

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB573 _____
Page 4-51 Section 2,3,5,7,8,9,11 & 19 Lines _____
Of the printed Bill
Of the Engrossed Bill

By deleting all of Sections 2, 3, 5, 7, 8, 9, 11 and 19 and by inserting
in lieu thereof new Sections 2, 3, 5, 7, 8, 9, 11 and 19 to read as
follows:

(See Attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Lee Denney _____

Adopted: _____

Reading Clerk

1 "SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-146.3 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 As used in the Public Charter School Accountability and
5 Authorization Act:

6 1. "Applicant" means the person, group of persons or entity
7 submitting a proposal for a public charter school to an authorizer.
8 An applicant may include but is not limited to a board of education
9 of a public school district, public body, public or private college
10 or university or private organization. An applicant shall not mean
11 a private school;

12 2. "Authorizer" means one of the following types of entities:
13 a. a school district, including a technology center
14 school district,
15 b. a comprehensive or regional institution that is a
16 member of The Oklahoma State System of Higher
17 Education. In addition, the institution shall have a
18 teacher education program accredited by the Oklahoma
19 Commission for Teacher Preparation and have a branch
20 campus or constituent agency physically located within
21 the school district in which the charter school is
22 located,
23 c. a federally recognized Indian tribe operating a high
24 school under the authority of the Bureau of Indian

1 Affairs as of November 1, 2010, if the charter school
2 is for the purpose of demonstrating native language
3 immersion instruction, and is located within its
4 former reservation or treaty area boundaries. For
5 purposes of this paragraph, native language immersion
6 instruction shall require that educational instruction
7 and other activities conducted at the school site are
8 primarily conducted in the native language,

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

20 e. the Public Charter School Commission as defined in
21 this section;

22 3. "Public charter school" means a public school authorized by
23 an authorizer to provide learning that will improve student
24 achievement and as defined in the Elementary and Secondary Education

1 Act of 1965. A public charter school shall be a nonprofit education
2 organization; and

3 4. "Commission" means the Public Charter School Commission as
4 created in Section 17 of this act. The Commission may authorize
5 public charter schools in Oklahoma effective November 1, 2014. In
6 those counties with less than five hundred thousand (500,000)
7 population according to the latest Federal Decennial Census, for
8 public charter schools seeking to operate in a physical location,
9 the Commission may only authorize public charter schools when the
10 lead applicant resides within the boundaries of the school district
11 in which the public charter school intends to operate and has
12 demonstrated evidence of need and community support for the proposed
13 public charter school.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-146.4 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 A. An authorizer of a public charter school shall have the
18 following powers and duties:

19 1. Establish high standards of expectation and rigor for public
20 charter school applicants and public charter school plans and ensure
21 that the public charter school plans adopted meet at least the
22 following standards:
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- a. require that public charter schools be as equally free and open to all students as traditional public schools,
- b. require students to be selected by lottery to ensure fairness if more students apply than a school can accommodate,
- c. require public charter schools to be subject to the same academic standards and expectations as existing public schools,
- d. provide for public charter schools to receive funding based on student enrollment in accordance with statutory guidelines for funding existing public schools, and
- e. give priority to opening public charter schools that serve at-risk student populations or students from low-performing public schools;

2. Provide oversight of the operations of public charter schools in the state through annual performance reviews of public charter schools and reauthorization of public charter schools;

3. Solicit and evaluate charter applications;

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

5. Decline to approve weak or inadequate charter applications;

1 6. Negotiate and execute sound charter contracts with each
2 approved public charter school;

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

5 8. Determine whether each charter contract merits renewal,
6 nonrenewal or revocation.

7 B. Authorizers shall establish a procedure for accepting,
8 approving and disapproving public charter school applications. The
9 procedure shall include a method by which an applicant for a public
10 charter school may submit an application which shall either be
11 accepted or rejected within ninety (90) days of receipt of the
12 application. If the application is rejected, an authorizer shall
13 notify the applicant in writing of the reasons for the rejection.
14 The applicant may submit a revised application for reconsideration
15 to the authorizer within thirty (30) days after receiving
16 notification of the rejection. The authorizer shall accept or
17 reject the revised application within thirty (30) days of its
18 receipt.

19 C. Authorizers shall be required to develop and maintain
20 chartering policies and practices consistent with recognized
21 principles and standards for quality charter authorizing as
22 established by the Office of Educational Quality and Accountability
23 in all major areas of authorizing responsibility including:
24 organizational capacity and infrastructure; soliciting and

1 evaluating charter applications; performance contracting; ongoing
2 public charter school oversight and evaluation; and charter renewal
3 decision making. An authorizer shall carry out all duties under the
4 Public Charter School Accountability and Authorization Act in a
5 manner consistent with such principles and standards and with the
6 spirit and intent of this act.

7 D. Authorizers acting in their official capacity shall be
8 immune from civil and criminal liability with respect to all
9 activities related to a public charter school with which they
10 contract.

11 E. Beginning in 2015, each authorizer shall submit annually by
12 November 1 a report on policies, procedures and innovative methods
13 employed by public charter schools that show an improvement in
14 student achievement. The report shall be submitted to the Governor,
15 President Pro Tempore of the Senate and Speaker of the House of
16 Representatives as well as the Chairs of the Senate and House
17 committees that govern policy on common education and the Office of
18 Educational Quality and Accountability. The report shall include:

19 1. Recommendations to the Legislature on how to improve
20 education in this state based on best practices from public charter
21 school innovations;

22 2. A summary of the strategic vision of the authorizer for
23 chartering and progress toward achieving that vision;

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1 3. A summary of the academic and financial performance of all
2 operating public charter schools overseen by the authorizer
3 according to the performance expectations for public charter schools
4 set forth in this act;

5 4. A summary of the status of the public charter schools in the
6 portfolio of the authorizer, identifying all public charter schools
7 in each of the following categories: approved but not yet open,
8 operating, renewed, transferred, revoked, not renewed, voluntarily
9 closed or never opened; and

10 5. A summary of the authorizing functions provided by the
11 authorizer to the public charter schools under its purview,
12 including the operating costs and expenses of the authorizer
13 detailed in annual audited financial statements that conform with
14 generally accepted accounting principles.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-146.6 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 A. An authorizer may give priority to applicants that have
19 demonstrated a record of operating at least one school or similar
20 program that demonstrates academic success and organizational
21 viability and serves student populations similar to those the
22 proposed public charter school seeks to serve.

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1 B. In assessing the potential for quality replication of a
2 public charter school, an authorizer shall consider the following
3 factors before approving a new site or school:

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

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

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

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

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

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

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3-146.8 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

- 1 A. An applicant seeking to establish a public charter school
2 shall submit a written application to an authorizer as prescribed in
3 this section. The application shall include:
- 4 1. An executive summary;
 - 5 2. The mission and vision of the proposed public charter
6 school, including identification of the targeted student population
7 and the community the school hopes to serve;
 - 8 3. The location or geographic area proposed for the public
9 charter school;
 - 10 4. The grades to be served each year for the full term of the
11 charter contract;
 - 12 5. Minimum, planned and maximum enrollment per year for the
13 term of the charter contract;
 - 14 6. Evidence of need and community support for the proposed
15 public charter school;
 - 16 7. Background information on the proposed founding governing
17 board members and, if identified, the proposed school leadership and
18 management team;
 - 19 8. The proposed calendar for the public charter school and
20 sample daily schedule;
 - 21 9. A description of the academic program aligned with state
22 standards;

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1 10. A description of the instructional design of the public
2 charter school, including the type of learning environment, class
3 size and structure, curriculum overview and teaching methods;

4 11. The plan for using internal and external assessments to
5 measure and report student progress on the performance framework
6 developed by the applicant in accordance with Section 8 of this act;

7 12. The plans for identifying and successfully serving students
8 with disabilities, students who are English language learners,
9 students who are academically behind and students who are not in
10 compliance with applicable laws and regulations;

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

13 14. Plans and timelines for student recruitment and enrollment,
14 including lottery procedures;

15 15. The student discipline policies for the public charter
16 school, including those for special education students;

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

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

1 public charter school and any other entities shown in the
2 organization chart;

3 18. A staffing chart for the first year of operation of the
4 public charter school and a staffing plan for the remaining term of
5 the charter;

6 19. Plans for recruiting and developing school leadership and
7 staff;

8 20. The leadership and teacher employment policies for the
9 public charter school, including performance evaluation plans;

10 21. Proposed governing bylaws;

11 22. Explanations of any partnerships or contractual
12 partnerships central to the operations or mission of the public
13 charter school;

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

16 24. Opportunities and expectations for parent involvement;

17 25. A detailed school start-up plan, identifying tasks,
18 timelines and responsible individuals;

19 26. A description of the financial plan and policies for the
20 public charter school, including financial controls and audit
21 requirements;

22 27. A description of the insurance coverage the public charter
23 school will obtain;

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1 28. Start-up and five-year budgets with clearly stated
2 assumptions;

3 29. Start-up and first-year cash-flow projections with clearly
4 stated assumptions;

5 30. Evidence of anticipated fundraising contributions, if
6 claimed in the application; and

7 31. A sound facilities plan, including back-up or contingency
8 plans if appropriate.

9 B. In the case of a proposal to establish a virtual public
10 charter school, the application shall additionally require the
11 applicants to describe the proposed system of course credits for the
12 public charter school and how the school will:

13 1. Monitor and verify full-time student enrollment, student
14 participation in a full course load, credit accrual and course
15 completion;

16 2. Monitor and verify student progress and performance in each
17 course through regular, proctored assessments and submissions of
18 coursework;

19 3. Conduct parent-teacher conferences; and

20 4. Administer state-required assessments to all students in a
21 proctored setting.

22 C. In the case of a proposed public charter school that intends
23 to contract with an education service provider for substantial
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1 educational services, management services or both types of services,
2 the application shall additionally require the applicant to:

3 1. Provide evidence of the success of the education service
4 provider in serving student populations similar to the targeted
5 population, including demonstrated academic achievement as evidenced
6 by absolute achievement levels and growth while in the school as
7 compared to other schools in the states in which the provider has
8 operated, high school graduation rates, retention rates using the
9 measures of the states in which the education service provider
10 operates, as well as successful management of nonacademic school
11 functions if applicable;

12 2. Provide a term sheet setting forth:

- 13 a. the proposed duration of the service contract,
- 14 b. the roles and responsibilities of the governing board
15 of the public charter school,
- 16 c. the school staff and the service provider,
- 17 d. the scope of services and resources to be provided by
18 the service provider,
- 19 e. performance evaluation measures and timelines,
- 20 f. compensation structure, including clear identification
21 of all fees to be paid to the service provider,
- 22 g. methods of contract oversight and enforcement,
- 23 h. investment disclosure, and

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1 i. conditions for renewal and termination of the
2 contract;

3 3. Disclose and explain any existing or potential conflicts of
4 interest between the public charter school governing board and
5 proposed service provider or any affiliated business entities; and

6 4. Disclose any pending legal actions in which the provider is
7 involved and any administrative legal decisions by a state or
8 federal agency or court made in connection with the public charter
9 school activities of the provider.

10 D. In reviewing and evaluating charter applications, an
11 authorizer shall employ procedures, best practices and criteria
12 consistent with recognized principles and standards for quality
13 charter authorizing as established by the Office of Educational
14 Quality and Accountability. The application review process shall
15 include thorough evaluation of each written charter application, an
16 in-person interview with the applicant group, an opportunity for the
17 applicant to amend the application in response to feedback from the
18 interview and an opportunity in a public forum for local residents
19 to learn about and provide input on each application.

20 E. In deciding whether to approve charter applications, an
21 authorizer shall:

22 1. Grant charters only to applicants that have demonstrated
23 competence in each element of the published approval criteria and to
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1 applicants that are likely to open and operate a successful public
2 charter school;

3 2. Base decisions on documented evidence collected through the
4 application review process; and

5 3. Follow charter-granting policies and practices that are
6 transparent, based on merit and avoid conflicts of interest or any
7 appearance thereof.

8 F. An authorizer shall adopt by resolution all charter approval
9 or denial decisions in an open meeting of the authorizer.

10 G. An approval decision by an authorizer may include, if
11 appropriate, reasonable conditions that the charter applicant is
12 required to meet before a charter contract may be executed.

13 H. If an authorizer denies any charter, the authorizer shall
14 clearly state, for public record, its reasons for denial.

15 I. If an authorizer rejects the application for a public
16 charter school, the applicant may proceed to binding arbitration as
17 provided in the Dispute Resolution Act and the rules promulgated
18 pursuant thereto. The applicant shall contact the early settlement
19 program for the county in which the charter school would be located.
20 If the parties proceed to binding arbitration, a panel of three
21 arbitrators shall be appointed by the director of the early
22 settlement program handling the dispute. The applicant shall pay
23 the cost for any mediation or arbitration requested pursuant to this
24 subsection.

1 J. An authorizer shall notify the State Board of Education when
2 it authorizes an application for a public charter school.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-146.9 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. An applicant for a public charter school approved by an
7 authorizer shall enter into a written contract with the authorizer.
8 The contract shall include as an addendum the charter application
9 and incorporate the provisions of the charter of the public charter
10 school and contain, but shall not be limited to, the following
11 provisions:

12 1. The administrative, fiscal and oversight responsibilities of
13 the authorizer;

14 2. A description of the program to be offered by the school
15 which complies with the purposes of the Public Charter School
16 Accountability and Authorization Act;

17 3. Admission policies and procedures;

18 4. Management and administration of the public charter school;

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

21 6. A description of how the public charter school will comply
22 with the charter requirements set forth in this act;

23 7. Assumption of liability by the public charter school;

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1 8. The academic and operational performance expectations and
2 measures by which the public charter school will be judged. The
3 performance expectations and measures set forth in the charter
4 contract shall include but not be limited to applicable federal and
5 state accountability requirements. The performance provisions may
6 be refined or amended by mutual agreement after the public charter
7 school is operating and has collected baseline achievement data for
8 its enrolled students;

9 9. The administrative relationship between the applicant and
10 the public charter school, including the rights and duties of each
11 party;

12 10. Information relating to any third-party management
13 organization or network; and

14 11. The standards by which the public charter school will be
15 judged for renewal, nonrenewal or revocation of its charter.

16 B. The performance provisions within the charter contract shall
17 be based on a performance framework that clearly sets forth the
18 academic and operational performance indicators, measures and
19 metrics that will guide the evaluations of the public charter school
20 by the authorizer. The authorizer shall allow a public charter
21 school to submit the data required in this section in the identical
22 format that is required by the State Department of Education of all
23 public schools in order to avoid duplicative administrative efforts
24 or allow a public charter school to provide permission to the

1 Department to share all data with the authorizer of the public
2 charter school. The performance framework shall include indicators,
3 measures and metrics for, at a minimum:

- 4 1. Student academic proficiency;
- 5 2. Student academic growth;
- 6 3. Achievement gaps in both proficiency and growth between
7 major student subgroups;
- 8 4. Attendance;
- 9 5. Recurrent enrollment from year to year as determined by the
10 methodology used for public schools in Oklahoma;
- 11 6. In the case of high schools, graduation rates as determined
12 by the methodology used for public schools in Oklahoma. The
13 methodology used for public charter schools shall not include newly
14 enrolled fifth-year seniors in the graduation-rate calculation;
- 15 7. In the case of high schools, postsecondary readiness;
- 16 8. Financial performance and sustainability; and
- 17 9. Governing board performance and stewardship, including
18 compliance with all applicable laws, regulations and terms of the
19 charter contract.

20 C. 1. Annual performance targets shall be set by each public
21 charter school in conjunction with its authorizer and shall be
22 designed to help each school meet applicable federal, state and
23 applicant expectations.

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1 2. The performance framework shall allow the inclusion of
2 additional rigorous, valid and reliable indicators proposed by a
3 public charter school to augment external evaluations of its
4 performance, provided that the authorizer approves the quality and
5 rigor of such school-proposed indicators and the indicators are
6 consistent with the purposes of this act.

7 3. The performance framework shall require the disaggregation
8 of all student performance data by major student subgroups,
9 including gender, race, poverty status, special education status,
10 English-learner status and gifted status.

11 4. For each public charter school it oversees, the authorizer
12 shall be responsible for collecting, analyzing and reporting all
13 data from state assessments in accordance with the performance
14 framework.

15 5. Multiple schools operating under a single charter contract
16 or overseen by a single governing board shall be required to report
17 the performance of each school separately as individual schools, and
18 each school shall be held independently accountable for its
19 performance.

20 D. The charter contract for a virtual public charter school
21 shall include the description and agreement regarding the methods by
22 which the school will:

1 1. Monitor and verify full-time student enrollment, student
2 participation in a full course load, credit accrual and course
3 completion;

4 2. Monitor and verify student progress and performance in each
5 course through regular, proctored assessments and submissions of
6 coursework;

7 3. Conduct parent-teacher conferences; and

8 4. Administer state-required assessments to all students in a
9 proctored setting.

10 E. The charter contract shall be signed by the members of the
11 authorizer and the president of the governing body of the public
12 charter school.

13 F. No public charter school may commence operations without a
14 charter contract executed in accordance with the provisions of this
15 act and approved in an open meeting of the authorizer.

16 G. The authorizer may establish reasonable preopening
17 requirements or conditions to monitor the start-up progress of newly
18 approved public charter schools and ensure that each school is
19 prepared to open smoothly on the date agreed, and to ensure that
20 each school meets all building, health, safety, insurance and other
21 legal requirements for the opening of a school.

22 H. 1. A public charter school shall not enter into an
23 employment contract with any teacher or other personnel until the
24 public charter school has an approved contract with the authorizer.

1 The employment contract shall set forth the personnel policies of
2 the public charter school, including, but not limited to, policies
3 related to certification, professional development, evaluation,
4 suspension, dismissal and nonreemployment, sick leave, personal
5 business leave, emergency leave, and family and medical leave. The
6 contract shall also specifically set forth the salary, hours, fringe
7 benefits and work conditions. The contract may provide for
8 employer-employee bargaining, but the public charter school shall
9 not be required to comply with the provisions of Sections 509.1
10 through 509.10 of Title 70 of the Oklahoma Statutes.

11 2. Upon contracting with any teacher or other personnel, the
12 governing body of the public charter school shall, in writing,
13 disclose employment rights of the employees in the event the public
14 charter school closes or the charter is not renewed.

15 I. A charter contract may provide for one or more schools by an
16 applicant, to the extent approved by the authorizer and consistent
17 with applicable law. An applicant or the governing board of an
18 applicant may hold one or more charter contracts. Each public
19 charter school that is part of a charter contract shall be separate
20 and distinct from any other public charter school.

21 SECTION 9. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3-146.10 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:

24 A. A public charter school shall comply with the following:

1 1. A public charter school shall comply with all federal laws
2 and authorities as set forth in the Public Charter School
3 Accountability and Authorization Act or as arranged by charter
4 contract with the authorizer where the contracting is consistent
5 with all applicable laws;

6 2. A public charter school shall comply with all federal
7 regulations and state and local rules and statutes relating to
8 health, safety, civil rights and insurance;

9 3. A public charter school shall be nonsectarian in its
10 programs, admission policies, employment practices and all other
11 operations. An authorizer shall not authorize a public charter
12 school or program that is affiliated with a nonpublic sectarian
13 school or religious institution;

14 4. The public charter school may provide a comprehensive
15 program of instruction for a prekindergarten program, a kindergarten
16 program or any grade between grades one and twelve. Instruction may
17 be provided to all persons from the age of four (4) up to the
18 twenty-second birthday of a person. A public charter school may
19 offer a curriculum which emphasizes a specific learning philosophy
20 or style or certain subject areas such as mathematics, science, fine
21 arts, performance arts or foreign language. The contract of a
22 public charter school which offers grades nine through twelve shall
23 specifically address whether the public charter school will comply
24 with the graduation requirements established in Section 11-103.6 of

1 Title 70 of the Oklahoma Statutes. No public charter school shall
2 be chartered for the purpose of offering a curriculum for deaf or
3 blind students that is the same or similar to the curriculum being
4 provided by or for educating deaf or blind students that are being
5 served by the Oklahoma School for the Blind or the Oklahoma School
6 for the Deaf;

7 5. A public charter school shall participate in the testing as
8 required by the Oklahoma School Testing Program Act and the
9 reporting of test results as is required of a school district. A
10 public charter school shall also provide any necessary data to the
11 Office of Educational Quality and Accountability;

12 6. Except as provided for in the Public Charter School
13 Accountability and Authorization Act and its contract, a public
14 charter school shall be exempt from all statutes, rules and policies
15 relating to schools, boards of education and school districts
16 established by a school district board of education, the State Board
17 of Education or the State Department of Education;

18 7. A public charter school, to the extent possible, shall be
19 subject to the same reporting requirements, financial audits, audit
20 procedures and audit requirements as a school district. The Office
21 of Educational Quality and Accountability or State Auditor and
22 Inspector may conduct financial, program or compliance audits. A
23 public charter school shall use the Oklahoma Cost Accounting System
24 to report financial transactions to the state;

1 8. A public charter school shall ensure that the rights of
2 English language learners and other special populations will be
3 respected, their needs addressed and applicable rules, regulations
4 and laws complied with. A public charter school shall comply with
5 all federal and state laws relating to the education of children
6 with disabilities in the same manner as a school district;

7 9. A public charter school shall provide for a governing body
8 for the school which shall be responsible for the policies and
9 operational decisions of the public charter school. Each public
10 charter school governing body shall ensure that it operates in
11 accordance with its bylaws and that the governing body accepts and
12 cannot delegate ultimate responsibility for the school and its
13 academic performance, financial and operational viability, including
14 the responsibility to oversee any management organization or
15 network, and hold that entity accountable for its performance;

16 10. A public charter school shall not be used as a method of
17 generating revenue for students who are being home schooled;

18 11. A public charter school may not charge tuition or fees;

19 12. A public charter school shall provide instruction each year
20 for at least the number of days required in Section 1-109 of Title
21 70 of the Oklahoma Statutes;

22 13. A public charter school shall comply with the student
23 suspension requirements provided for in Section 24-101.3 of Title 70
24 of the Oklahoma Statutes;

1 14. A public charter school shall be considered a school
2 district for purposes of tort liability under The Governmental Tort
3 Claims Act;

4 15. Employees of a public charter school may participate as
5 members of the Teachers' Retirement System of Oklahoma in accordance
6 with applicable statutes and rules if otherwise allowed pursuant to
7 law;

8 16. A public charter school may participate in all health and
9 related insurance programs available to the employees of the
10 applicant of the public charter school;

11 17. A public charter school shall comply with the Oklahoma Open
12 Meeting Act and the Oklahoma Open Records Act; and

13 18. The governing body of a public charter school shall be
14 subject to the same conflict of interest requirements as a member of
15 a local school board.

16 B. The charter of a public charter school may be amended at the
17 request of the governing body of the public charter school and upon
18 the approval of the authorizer.

19 C. A public charter school may enter into contracts and sue and
20 be sued.

21 D. The governing body of a public charter school may not levy
22 taxes or issue bonds. If otherwise allowed by law, the governing
23 body of a public charter school may enter into contracts for the
24 purposes of borrowing money from lenders. If the governing body of

1 the public charter school borrows money, the public charter school
2 shall be solely responsible for repaying the debt and the state or
3 the authorizer is not responsible or obligated to repay the debt.

4 E. The charter of a public charter school shall include a
5 provision specifying the method or methods to be employed for
6 disposing of real and personal property acquired by the public
7 charter school upon expiration or termination of the charter or
8 failure of the public charter school to continue operations. Except
9 as otherwise provided, any real or personal property purchased with
10 state or local funds shall be retained by the authorizer.

11 SECTION 11. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-146.12 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 A. A public charter school shall enroll those students whose
15 legal residence is within the boundaries of the school district in
16 which the public charter school is located and who submit a timely
17 application, or those students who transfer to the district in which
18 the public charter school is located in accordance with Section 8-
19 103 or 8-104 of Title 70 of the Oklahoma Statutes, unless the number
20 of applications exceeds the capacity of a program, class, grade
21 level or building. Students who reside in a school district where a
22 public charter school is located shall not be required to obtain a
23 transfer in order to attend a public charter school in the school
24 district of residence. If capacity is insufficient to enroll all

1 eligible students, the public charter school shall select students
2 through a lottery selection process.

3 B. A public charter school shall give enrollment preference to
4 students already enrolled in the public charter school, siblings of
5 students enrolled in the public charter school and eligible students
6 who reside within the boundaries of the school district in which the
7 public charter school is located and who attend a school site listed
8 on the school improvement list as determined by the State Board of
9 Education pursuant to the Elementary and Secondary Education Act of
10 1965, as amended or reauthorized.

11 C. A public charter school may give enrollment preference to
12 children of the founders, governing board members and full-time
13 employees of the public charter school so long as the enrollment of
14 those children does not constitute more than ten percent (10%) of
15 the total student population of the public charter school.

16 D. The provisions of this section shall not preclude the
17 formation of a public charter school whose mission is focused on
18 serving students with disabilities, students of the same gender,
19 students with severe disciplinary problems which warrant a specific
20 educational program or students who are at risk of academic failure.
21 If capacity is insufficient to enroll all eligible students who wish
22 to attend, the public charter school shall select students through a
23 lottery process.

24

1 E. A public charter school created to serve youth who are in
2 the custody or supervision of the Office of Juvenile Affairs shall
3 limit admission to youth that are in the custody or supervision of
4 the Office of Juvenile Affairs.

5 F. A virtual public charter school shall enroll only those
6 students who are legal residents of this state.

7 G. A public charter school authorized by the Public Charter
8 School Commission created in Section 17 of this act may enroll any
9 student who is a legal resident of the state.

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

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

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

6 SECTION 19. AMENDATORY Section 5, Chapter 367, O.S.L.
7 2012, as amended by Section 5, Chapter 212, O.S.L. 2013 (70 O.S.
8 Supp. 2013, Section 3-145.3), is amended to read as follows:

9 Section 3-145.3 A. Subject to the requirements of the ~~Oklahoma~~
10 ~~Charter Schools~~ Public Charter School Accountability and
11 Authorization Act, the ~~Statewide Virtual~~ Public Charter School Board
12 Commission shall:

13 1. Provide oversight of the operations of statewide virtual
14 public charter schools in this state; and

15 2. Establish a procedure for accepting, approving and
16 disapproving statewide virtual public charter school applications
17 and a process for renewal or revocation of approved charter school
18 contracts which minimally meet the procedures set forth in ~~the~~ this
19 ~~Oklahoma Charter Schools Act~~ act.

20 B. Each statewide virtual charter school which has been
21 approved and ~~sponsored~~ authorized by the ~~Board~~ Commission or any
22 virtual public charter school for which the ~~Board~~ Commission has
23 assumed ~~sponsorship~~ authorization of as provided for in Section ~~3-~~
24 ~~145.5~~ 20 of this ~~title~~ act shall be considered a statewide virtual

1 public charter school and the geographic boundaries of each
2 statewide virtual public charter school shall be the borders of the
3 state.

4 C. Each statewide virtual public charter school ~~approved~~
5 authorized by the ~~Statewide Virtual Charter School Board~~ Commission
6 shall be eligible to receive federal funds generated by students
7 enrolled in the public charter school for the applicable year. Each
8 statewide virtual public charter school shall be considered a
9 separate local education agency for purposes of reporting and
10 accountability.

11 D. As calculated as provided for in Section 3-142 of this
12 title, a statewide virtual charter school shall receive the State
13 Aid allocation and any other state-appropriated revenue generated by
14 students enrolled in the virtual charter school for the applicable
15 year, less up to ~~five percent (5%)~~ two and one-half percent (2.5%)
16 of the State Aid allocation, which may be retained by the ~~Statewide~~
17 ~~Virtual Charter School Board~~ Commission for administrative expenses
18 and to support the mission of the ~~Board~~ Commission. A statewide
19 virtual public charter school shall be eligible for any other
20 funding any other public charter school is eligible for as provided
21 for in Section 3-142 of this title. Each statewide virtual public
22 charter school shall be considered a separate local education agency
23 for purposes of reporting and accountability.

24

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

9 F. The decision of the ~~Statewide Virtual Charter School Board~~
10 Commission to deny, nonrenew or terminate the public charter
11 contract of a statewide virtual public charter school may be
12 appealed to the State Board of Education within thirty (30) days of
13 the decision by the ~~Statewide Virtual Charter School Board~~
14 Commission. The State Board of Education shall act on the appeal
15 within sixty (60) days of receipt of the request from the statewide
16 virtual public charter school applicant. The State Board of
17 Education may reverse the decision of the ~~Statewide Virtual Charter~~
18 ~~School Board Commission~~ or may remand the matter back to the
19 ~~Statewide Virtual Charter School Board~~ Commission for further
20 proceeding as directed.

21 G. When authorizing a public charter school located in a school
22 district in the state, the Public Charter School Commission shall be
23 subject to the procedures and requirements set forth in the Public
24 Charter School Accountability and Authorization Act. The geographic

1 boundaries of each public charter school authorized by the
2 Commission shall be the borders of the state."

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