

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB573 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Lee Denney

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

PROPOSED COMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 573

By: Jolley of the Senate
and
Nelson of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to charter schools; creating the Public Charter School Accountability and Authorization Act; providing definitions; establishing powers and duties of a public charter school authorizer; requiring authorizers to establish application procedures and chartering policies and practices; providing for immunity for authorizers; requiring an annual report from authorizers; specifying contents of the report; requiring continuous monitoring of performance and legal compliance; listing minimum oversight activities; requiring authorizers to annually report on charter school performance; providing for notification upon unsatisfactory performance; authorizing certain corrective actions and sanctions; allowing for priority for certain applicants; specifying factors for assessing applicants; providing process for closure of a public charter school; requiring submission of a written application for a public charter school; listing contents of an application; listing additional contents for an application for converting an existing noncharter public school to a public charter school; requiring additional information for proposals to establish a virtual public charter school; requiring additional information for proposed charter schools with certain contracts; describing the application review process;

1 listing certain criteria for reviewing charter
2 applications; requiring application decisions to be
3 made in certain manner; allowing for approval with
4 certain conditions; allowing for binding arbitration
5 upon rejection of an application; requiring
6 notification of the State Board of Education upon
7 approval; requiring an applicant to enter into a
8 written contract with an authorizer; listing
9 provisions of a contract; providing for performance
10 provisions and inclusion of certain framework;
11 requiring establishment of annual performance targets
12 and framework; listing additional contract provisions
13 for virtual public charter schools; providing for
14 certain signatures; prohibiting commencement of
15 operations without a contract; allowing an authorizer
16 to establish preopening requirements or conditions;
17 prohibiting employment contracts prior to an approved
18 charter contract; listing provisions of employment
19 contracts; providing for multiple charter school
20 contracts; listing compliance requirements for public
21 charter schools; allowing for amendment of charters;
22 prohibiting a public charter school from levying
23 taxes or issuing bonds; allowing certain contracts to
24 borrow money; providing for disposal of real and
personal property under certain conditions; stating
term of a public charter school contract; allowing
for renewal; establishing procedure for renewal of a
charter contract; requiring certain performance
report prior to end of contract term; specifying
renewal application guidance; requiring certain
notice; listing grounds for renewal decisions;
allowing for mediation or binding arbitration upon
denial of renewal; allowing for termination of a
contract under certain conditions; limiting the
transfer of a charter school contract to another
authorizer; requiring review and approval by the
Office of Educational Quality and Accountability;
providing for the transfer of students; directing
authorizers to develop a revocation and nonrenewal
process; requiring adoption of a resolution upon
revocation or nonrenewal; providing criteria for
enrollment of students; allowing for enrollment
preferences for certain students; allowing for
limited missions of a public charter school; allowing
for limited admission of a certain public charter
school; limiting enrollment for virtual public
charter schools; providing for enrollment of a

1 charter school authorized by the Public Charter
2 School Commission; prohibiting admission of certain
3 students if it would violate certain court order or
4 agreement; allowing for designation of a specific
5 geographic area; prohibiting discrimination in
6 enrollment; providing for funding of public charter
7 schools; providing for calculation of weighted
8 average daily membership; allowing for an
9 administrative fee; providing for calculation of
10 first-year funding; allowing for certain type of
11 funding; making a public charter school eligible for
12 certain lease rates; mandating certain rights and
13 employment status for certain teachers; establishing
14 responsibilities of the Office of Educational Quality
15 and Accountability; requiring submission of an annual
16 report by an authorizer; granting the Office
17 authority to conduct a special review and to
18 terminate the chartering authority of an authorizer;
19 providing for the transfer of a charter contract upon
20 the revocation of the chartering authority of an
21 authorizer; granting public charter schools certain
22 rights to purchase or lease certain facilities or
23 property; allowing a charter school to negotiate and
24 contract with certain entities; allowing certain
entities to provide space to charter schools;
directing the State Department of Education to
convene certain meetings; amending Section 3, Chapter
367, O.S.L. 2012, as amended by Section 4, Chapter
212, O.S.L. 2013, Section 4, Chapter 367, O.S.L.
2012, Section 5, Chapter 367, O.S.L. 2012, as amended
by Section 5, Chapter 212, O.S.L. 2013 and Section 7,
Chapter 367, O.S.L. 2012, as amended by Section 7,
Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2013,
Sections 3-145.1, 3-145.2, 3-145.3 and 3-145.5),
which relate to the Statewide Virtual Charter School
Board; changing the name of the Board to the Public
Charter School Commission; expanding authorization of
the Commission; providing for continuation of
membership; directing the Commission to promulgate
rules; modifying provision of staff support for the
Commission; making certain charter schools subject to
the Public Charter School Accountability and
Authorization Act; providing for geographic
boundaries of charter schools authorized by the
Commission; providing for continued validity of
certain charter school contracts; making certain
renewed contract subject to certain law; repealing 70

O.S. 2011, Sections 3-130, 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013, 3-134, 3-135, 3-136, 3-137, 3-139, 3-140, as last amended by Section 2, Chapter 212, O.S.L. 2013, 3-142, as amended by Section 3, Chapter 212, O.S.L. 2013, 3-143 and Section 6, Chapter 367, O.S.L. 2012, as amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2013, Sections 3-132, 3-140, 3-142 and 3-145.4), which relate to the Oklahoma Charter Schools Act; providing for codification; providing for noncodification; providing for recodification; 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 3-146.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Public Charter School Accountability and Authorization Act".

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

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

1. "Applicant" means the person, group of persons or entity submitting a proposal for a public charter school to an authorizer. An applicant may include but is not limited to a board of education of a public school district, public body, public or private college

1 or university or private organization. An applicant shall not mean
2 a private school;

3 2. "Authorizer" means one of the following types of entities:

4 a. a school district, including a technology center
5 school district,

6 b. a comprehensive or regional institution that is a
7 member of The Oklahoma State System of Higher
8 Education. In addition, the institution shall have a
9 teacher education program accredited by the Oklahoma
10 Commission for Teacher Preparation and have a branch
11 campus or constituent agency physically located within
12 the school district in which the charter school is
13 located,

14 c. a federally recognized Indian tribe operating a high
15 school under the authority of the Bureau of Indian
16 Affairs as of November 1, 2010, if the charter school
17 is for the purpose of demonstrating native language
18 immersion instruction, and is located within its
19 former reservation or treaty area boundaries. For
20 purposes of this paragraph, native language immersion
21 instruction shall require that educational instruction
22 and other activities conducted at the school site are
23 primarily conducted in the native language,
24

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

12 e. the Public Charter School Commission as defined in
13 this section;

14 3. "Public charter school" means a public school authorized by
15 an authorizer to provide learning that will improve student
16 achievement and as defined in the Elementary and Secondary Education
17 Act of 1965. A public charter school shall be a nonprofit education
18 organization; and

19 4. "Commission" means the Public Charter School Commission as
20 created in Section 17 of this act. The Commission may authorize
21 public charter schools in Oklahoma effective November 1, 2014.

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

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

3 1. Establish high standards of expectation and rigor for public
4 charter school applicants and public charter school plans and ensure
5 that the public charter school plans adopted meet at least the
6 following standards:

7 a. require that public charter schools be as equally free
8 and open to all students as traditional public
9 schools,

10 b. require students to be selected by lottery to ensure
11 fairness if more students apply than a school can
12 accommodate,

13 c. require public charter schools to be subject to the
14 same academic standards and expectations as existing
15 public schools,

16 d. provide for public charter schools to receive funding
17 based on student enrollment in accordance with
18 statutory guidelines for funding existing public
19 schools, and

20 e. give priority to opening public charter schools that
21 serve at-risk student populations or students from
22 low-performing public schools;
23
24

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;
6. Negotiate and execute sound charter contracts with each approved public charter school;
7. Monitor, in accordance with charter contract terms, the performance and legal compliance of public charter schools; and
8. Determine whether each charter contract merits renewal, nonrenewal or revocation.

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

1 reject the revised application within thirty (30) days of its
2 receipt.

3 C. Authorizers shall be required to develop and maintain
4 chartering policies and practices consistent with recognized
5 principles and standards for quality charter authorizing as
6 established by the Office of Educational Quality and Accountability
7 in all major areas of authorizing responsibility including:
8 organizational capacity and infrastructure; soliciting and
9 evaluating charter applications; performance contracting; ongoing
10 public charter school oversight and evaluation; and charter renewal
11 decision making. An authorizer shall carry out all duties under the
12 Public Charter School Accountability and Authorization Act in a
13 manner consistent with such principles and standards with the spirit
14 and intent of this act.

15 D. Authorizers acting in their official capacity shall be
16 immune from civil and criminal liability with respect to all
17 activities related to a public charter school with which they
18 contract.

19 E. Beginning in 2015, each authorizer shall submit annually by
20 November 1 a report on policies, procedures and innovative methods
21 employed by public charter schools that show an improvement in
22 student achievement. The report shall be submitted to the Governor,
23 President Pro Tempore of the Senate and Speaker of the House of
24 Representatives as well as the Chairs of the Senate and House

committees that govern policy on common education and the Office of Educational Quality and Accountability. The report shall include:

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

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

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

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

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-146.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

1 A. An authorizer shall continually monitor the performance and
2 legal compliance of the public charter schools it oversees,
3 including collecting and analyzing data to support ongoing
4 evaluation according to the charter contract. An authorizer shall
5 have authority to conduct or require oversight activities that
6 enable the applicant to fulfill its responsibilities under the
7 Public Charter School Accountability and Authorization Act,
8 including conducting appropriate inquiries and investigations, so
9 long as those activities are consistent with the intent of this act,
10 adhere to the terms of the charter contract and do not unduly
11 inhibit the autonomy granted to public charter schools. At a
12 minimum, an authorizer shall:

13 1. Require sufficient reporting and submissions from each
14 public charter school to allow an assessment of the educational,
15 financial and operational status of the public charter school;

16 2. Collect, analyze and report on student-level and school-
17 level performance data from state- or applicant-required external
18 assessments, including but not limited to an annual school
19 performance report presented to each school that summarizes the
20 results of the school on its performance framework and performance
21 expectations;

22 3. Monitor legal compliance, financial propriety and compliance
23 with the material terms of the charter agreement;

24 4. Ensure that the rights of students with disabilities and

1 English language learners are being respected; and

2 5. Take timely and appropriate action in response to concerns
3 over violations of law or of the charter agreement.

4 B. An authorizer shall annually publish and provide as part of
5 its annual report a performance report for each public charter
6 school it oversees, in accordance with the performance framework set
7 forth in the charter contract and the Public Charter School
8 Accountability and Authorization Act. An authorizer may require
9 each public charter school it oversees to submit an annual report to
10 assist in gathering complete information about each public charter
11 school, consistent with the performance framework.

12 C. In the event that the performance or legal compliance of a
13 public charter school appears unsatisfactory, the authorizer shall
14 promptly notify the public charter school of the perceived problem
15 and provide reasonable opportunity for the public charter school to
16 remedy the problem, unless the problem warrants revocation of the
17 charter, in which case the revocation time frames will apply.

18 D. An authorizer shall have the authority to take appropriate
19 corrective actions or exercise sanctions short of revocation in
20 response to apparent deficiencies in public charter school
21 performance or legal compliance. The actions or sanctions may
22 include, if warranted, requiring a school to develop and execute a
23 corrective action plan within a specified time frame.

24

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

4 A. An authorizer may give priority to applicants that have
5 demonstrated a record of operating at least one school or similar
6 program that demonstrates academic success and organizational
7 viability and serves student populations similar to those the
8 proposed public charter school seeks to serve.

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

12 1. Evidence of a strong and reliable record of academic success
13 based primarily on student performance data as well as on other
14 viable 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 its academic, financial and
21 operational records are found to be satisfactory;

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

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

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3-146.7 of Title 70, unless
7 there is created a duplication in numbering, reads as follows:

8 Closure of a public charter school by an authorizer shall be in
9 accordance with the following protocol:

10 1. Within two (2) calendar weeks of a final closure
11 determination, the authorizer shall meet with the governing board
12 and leadership of the public charter school to establish a
13 transition team composed of school staff, applicant staff and others
14 designated by the applicant that will attend to the closure,
15 including:

- 16 a. the transfer of students,
- 17 b. student records, and
- 18 c. school funds;

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

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

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

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

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

16 A. An applicant seeking to establish a public charter school
17 shall submit a written application to an authorizer as prescribed in
18 this section. The application shall include:

19 1. An executive summary;

20 2. The mission and vision of the proposed public charter
21 school, including identification of the targeted student population
22 and the community the school hopes to serve;

23 3. The location or geographic area proposed for the public
24 charter school;

- 1 4. The grades to be served each year for the full term of the
2 charter contract;
- 3 5. Minimum, planned and maximum enrollment per grade per year
4 for the term of the charter contract;
- 5 6. Evidence of need and community support for the proposed
6 public charter school;
- 7 7. Background information on the proposed founding governing
8 board members and, if identified, the proposed school leadership and
9 management team;
- 10 8. The proposed calendar for the public charter school and
11 sample daily schedule;
- 12 9. A description of the academic program aligned with state
13 standards;
- 14 10. A description of the instructional design of the public
15 charter school, including the type of learning environment, class
16 size and structure, curriculum overview and teaching methods;
- 17 11. The plan for using internal and external assessments to
18 measure and report student progress on the performance framework
19 developed by the applicant in accordance with Section 8 of this act;
- 20 12. The plans for identifying and successfully serving students
21 with disabilities, students who are English language learners,
22 students who are academically behind and students who are not in
23 compliance with applicable laws and regulations;

24

- 1 13. A description of co-curricular or extracurricular programs
2 and how they will be funded and delivered;
- 3 14. Plans and timelines for student recruitment and enrollment,
4 including lottery procedures;
- 5 15. The student discipline policies for the public charter
6 school, including those for special education students;
- 7 16. An organization chart that clearly presents the
8 organizational structure of the public charter school, including
9 lines of authority and reporting between the governing board, staff,
10 any related bodies such as advisory bodies or parent and teacher
11 councils and any external organizations that will play a role in
12 managing the school;
- 13 17. A clear description of the roles and responsibilities for
14 the governing board, the leadership and management team for the
15 public charter school and any other entities shown in the
16 organization chart;
- 17 18. A staffing chart for the first year of operation of the
18 public charter school and a staffing plan for the remaining term of
19 the charter;
- 20 19. Plans for recruiting and developing school leadership and
21 staff;
- 22 20. The leadership and teacher employment policies for the
23 public charter school, including performance evaluation plans;
- 24 21. Proposed governing bylaws;

1 22. Explanations of any partnerships or contractual
2 partnerships central to the operations or mission of the public
3 charter school;

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

6 24. Opportunities and expectations for parent involvement;

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

9 26. A description of the financial plan and policies for the
10 public charter school, including financial controls and audit
11 requirements;

12 27. A description of the insurance coverage the public charter
13 school will obtain;

14 28. Start-up and five-year budgets with clearly stated
15 assumptions;

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

18 30. Evidence of anticipated fundraising contributions, if
19 claimed in the application; and

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

22 B. In the case of an application to establish a public charter
23 school by converting an existing noncharter public school to public
24 charter school status, the application shall additionally require

1 the applicants to demonstrate support for the proposed public
2 charter school conversion by a petition signed by a majority of
3 teachers and a petition signed by a majority of parents or legal
4 guardians of students in the existing noncharter public school.

5 C. In the case of a proposal to establish a virtual public
6 charter school, the application shall additionally require the
7 applicants to describe the proposed system of course credits for the
8 public charter school and how the school will:

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

12 2. Monitor and verify student progress and performance in each
13 course through regular, proctored assessments and submissions of
14 coursework;

15 3. Conduct parent-teacher conferences; and

16 4. Administer state-required assessments to all students in a
17 proctored setting.

18 D. In the case of a proposed public charter school that intends
19 to contract with an education service provider for substantial
20 educational services, management services or both types of services,
21 the application shall additionally require the applicant to:

22 1. Provide evidence of the success of the education service
23 provider in serving student populations similar to the targeted
24 population, including demonstrated academic achievement as evidenced

1 by absolute achievement levels and growth while in the school as
2 compared to other schools in the states in which the provider has
3 operated, high school graduation rates, retention rates using the
4 measures of the states in which the education service provider
5 operates, as well as successful management of nonacademic school
6 functions if applicable;

7 2. Provide a term sheet setting forth:

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

21 3. Disclose and explain any existing or potential conflicts of
22 interest between the public charter school governing board and
23 proposed service provider or any affiliated business entities; and
24

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

5 E. In reviewing and evaluating charter applications, an
6 authorizer shall employ procedures, best practices and criteria
7 consistent with recognized principles and standards for quality
8 charter authorizing as established by the Office of Educational
9 Quality and Accountability. The application review process shall
10 include thorough evaluation of each written charter application, an
11 in-person interview with the applicant group and an opportunity in a
12 public forum for local residents to learn about and provide input on
13 each application.

14 F. In deciding whether to approve charter applications, an
15 authorizer shall:

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

20 2. Base decisions on documented evidence collected through the
21 application review process; and

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

1 G. An authorizer shall adopt by resolution all charter approval
2 or denial decisions in an open meeting of the authorizer.

3 H. An approval decision by an authorizer may include, if
4 appropriate, reasonable conditions that the charter applicant is
5 required to meet before a charter contract may be executed.

6 I. If an authorizer denies any charter, the authorizer shall
7 clearly state, for public record, its reasons for denial.

8 J. If an authorizer rejects the application for a public
9 charter school, the applicant may proceed to binding arbitration as
10 provided in the Dispute Resolution Act and the rules promulgated
11 pursuant thereto. The applicant shall contact the early settlement
12 program for the county in which the charter school would be located.
13 If the parties proceed to binding arbitration, a panel of three
14 arbitrators shall be appointed by the director of the early
15 settlement program handling the dispute. The applicant shall pay
16 the cost for any mediation or arbitration requested pursuant to this
17 subsection.

18 K. An authorizer shall notify the State Board of Education when
19 it authorizes an application for a public charter school.

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

23 A. An applicant for a public charter school approved by an
24 authorizer shall enter into a written contract with the authorizer.

1 The contract shall incorporate the provisions of the charter of the
2 public charter school and contain, but shall not be limited to, the
3 following provisions:

4 1. The administrative, fiscal and oversight responsibilities of
5 the authorizer;

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

9 3. Admission policies and procedures;

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

11 5. Requirements and procedures for program and financial
12 audits;

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

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

16 8. The academic and operational performance expectations and
17 measures by which the public charter school will be judged. The
18 performance expectations and measures set forth in the charter
19 contract shall include but not be limited to applicable federal and
20 state accountability requirements. The performance provisions may
21 be refined or amended by mutual agreement after the public charter
22 school is operating and has collected baseline achievement data for
23 its enrolled students;

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

4 10. Information relating to any third party management
5 organization or network; and

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

8 B. The performance provisions within the charter contract shall
9 be based on a performance framework that clearly sets forth the
10 academic and operational performance indicators, measures and
11 metrics that will guide the evaluations of the public charter school
12 by the authorizer. The performance framework shall include
13 indicators, measures and metrics for, at a minimum:

14 1. Student academic proficiency;

15 2. Student academic growth;

16 3. Achievement gaps in both proficiency and growth between
17 major student subgroups;

18 4. Attendance;

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

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

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

24 8. Financial performance and sustainability; and

1 9. Governing board performance and stewardship, including
2 compliance with all applicable laws, regulations and terms of the
3 charter contract.

4 C. 1. Annual performance targets shall be set by each public
5 charter school in conjunction with its authorizer and shall be
6 designed to help each school meet applicable federal, state and
7 applicant expectations.

8 2. The performance framework shall allow the inclusion of
9 additional rigorous, valid and reliable indicators proposed by a
10 public charter school to augment external evaluations of its
11 performance, provided that the authorizer approves the quality and
12 rigor of such school-proposed indicators and the indicators are
13 consistent with the purposes of this act.

14 3. The performance framework shall require the disaggregation
15 of all student performance data by major student subgroups,
16 including gender, race, poverty status, special education status,
17 English-learner status and gifted status.

18 4. For each public charter school it oversees, the authorizer
19 shall be responsible for collecting, analyzing and reporting all
20 data from state assessments in accordance with the performance
21 framework.

22 5. Multiple schools operating under a single charter contract
23 or overseen by a single governing board shall be required to report
24 the performance of each school separately as individual schools, and

1 each school shall be held independently accountable for its
2 performance.

3 D. The charter contract for a virtual public charter school
4 shall include the description and agreement regarding the methods by
5 which the school will:

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

9 2. Monitor and verify student progress and performance in each
10 course through regular, proctored assessments and submissions of
11 coursework;

12 3. Conduct parent-teacher conferences; and

13 4. Administer state-required assessments to all students in a
14 proctored setting.

15 E. The charter contract shall be signed by the members of the
16 authorizer and the president of the governing body of the public
17 charter school.

18 F. No public charter school may commence operations without a
19 charter contract executed in accordance with the provision of this
20 act and approved in an open meeting of the authorizer.

21 G. The authorizer may establish reasonable preopening
22 requirements or conditions to monitor the start-up progress of newly
23 approved public charter schools and ensure that each school is
24 prepared to open smoothly on the date agreed, and to ensure that

1 each school meets all building, health, safety, insurance and other
2 legal requirements for the opening of a school.

3 H. 1. A public charter school shall not enter into an
4 employment contract with any teacher or other personnel until the
5 public charter school has an approved contract with the authorizer.
6 The employment contract shall set forth the personnel policies of
7 the public charter school, including, but not limited to, policies
8 related to certification, professional development, evaluation,
9 suspension, dismissal and nonreemployment, sick leave, personal
10 business leave, emergency leave, and family and medical leave. The
11 contract shall also specifically set forth the salary, hours, fringe
12 benefits and work conditions. The contract may provide for
13 employer-employee bargaining, but the public charter school shall
14 not be required to comply with the provisions of Sections 509.1
15 through 509.10 of Title 70 of the Oklahoma Statutes.

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

20 I. A charter contract may provide for one or more schools by an
21 applicant, to the extent approved by the authorizer and consistent
22 with applicable law. An applicant or the governing board of an
23 applicant may hold one or more charter contracts. Each public
24

1 charter school that is part of a charter contract shall be separate
2 and distinct from any other public charter school.

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

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

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

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

15 3. A public charter school shall be nonsectarian in its
16 programs, admission policies, employment practices and all other
17 operations. An authorizer shall not authorize a public charter
18 school or program that is affiliated with a nonpublic sectarian
19 school or religious institution;

20 4. The public charter school may provide a comprehensive
21 program of instruction for a prekindergarten program, a kindergarten
22 program or any grade between grades one and twelve. Instruction may
23 be provided to all persons between the ages of four (4) and twenty-
24 one (21) years. A public charter school may offer a curriculum

1 which emphasizes a specific learning philosophy or style or certain
2 subject areas such as mathematics, science, fine arts, performance
3 arts or foreign language. The contract of a public charter school
4 which offers grades nine through twelve shall specifically address
5 whether the public charter school will comply with the graduation
6 requirements established in Section 11-103.6 of Title 70 of the
7 Oklahoma Statutes. No public charter school shall be chartered for
8 the purpose of offering a curriculum for deaf or blind students that
9 is the same or similar to the curriculum being provided by or for
10 educating deaf or blind students that are being served by the
11 Oklahoma School for the Blind or the Oklahoma School for the Deaf;

12 5. A public charter school shall participate in the testing as
13 required by the Oklahoma School Testing Program Act and the
14 reporting of test results as is required of a school district. A
15 public charter school shall also provide any necessary data to the
16 Office of Educational Quality and Accountability;

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

23 7. A public charter school, to the extent possible, shall be
24 subject to the same reporting requirements, financial audits, audit

1 procedures and audit requirements as a school district. The Office
2 of Educational Quality and Accountability or State Auditor and
3 Inspector may conduct financial, program or compliance audits. A
4 public charter school shall use the Oklahoma Cost Accounting System
5 to report financial transactions to the authorizer;

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

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

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

23 11. A public charter school may not charge tuition or fees;
24

1 12. A public charter school shall provide instruction each year
2 for at least the number of days required in Section 1-109 of Title
3 70 of the Oklahoma Statutes;

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

7 14. A public charter school shall be considered a school
8 district for purposes of tort liability under The Governmental Tort
9 Claims Act;

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

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

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

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

22 B. The charter of a public charter school may be amended at the
23 request of the governing body of the public charter school and upon
24 the approval of the authorizer.

1 C. A public charter school may enter into contracts and sue and
2 be sued.

3 D. The governing body of a public charter school may not levy
4 taxes or issue bonds. If otherwise allowed by law, the governing
5 body of a public charter school may enter into contracts for the
6 purposes of borrowing money from lenders. If the governing body of
7 the public charter school borrows money, the public charter school
8 shall be solely responsible for repaying the debt and the state or
9 the authorizer is not responsible or obligated to repay the debt.

10 E. The charter of a public charter school shall include a
11 provision specifying the method or methods to be employed for
12 disposing of real and personal property acquired by the public
13 charter school upon expiration or termination of the charter or
14 failure of the public charter school to continue operations. Except
15 as otherwise provided, any real or personal property purchased with
16 state or local funds shall be retained by the authorizer.

17 SECTION 10. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3-146.11 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 A. An approved contract for a public charter school shall be
21 effective for five (5) years from the first day of operation.

22 B. A charter contract may be renewed for successive five-year
23 terms of duration, although the authorizer may vary the term based
24 on the performance, demonstrated capacities and particular

1 circumstances of each public charter school. The authorizer may
2 grant renewal with specific conditions for necessary improvements to
3 a public charter school.

4 C. Prior to the beginning of the fifth year of operation for a
5 public charter school, the authorizer shall issue a public charter
6 school performance report and charter renewal application guidance
7 to the school. The performance report shall summarize the
8 performance record to date of the public charter school, based on
9 the data required by the Public Charter School Accountability and
10 Authorization Act and the charter contract, and shall provide notice
11 of any weaknesses or concerns perceived by the authorizer concerning
12 the public charter school that may jeopardize its position in
13 seeking renewal if not timely rectified. The public charter school
14 shall have forty-five (45) days to respond to the performance report
15 and submit any corrections or clarifications for the report.

16 D. The renewal application guidance shall, at a minimum,
17 provide an opportunity for the public charter school to:

- 18 1. Present additional evidence, beyond the data contained in
19 the performance report, supporting its case for charter renewal;
- 20 2. Describe improvements undertaken or planned for the school;
21 and
- 22 3. Detail the plan for the next charter term for the school.

23 E. The renewal application guidance shall include or refer
24 explicitly to the criteria that will guide the renewal decisions of

1 the authorizer, which shall be based on the performance framework
2 set forth in the charter contract and consistent with this act.

3 F. The public charter school may apply for renewal of the
4 contract with the authorizer. The authorizer may deny the request
5 for renewal if it determines the public charter school has failed to
6 complete the obligations of the contract or comply with the
7 provisions of this act. The authorizer shall give written notice of
8 its intent to deny the request for renewal at least eight (8) months
9 prior to expiration of the contract.

10 G. In making charter renewal decisions, an authorizer shall:

11 1. Ground decisions on evidence of the performance of the
12 school over the term of the charter contract in accordance with the
13 performance framework set forth in the charter contract;

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

18 3. For all renewal decisions made after the end of the 2016-
19 2017 school year, not renew any public charter school that has been
20 identified by the state pursuant to the education accountability
21 system as among the lowest fifteen percent (15%) of public schools
22 in the state, unless the public charter school demonstrates
23 exceptional circumstances that the authorizer finds justifiable;

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

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

5 H. If the authorizer denies a request for renewal, the
6 governing board of the public charter school may proceed to
7 mediation or binding arbitration or both as provided for in
8 subsection J of Section 7 of this act.

9 I. An authorizer may terminate a contract during the term of
10 the 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 authorizer shall give written notice to the governing board of
14 the charter school not less than ninety (90) days prior to
15 terminating the contract. The governing board may request, in
16 writing, an informal hearing before the authorizer within fourteen
17 (14) days of receiving notice. The authorizer shall conduct an
18 informal hearing before taking action. If the authorizer decides to
19 terminate a contract, the governing board may proceed to mediation
20 or binding arbitration or both as provided for in subsection J of
21 Section 7 of this act.

22 J. Transfer of a charter contract from one authorizer to
23 another authorizer before the expiration of the charter term shall
24 not be permitted except by special petition by a public charter

1 school to the Office of Educational Quality and Accountability. The
2 Office of Educational Quality and Accountability shall review
3 petitions on a case-by-case basis and may grant transfer requests in
4 response to special circumstances and evidence that a transfer would
5 serve the best interests of the students of the public charter
6 school.

7 K. If a contract is not renewed or is terminated in accordance
8 with this section, a student who attended the public charter school
9 may enroll in the resident school district of the student or may
10 apply for a transfer in accordance with Section 8-103 of Title 70 of
11 the Oklahoma Statutes.

12 L. An authorizer shall develop revocation and nonrenewal
13 processes that are consistent with this act and that:

14 1. Provide the public charter school with a timely notification
15 of the prospect of revocation or nonrenewal and of the reasons for
16 such possible closure;

17 2. Allow the public charter school a reasonable amount of time
18 in which to prepare a response;

19 3. Provide the public charter school with an opportunity to
20 submit documents and give testimony challenging the rationale for
21 closure and in support of the continuation of the school at an
22 orderly proceeding held for that purpose;

23 4. Allow the public charter school access to representation by
24 counsel and to call witnesses on its behalf;

1 5. Permit the recording of the proceedings; and

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

4 M. If an authorizer revokes or does not renew a charter, the
5 authorizer shall clearly state in a resolution the reasons for the
6 revocation or nonrenewal.

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

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

23 B. A public charter school shall give enrollment preference to
24 students already enrolled in the public charter school, siblings of

1 students enrolled in the public charter school and eligible students
2 who reside within the boundaries of the school district in which the
3 public charter school is located and who attend a school site listed
4 on the school improvement list as determined by the State Board of
5 Education pursuant to the Elementary and Secondary Education Act of
6 1965, as amended or reauthorized.

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

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

20 E. A public charter school created to serve youth who are in
21 the custody or supervision of the Office of Juvenile Affairs shall
22 limit admission to youth that are in the custody or supervision of
23 the Office of Juvenile Affairs.

1 F. A virtual public charter school shall enroll only those
2 students who are legal residents of this state and who are residents
3 of the school district in which the virtual public charter school is
4 located or who have been approved for a transfer pursuant to Section
5 8-103 or 8-104 of Title 70 of the Oklahoma Statutes.

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

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

17 I. A public charter school may designate a specific geographic
18 area within the school district in which the public charter school
19 is located as an academic enterprise zone and may limit admissions
20 to students who reside within that area. An academic enterprise
21 zone shall be a geographic area in which sixty percent (60%) or more
22 of the children who reside in the area qualify for the free or
23 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 12. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-146.13 of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. For purposes of funding, a public charter school shall be
10 considered a site within the school district in which the public
11 charter school is located. The student membership of the public
12 charter school shall be considered separate from the student
13 membership of the district in which the public charter school is
14 located for the purpose of calculating weighted average daily
15 membership pursuant to Section 18-201.1 of Title 70 of the Oklahoma
16 Statutes and State Aid pursuant to Section 18-200.1 of Title 70 of
17 the Oklahoma Statutes. The weighted average daily membership shall
18 be reported to the State Board of Education. A public charter
19 school shall receive from the State Board of Education the State Aid
20 allocation and any other state-appropriated revenue generated by its
21 students for the applicable year, less up to two and one-half
22 percent (2.5%) of the State Aid allocation allocated to the
23 authorizer for authorizing services rendered. The State Board of
24 Education shall determine the policy and procedure for making

1 payments to a public charter school. The fee for administrative
2 services as authorized in this subsection shall only be assessed on
3 the State Aid allocation amount and shall not be assessed on any
4 other appropriated amounts.

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

15 C. A public charter school shall be eligible to receive any
16 other aid, grants or revenues allowed to other schools. A public
17 charter school shall be considered a local education agency for
18 purposes of federal funding.

19 D. A public charter school, in addition to the money received
20 from the state, may receive money from any other source. Any
21 unexpended nonstate funds, excluding local revenue, may be reserved
22 and used for future purposes.

23 E. Any public charter school which chooses to lease property
24 shall be eligible to receive current government lease rates.

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-146.14 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. A teacher who is employed by or teaching at the public
5 charter school and who was previously employed as a teacher at the
6 applicant school district shall not lose any right of salary status
7 or any other benefit provided by law due to teaching at a public
8 charter school upon returning to the applicant school district to
9 teach.

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

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

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

19 SECTION 14. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-146.15 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The Office of Educational Quality and Accountability shall
23 be responsible for overseeing the performance and effectiveness of
24

1 all authorizers as defined in the Public Charter School
2 Accountability and Authorization Act.

3 B. Every authorizer shall be required to submit to the Office
4 of Educational Quality and Accountability an annual report. The
5 Office of Educational Quality and Accountability shall, by July 1 of
6 each year, communicate to every authorizer the requirements for the
7 format, content and submission of the annual report.

8 C. The Office of Educational Quality and Accountability may
9 conduct a special review of any authorizer or public charter school
10 based on the persistently unsatisfactory performance of a public
11 charter school or schools, a pattern of well-founded complaints
12 about the authorizer or the public charter schools of an authorizer,
13 or any other objective circumstances. In reviewing or evaluating
14 the performance of authorizers, the Office of Educational Quality
15 and Accountability shall apply principles and standards for quality
16 charter authorizing as recognized by the Office. If at any time the
17 Office of Educational Quality and Accountability finds that an
18 authorizer is not in compliance with an existing charter contract or
19 the requirements of this act, the Office of Educational Quality and
20 Accountability shall notify the authorizer in writing of the
21 identified problems. The authorizer shall have reasonable
22 opportunity to respond and remedy the problems.

23 D. If after due notice an authorizer persists in violating a
24 material provision of a charter contract or fails to remedy other

1 authorizing problems, the Office of Educational Quality and
2 Accountability shall have authority to terminate the charting
3 authority of the authorizer. The Office of Educational Quality and
4 Accountability shall provide the authorizer with a reasonable amount
5 of time under the circumstances to demonstrate a timely and
6 satisfactory remedy for the violation or deficiencies.

7 E. In the event of the revocation of the chartering authority
8 of an authorizer, the Office of Educational Quality and
9 Accountability shall manage the timely and orderly transfer of each
10 charter contract held by that authorizer to another authorizer in
11 the state. The transfer shall be subject to the mutual agreement of
12 each affected public charter school and proposed new authorizer.
13 The new authorizer shall assume the existing charter contract for
14 the remainder of the charter term.

15 SECTION 15. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-146.16 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A public charter school shall have a right of first refusal
19 to purchase or lease at or below fair market value a closed school
20 facility or property or unused portions of a school facility or
21 property located in a school district from which the public charter
22 school draws students, if the school district decides to sell or
23 lease the school facility or property.

1 B. A charter school may negotiate and contract at or below fair
2 market value with a school district, the governing body of a higher
3 education institution, or any other public or for-profit or
4 nonprofit private entity for the use of a facility for a school
5 building.

6 C. Any library, community service organization, museum,
7 performing arts group, theater, cinema, church and higher education
8 institution may provide space to charter schools within their
9 facilities.

10 SECTION 16. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3-146.17 of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

13 A. It is in the interest of the State of Oklahoma to foster
14 cooperation between public charter schools and school districts.

15 B. It shall be the responsibility of the State Department of
16 Education to convene a meeting between representatives of public
17 charter schools in the state and school districts not less than one
18 (1) time per year on topics of mutual interest.

19 SECTION 17. AMENDATORY Section 3, Chapter 367, O.S.L.
20 2012, as amended by Section 4, Chapter 212, O.S.L. 2013 (70 O.S.
21 Supp. 2013, Section 3-145.1), is amended to read as follows:

22 Section 3-145.1 A. There is hereby created the ~~Statewide~~
23 Virtual Public Charter School Board Commission. ~~The Board Beginning~~
24 July 1, 2014, the Commission shall have the sole authority to

1 authorize ~~and sponsor~~ statewide virtual public charter schools in
2 any school district in this state and beginning November 1, 2014,
3 shall have authority to authorize public charter schools in any
4 school district in this state. The ~~Board~~ Commission shall be
5 composed of five (5) voting members as follows:

6 1. One member appointed by the Governor, who shall be a
7 resident and elector of the Fifth Congressional District;

8 2. Two members appointed by the President Pro Tempore of the
9 Senate, one of whom shall be a resident and elector of the First
10 Congressional District and one of whom shall be a resident and
11 elector of the Third Congressional District; and

12 3. Two members appointed by the Speaker of the House of
13 Representatives, one of whom shall be a resident and elector of the
14 Second Congressional District and one of whom shall be a resident
15 and elector of the Fourth Congressional District; ~~and.~~

16 ~~4. B.~~ B. The State Superintendent of Public Instruction and the
17 Secretary of Education or their designees shall serve as ex officio
18 nonvoting members, and shall not be counted toward a quorum.

19 ~~B. C.~~ C. Initial appointments shall be made by August 1, 2012.
20 The President Pro Tempore of the Senate and the Speaker of the House
21 of Representatives shall each appoint one member for one (1) year
22 and one member for three (3) years. The Governor shall appoint one
23 member for two (2) years. Members shall serve until their
24 successors are duly appointed for a term of three (3) years.

1 Appointments shall be made by and take effect on November 1 of the
2 year in which the appointment is made. Any member serving on the
3 Statewide Virtual Charter School Board prior to the effective date
4 of this act shall continue to serve on the Public Charter School
5 Commission. Annually by December 30 the ~~Board~~ Commission shall
6 elect from its membership a chair and vice-chair.

7 ~~C.~~ D. A member may be removed from the ~~Board~~ Commission by the
8 appointing authority for cause which shall include, but not be
9 limited to:

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

12 2. Being found guilty of malfeasance, misfeasance or
13 nonfeasance in relation to ~~Board~~ Commission duties;

14 3. Being found mentally incompetent by a court of competent
15 jurisdiction; or

16 4. Failing to attend three successive meetings of the ~~Board~~
17 Commission without just cause, as determined by the ~~Board~~
18 Commission.

19 ~~D.~~ E. Vacancies shall be filled by the appointing authority.

20 ~~E.~~ F. No member of the Senate or House of Representatives may
21 be appointed to the ~~Board~~ Commission while serving as a member of
22 the Legislature, or for two (2) full years following the expiration
23 of the term of office.

1 ~~F.~~ G. The Commission shall promulgate rules as may be necessary
2 to implement the provisions of the Public Charter School
3 Accountability and Authorization Act in accordance with Article I of
4 the Administrative Procedures Act.

5 H. The State Department of Education shall provide staff
6 support to the ~~Board~~ Commission until ~~December 31, 2014, and~~
7 ~~thereafter the Department shall provide office space for the~~
8 ~~operation of the Board~~ the time that the operations of the
9 Commission are financially self-sustaining. Thereafter, the
10 Commission shall be an independent state entity operating with full
11 autonomy outside of the authority of the State Board of Education.

12 SECTION 18. AMENDATORY Section 4, Chapter 367, O.S.L.
13 2012 (70 O.S. Supp. 2013, Section 3-145.2), is amended to read as
14 follows:

15 Section 3-145.2 A. The ~~Statewide Virtual~~ Public Charter School
16 ~~Board~~ Commission shall meet at the call of the chair. The first
17 meeting of the ~~Board~~ Commission shall be held no later than sixty
18 (60) days after the effective date of this act.

19 B. Three members of the ~~Board~~ Commission shall constitute a
20 quorum and an affirmative vote of at least three members shall be
21 required in order for the ~~Board~~ Commission to take any final action.

22 C. Members of the ~~Board~~ Commission shall receive necessary
23 traveling expenses while in the performance of their duties in
24

1 accordance with the State Travel Reimbursement Act. Members shall
2 receive reimbursement from the State Department of Education.

3 SECTION 19. AMENDATORY Section 5, Chapter 367, O.S.L.
4 2012, as amended by Section 5, Chapter 212, O.S.L. 2013 (70 O.S.
5 Supp. 2013, Section 3-145.3), is amended to read as follows:

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

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

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

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

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

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

21 E. Students enrolled full-time in a statewide virtual charter
22 school ~~sponsored~~ authorized by the ~~Statewide Virtual~~ Public Charter
23 School ~~Board~~ Commission shall not be authorized to participate in
24 any activities administered by the Oklahoma Secondary Schools

1 Activities Association. However, the students may participate in
2 intramural activities sponsored by a statewide virtual charter
3 school, an online provider for the charter school or any other
4 outside organization.

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

17 G. When authorizing a public charter school located in a school
18 district in the state, the Public Charter School Commission shall be
19 subject to the procedures and requirements set forth in the Public
20 Charter School Accountability and Authorization Act. The geographic
21 boundaries of each public charter school authorized by the
22 Commission shall be the borders of the state.
23
24

1 SECTION 20. AMENDATORY Section 7, Chapter 367, O.S.L.

2 2012, as amended by Section 7, Chapter 212, O.S.L. 2013 (70 O.S.
3 Supp. 2013, Section 3-145.5), is amended to read as follows:

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

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

1 of the contract, the ~~Board~~ Commission shall allow the provider of
2 the virtual public charter school to apply for renewal of the
3 contract with the ~~Board~~ Commission in accordance with the renewal
4 procedures established pursuant to ~~Section 3-145.3 of this title~~ the
5 Public Charter School Accountability and Authorization Act.

6 SECTION 21. NEW LAW A new section of law not to be
7 codified in the Oklahoma Statutes reads as follows:

8 Any charter school contract entered into pursuant to the
9 provisions of the Oklahoma Charter Schools Act which is effective on
10 the effective date of this act shall continue to be valid and
11 implemented pursuant to the Oklahoma Charter Schools Act until the
12 term of the contract has ended or the contract has been terminated.
13 Any existing contract renewed after the effective date of this act
14 shall be subject to the provisions of the Public Charter School
15 Accountability and Authorization Act.

16 SECTION 22. RECODIFICATION 70 O.S. 2011, Section 3-131,
17 shall be recodified as Section 3-146.2 of Title 70 of the Oklahoma
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 23. RECODIFICATION 70 O.S. 2011, Section 3-138,
20 shall be recodified as Section 3-146.18 of Title 70 of the Oklahoma
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 24. RECODIFICATION 70 O.S. 2011, Section 3-141,
23 shall be recodified as Section 3-146.19 of Title 70 of the Oklahoma
24 Statutes, unless there is created a duplication in numbering.

1 SECTION 25. RECODIFICATION 70 O.S. 2011, Section 3-144,
2 shall be recodified as Section 3-146.20 of Title 70 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 26. RECODIFICATION Section 3, Chapter 367,
5 O.S.L. 2012 (70 O.S. Supp. 2013, Section 3-145.1), as last amended
6 by Section 17 of this act, shall be recodified as Section 3-146.21
7 of Title 70 of the Oklahoma Statutes, unless there is created a
8 duplication in numbering.

9 SECTION 27. RECODIFICATION Section 4, Chapter 367,
10 O.S.L. 2012 (70 O.S. Supp. 2013, Section 3-145.2), as amended by
11 Section 18 of this act, shall be recodified as Section 3-146.22 of
12 Title 70 of the Oklahoma Statutes, unless there is created a
13 duplication in numbering.

14 SECTION 28. RECODIFICATION Section 5, Chapter 367,
15 O.S.L. 2012 (70 O.S. Supp. 2013, Section 3-145.3), as last amended
16 by Section 19 of this act, shall be recodified as Section 3-146.23
17 of Title 70 of the Oklahoma Statutes, unless there is created a
18 duplication in numbering.

19 SECTION 29. RECODIFICATION Section 7, Chapter 367,
20 O.S.L. 2012 (70 O.S. Supp. 2013, Section 3-145.5), as last amended
21 by Section 20 of this act, shall be recodified as Section 3-146.24
22 of Title 70 of the Oklahoma Statutes, unless there is created a
23 duplication in numbering.

24

1 SECTION 30. RECODIFICATION Section 1, Chapter 108,
2 O.S.L. 2013 (70 O.S. Supp. 2013, Section 3-145.6), shall be
3 recodified as Section 3-146.25 of Title 70 of the Oklahoma Statutes,
4 unless there is created a duplication in numbering.

5 SECTION 31. REPEALER 70 O.S. 2011, Sections 3-130, 3-
6 132, as last amended by Section 1, Chapter 212, O.S.L. 2013, 3-134,
7 3-135, 3-136, 3-137, 3-139, 3-140, as last amended by Section 2,
8 Chapter 212, O.S.L. 2013, 3-142, as amended by Section 3, Chapter
9 212, O.S.L. 2013, 3-143 and Section 6, Chapter 367, O.S.L. 2012, as
10 amended by Section 6, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2013,
11 Sections 3-132, 3-140, 3-142 and 3-145.4), are hereby repealed.

12 SECTION 32. This act shall become effective November 1, 2014.

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