Board, shall
2 ~~be required to~~ develop and maintain chartering policies and
3 practices consistent with recognized principles and standards for
4 quality charter authorizing ~~as established by the State Department~~
5 ~~of Education~~ in all major areas of authorizing responsibility,
6 including organizational capacity and infrastructure, soliciting and
7 evaluating charter school and virtual charter school applications,
8 performance contracting, ongoing charter school and virtual charter
9 school oversight and evaluation, and charter contract renewal
10 decision-making.

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

14 SECTION 29. AMENDATORY 70 O.S. 2021, Section 3-136, is
15 amended to read as follows:

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

22 1. A Except as provided for in the Oklahoma Charter Schools
23 Act, a charter school and virtual charter school shall be exempt
24 from all statutes and rules relating to schools, boards of

1 education, and school districts; provided, however, a charter school
2 or virtual charter school shall comply with all federal regulations
3 and state and local rules and statutes relating to health, safety,
4 civil rights, and insurance. By January 1, 2000, the State
5 Department of Education shall prepare a list of relevant rules and
6 statutes which a charter school and virtual charter school must
7 comply with as required by this paragraph and shall annually provide
8 an update to the list;

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

15 3. The charter contract shall provide a description of the
16 educational program to be offered. A charter school or virtual
17 charter school may provide a comprehensive program of instruction
18 for a prekindergarten program, a kindergarten program, or any grade
19 between grades one and twelve. Instruction may be provided to all
20 persons between the ages of four (4) and twenty-one (21) years. A
21 charter school or virtual charter school may offer a curriculum
22 which emphasizes a specific learning philosophy or style or certain
23 subject areas such as mathematics, science, fine arts, performance
24 arts, or foreign language. The charter of a charter school or

1 virtual charter school which offers grades nine through twelve shall
2 specifically address whether the charter school or virtual charter
3 school will comply with the graduation requirements established in
4 Section 11-103.6 of this title. No charter school or virtual
5 charter school shall be chartered for the purpose of offering a
6 curriculum for deaf or blind students that is the same or similar to
7 the curriculum being provided by or for educating deaf or blind
8 students that are being served by the Oklahoma School for the Blind
9 or the Oklahoma School for the Deaf;

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

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

20 6. A charter school or virtual charter school, to the extent
21 possible, shall be subject to the same reporting requirements,
22 financial audits, audit procedures, and audit requirements as a
23 school district. The State Department of Education or State Auditor
24 and Inspector may conduct financial, program, or compliance audits.

1 A charter school or virtual charter school shall use the Oklahoma
2 Cost Accounting System to report financial transactions to the
3 ~~sponsoring school district~~ State Department of Education;

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

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

1 (15) months of appointment to the governing body, and pursuant to
2 Section 5-110.1 of this title, attend continuing education;

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

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

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

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

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

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

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

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

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

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

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

22 17. A charter school or virtual charter school contract shall
23 include performance provisions based on a performance framework that
24 clearly sets forth the academic and operational performance

1 indicators, measures, and metrics that will guide the evaluation of
2 a charter school or virtual charter school by the sponsor including
3 the Statewide Charter School Board. The sponsor shall require a
4 charter school or virtual charter school to submit the data required
5 in this subsection in the identical format that is required by the
6 State Department of Education of all public schools in order to
7 avoid duplicative administrative efforts or allow a charter school
8 or virtual charter school to provide permission to the Department to
9 share all required data with the Board. The performance framework
10 shall include indicators, measures, and metrics for, at a minimum:
11 1. Student academic proficiency;
12 2. Student academic growth;
13 3. Achievement gaps in both proficiency and growth between
14 major student subgroups;
15 4. Student attendance;
16 5. Recurrent enrollment from year to year as determined by the
17 methodology used for public schools in Oklahoma;
18 6. In the case of high schools, graduation rates as determined
19 by the methodology used for public schools in Oklahoma;
20 7. In the case of high schools, postsecondary readiness;
21 8. Financial performance and sustainability; and
22 9. Governing board performance and stewardship including
23 compliance with all applicable laws, regulations, and terms of the
24 charter contract.

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

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

23 No charter school or virtual charter school may begin serving
24 students without a contract executed in accordance with the

1 provisions of the Oklahoma Charter Schools Act and approved in an
2 open meeting of the governing board of the sponsor or the Statewide
3 Charter School Board. The governing board of the sponsor or the
4 Statewide Charter School Board may establish reasonable preopening
5 requirements or conditions to monitor the start-up progress of newly
6 approved charter schools or virtual charter schools and ensure that
7 each brick-and-mortar school is prepared to open smoothly on the
8 date agreed and to ensure that each school meets all building,
9 health, safety, insurance, and other legal requirements for the
10 opening of a school.

11 C. The charter of a charter school or virtual charter school
12 may be amended at the request of the governing body of the charter
13 school or virtual charter school and upon the approval of the
14 sponsor.

15 D. A charter school or virtual charter school may enter into
16 contracts and sue and be sued.

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

19 F. The charter of a charter school or virtual charter school
20 shall include a provision specifying the method or methods to be
21 employed for disposing of real and personal property acquired by the
22 charter school or virtual charter school upon expiration or
23 termination of the charter or failure of the charter school or
24 virtual charter school to continue operations. Except as otherwise

1 provided, any real or personal property purchased with state or
2 local funds shall be retained by the ~~sponsoring school district~~
3 sponsor. If a charter school that was previously sponsored by the
4 board of education of a school district continues operation within
5 the school district under a new charter sponsored by an entity
6 authorized pursuant to Section 3-132 of this title, the charter
7 school may retain any personal property purchased with state or
8 local funds for use in the operation of the charter school until
9 termination of the new charter or failure of the charter school to
10 continue operations.

11 SECTION 30. AMENDATORY 70 O.S. 2021, Section 3-137, is
12 amended to read as follows:

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

21 B. Prior to the beginning of the ~~fourth~~ ninth year of operation
22 of a charter school or virtual charter school, the sponsor shall
23 issue a ~~charter school~~ performance report and charter renewal
24 application guidance to the charter school and ~~the charter school~~

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

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

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

24

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

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

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

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

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

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

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

5 ~~E. If a sponsor 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 G of~~
8 ~~Section 3-134 of this title.~~

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

22 ~~G.~~ F. 1. Beginning in the 2016-2017 school year, the State
23 Board of Education shall identify charter schools and virtual
24 charter schools in the state that are ranked in the bottom five

1 percent (5%) of all public schools as determined pursuant to Section
2 1210.545 of this title.

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

10 3. If there is a change to the calculation described in Section
11 1210.545 of this title that results in a charter school site or
12 virtual charter school that was not ranked in the bottom five
13 percent (5%) being ranked in the bottom five percent (5%), then the
14 sponsor shall use the higher of the two rankings to calculate the
15 ranking of the charter school site or virtual charter school.

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

23 a. ~~transfer the sponsorship of the charter school~~
24 ~~identified in this paragraph to another sponsor,~~

1 ~~b. order the closure of the charter school identified in~~
2 ~~this paragraph at the end of the current school year,~~

3 ~~or~~

4 ~~e. order the reduction of any administrative fee~~
5 ~~collected by the sponsor that is applicable to the~~
6 ~~charter school identified in this paragraph. The~~
7 ~~reduction shall become effective at the beginning of~~
8 ~~the month following the month the hearing of the~~
9 ~~sponsor is held by the State Board of Education.~~

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

14 ~~6.~~ 5. The requirements of this subsection shall not apply to a
15 charter school or virtual charter school that has been designated by
16 the State Department of Education as implementing an alternative
17 education program ~~throughout the charter school~~.

18 ~~7.~~ 6. In making a charter school site or virtual charter school
19 closure decision, the ~~State Board of Education~~ sponsor shall
20 consider the following:

21 a. enrollment of students with special challenges such as
22 drug or alcohol addiction, prior withdrawal from
23 school, prior incarceration, or other special
24 circumstances,

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

15 ~~8. 7.~~ If ~~the State Board of Education has closed or transferred~~
16 ~~authorization of~~ at least twenty-five percent (25%) of the charter
17 schools chartered by one sponsor are closed pursuant to ~~paragraph 4~~
18 ~~of~~ this subsection, the authority of the sponsor to authorize new
19 charter schools may be suspended by the ~~Board~~ Statewide Charter
20 School Board until the Board approves the sponsor to authorize new
21 charter schools. A determination ~~under~~ made pursuant to this
22 paragraph ~~to suspend the authority of a sponsor to authorize new~~
23 ~~charter schools~~ shall identify the deficiencies that, if corrected,

1 will result in the approval of the sponsor to authorize new charter
2 schools.

3 ~~H.~~ G. If a sponsor terminates a contract or the charter school
4 or virtual charter school is closed, the closure shall be conducted
5 in accordance with the following protocol:

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

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

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

22 4. The sponsor and transition team shall ensure that all
23 necessary and prudent notifications are issued to agencies,
24

1 employees, insurers, contractors, creditors, debtors, and management
2 organizations; and

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

7 ~~F.~~ H. A sponsor including the Statewide Charter School Board,
8 shall develop revocation and nonrenewal processes that are
9 consistent with the Oklahoma Charter Schools Act and that:

10 1. Provide the charter school or virtual charter school with a
11 timely notification of the prospect of revocation or nonrenewal and
12 of the reasons for possible closure;

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

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

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

23 5. Permit the recording of the proceedings; and
24

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

4 ~~J. I.~~ If a sponsor revokes or does not renew a charter
5 contract, the sponsor shall clearly state in a resolution the
6 reasons for the revocation or nonrenewal.

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

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

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

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

1 ~~M.~~ K. If a charter contract is not renewed or is terminated
2 according to this section, a student who attended the charter school
3 or virtual charter school may enroll in the resident school district
4 of the student or may apply for a transfer in accordance with
5 Section 8-103 of this title.

6 SECTION 31. AMENDATORY 70 O.S. 2021, Section 3-139, is
7 amended to read as follows:

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

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

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

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

1 SECTION 32. AMENDATORY 70 O.S. 2021, Section 3-140, is
2 amended to read as follows:

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

1 identified as in need of improvement by the State Board of Education
2 pursuant to the Elementary and Secondary Education Act of 1965, as
3 amended or reauthorized. A charter school may limit admission to
4 students within a given age group or grade level. A charter school
5 sponsored by the ~~State Board of Education~~ Statewide Charter School
6 Board when the applicant of the charter school is the Office of
7 Juvenile Affairs shall limit admission to youth that are in the
8 custody or supervision of the Office of Juvenile Affairs.

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

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

24

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

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

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

23 G. Beginning July 1, 2023, students enrolled full-time in a
24 statewide virtual charter school sponsored by the Statewide Charter

1 School Board shall not be authorized to participate in any
2 activities administered by the Oklahoma Secondary Schools Activities
3 Association. However, the students may participate in intramural
4 activities sponsored by a statewide virtual charter school, an
5 online provider for the charter school, or any other outside
6 organization.

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

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

24

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

24

1 implementation of this section shall not be required to submit a
2 transfer in order to remain enrolled.

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

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

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

- 18 a. a temporary on-base billeting facility,
19 b. a purchased or leased home or apartment, or
20 c. federal government or public-private venture off-base
21 military housing.

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

24 5. For purposes of this subsection:

1 a. "active military duty" means full-time military duty
2 status in the active uniformed service of the United
3 States including members of the National Guard and
4 Military Reserve on active duty orders, and

5 b. "military installation" means a base, camp, post,
6 station, yard, center, homeport facility for any ship,
7 or other installation under the jurisdiction of the
8 Department of Defense or the United States Coast
9 Guard.

10 SECTION 33. AMENDATORY 70 O.S. 2021, Section 3-142, is
11 amended to read as follows:

12 Section 3-142. A. The student membership and attendance of ~~the~~
13 a charter school shall be considered separate from the student
14 membership and attendance of the sponsor for the purpose of
15 calculating enrollment and funding including weighted average daily
16 membership pursuant to Section 18-201.1 of this title and State Aid
17 pursuant to Section 18-200.1 of this title. A charter school shall
18 receive the State Aid allocation, federal funds to which it is
19 eligible and qualifies for, and any other state-appropriated revenue
20 generated by its students for the applicable year. Not more than
21 three percent (3%) of the State Aid allocation may be charged by the
22 sponsor as a fee for administrative services rendered if the sponsor
23 is a school district, a comprehensive or regional institution of
24 higher education, a community college, or a federally recognized

1 Indian tribe pursuant to Section 3-132 of this title. The Statewide
2 Charter School Board shall not charge any charter school or virtual
3 charter school a fee for administrative or other services. The
4 ~~State Board of Education~~ State Department of Education shall
5 determine the policy and procedure for making payments to a charter
6 school. The fee for administrative services as authorized in this
7 subsection shall only be assessed on the State Aid allocation amount
8 and shall not be assessed on any other appropriated amounts. A
9 sponsor of a charter school shall not charge any additional State
10 Aid allocation or charge the charter school any additional fee above
11 the amounts allowed by this subsection unless the additional fees
12 are for additional services rendered. ~~The charter school sponsor~~
13 ~~shall provide to the State Department of Education financial records~~
14 ~~documenting any state funds charged by the sponsor for~~
15 ~~administrative services rendered for the previous year.~~

16 B. The fee for administrative services authorized by subsection
17 A of this section shall be used by the sponsor to provide oversight
18 and services to the charter school(s) it sponsors. The State
19 Department of Education shall develop data codes for the Oklahoma
20 Cost Accounting System which shall be used to comply with the
21 administrative services reporting required by this subsection. A
22 charter school sponsor shall publish a detailed report on its
23 website and present the report in a public meeting of the charter
24 school governing board. The report shall provide sponsor

1 performance and stewardship including compliance with all applicable
2 laws, regulations, and terms of the charter contract and listing
3 expenses related to oversight and services provided by the sponsor
4 to the charter school(s) it authorizes.

5 C. 1. ~~The weighted average daily membership for the first year~~
6 ~~of operation of a charter school shall be determined initially by~~
7 ~~multiplying the actual enrollment of students as of August 1 by~~
8 ~~1.333. The charter school shall receive revenue equal to that which~~
9 ~~would be generated by the estimated weighted average daily~~
10 ~~membership calculated pursuant to this paragraph. At midyear, the~~
11 ~~allocation for the charter school shall be adjusted using the first~~
12 ~~quarter weighted average daily membership for the charter school~~
13 ~~calculated pursuant to subsection A of this section.~~

14 2. For the purpose of calculating weighted average daily
15 membership pursuant to Section 18-201.1 of this title and State Aid
16 pursuant to Section 18-200.1 of this title, the weighted average
17 daily membership for the first year of operation and each year
18 thereafter of a charter school or full-time statewide virtual
19 charter school ~~sponsored by the Statewide Virtual Charter School~~
20 ~~Board~~ shall be determined by multiplying the actual enrollment of
21 students as of August 1 by ~~1.333~~ 1.6. The charter school or full-
22 time virtual charter school shall receive revenue equal to that
23 which would be generated by the estimated weighted average daily
24 membership calculated pursuant to this paragraph. At midyear, the

1 allocation for the charter school or full-time statewide virtual
2 charter school shall be adjusted using the first quarter weighted
3 average daily membership for the charter school or virtual charter
4 school calculated pursuant to subsection A of this section.

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

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

23
24

1 ~~E.~~ F. Any charter school or virtual charter school which
2 chooses to lease property shall be eligible to receive current
3 government lease rates.

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

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

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

9 SECTION 34. AMENDATORY 70 O.S. 2021, Section 3-143, is
10 amended to read as follows:

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

20 SECTION 35. AMENDATORY 70 O.S. 2021, Section 3-144, is
21 amended to read as follows:

22 Section 3-144. A. There is hereby created in the State
23 Treasury a fund to be designated the "Charter Schools Incentive
24 Fund". The fund shall be a continuing fund, not subject to fiscal

1 year limitations, and shall consist of all monies appropriated by
2 the Legislature, gifts, grants, devises, and donations from any
3 public or private source. The ~~State Department of Education~~
4 Statewide Charter School Board shall administer the fund for the
5 purpose of providing financial support to charter school and virtual
6 charter school applicants and charter schools and virtual charter
7 schools for start-up costs and costs associated with renovating or
8 remodeling existing buildings and structures for use by a charter
9 school. The ~~State Department of Education~~ Statewide Charter School
10 Board is authorized to allocate funds on a per-pupil basis for
11 purposes of providing matching funds for the federal State Charter
12 School Facilities Incentive Grants Program created pursuant to the
13 No Child Left Behind Act, 20 USCA, Section 7221d.

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

17 SECTION 36. AMENDATORY 70 O.S. 2021, Section 3-145.5, is
18 amended to read as follows:

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

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

19 SECTION 37. AMENDATORY 70 O.S. 2021, Section 3-145.7, is
20 amended to read as follows:

21 Section 3-145.7. There Until July 1, 2023, there is hereby
22 created in the State Treasury a revolving fund for the Statewide
23 Virtual Charter School Board to be designated the "Statewide Virtual
24 Charter School Board Revolving Fund". The fund shall be a

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

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

19 SECTION 38. AMENDATORY 70 O.S. 2021, Section 3-145.8, is
20 amended to read as follows:

21 Section 3-145.8. A. It shall be the duty of each virtual
22 charter school approved and sponsored by the ~~Statewide Virtual~~
23 ~~School Board pursuant to the provisions of Section 3-145.3 of Title~~
24 ~~70 of the Oklahoma Statutes~~ Statewide Charter School Board to keep a

1 full and complete record of the attendance of all students enrolled
2 in the virtual charter school in one of the student information
3 systems approved by the State Department of Education and locally
4 selected by the virtual school from the approved list.

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

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

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

- 14 a. completes instructional activities on no less than
15 ninety percent (90%) of the days within the quarter,
- 16 b. is on pace for on-time completion of the course as
17 defined by the governing board of the virtual charter
18 school, or
- 19 c. completes no less than seventy-two instructional
20 activities within the quarter of the academic year.

21 3. For a student who does not meet any of the criteria set
22 forth in paragraph 1 or 2 of this subsection, the amount of
23 attendance recorded shall be the greater of:
24

- 1 a. the number of school days during which the student
2 completed the instructional activities during the
3 quarter,
4 b. the number of school days proportional to the
5 percentage of the course that has been completed, or
6 c. the number of school days proportional to the
7 percentage of the required minimum number of completed
8 instructional activities during the quarter.

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

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

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

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

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

19 H. If a statewide virtual charter school withdraws a student
20 pursuant to subsections F and G of this section, the virtual charter
21 school shall immediately notify the student's resident district in
22 writing of the student's disenrollment.

23

24

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

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

7 SECTION 39. AMENDATORY 70 O.S. 2021, Section 1210.704,
8 is amended to read as follows:

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

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

- 17 1. A school site or sites within the district;
- 18 2. A ~~career and technology institution~~ technology center school
19 within the district;
- 20 3. ~~A~~ An online learning program offered by the ~~Statewide~~
21 ~~Virtual Charter School Board~~ Statewide Charter School Board or one
22 of its vendors; or
- 23 4. A school site or sites in another school district.

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

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

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

23
24

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

4 SECTION 40. REPEALER 70 O.S. 2021, Sections 3-135, 3-
5 145.1, 3-145.2, 3-145.3, and 3-145.4, are hereby repealed.

6 SECTION 41. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
7 16, 17, and 18 of this act shall become effective July 1, 2023.

8 SECTION 42. Sections 1, 2, and 3 of this act shall become
9 effective July 1, 2022.

10 SECTION 43. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 23rd day of March, 2022.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2022.

20

21

Presiding Officer of the House
of Representatives

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