

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3545

By: Caldwell (Chad)

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

4 A. There is hereby created the Statewide Charter School Board.
5 Beginning July 1, 2023, the Board shall have the sole authority to
6 authorize and sponsor charter schools and statewide virtual charter
7 schools in this state. The Board shall be composed of fifteen (15)
8 members as follows:

9 1. The State Superintendent of Public Instruction, or his or
10 her designee;

11 2. Six members of the public appointed by the Governor, at
12 least two of whom shall reside in a school district where at least
13 sixty percent (60%) of the children who attend school in the
14 district meet the eligibility requirements established by the
15 National School Lunch Act and Child Nutrition Act for free and
16 reduced-cost lunches, and at least one of whom shall reside on
17 federally recognized Indian tribal land;

18 3. Two members of the business community, appointed by the
19 Governor;

20 4. A teacher who provides classroom instruction at a charter
21 school or statewide virtual charter school, appointed by the
22 Governor;

23 5. An operator of a charter school or statewide virtual charter
24 school, appointed by the Governor; and

1 6. Four members of the Oklahoma Legislature who shall serve as
2 nonvoting, advisory members, two appointed each by the President Pro
3 Tempore of the Oklahoma State Senate and the Speaker of the Oklahoma
4 House of Representatives.

5 B. Initial appointments shall be made by August 31, 2022.
6 Members appointed by the President Pro Tempore of the Oklahoma State
7 Senate and the Speaker of the Oklahoma House of Representatives
8 shall serve two-year terms. Members appointed by the Governor shall
9 serve four-year terms. Appointments shall be made by and take
10 effect on July 31 of the year in which the appointment is made. No
11 later than December 30 annually the Board shall elect from its
12 membership a chair and vice-chair.

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

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

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

19 3. Being found mentally incompetent by a court of competent
20 jurisdiction; or

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

23 D. Vacancies shall be filled by the appointing authority.
24

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

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

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

11 H. Beginning July 1, 2023, charter schools and statewide
12 virtual charter schools shall be sponsored only by the Statewide
13 Charter School Board created pursuant to this section. Effective
14 July 1, 2023, the Statewide Charter School Board shall succeed to
15 any contractual rights and responsibilities incurred by the
16 Statewide Virtual Charter School Board in a statewide virtual
17 charter school sponsorship contract executed prior to July 1, 2023,
18 and shall succeed to any contractual rights and responsibilities
19 incurred by a school district, a technology center school district,
20 an accredited comprehensive or regional institution that is a member
21 of The Oklahoma State System of Higher Education, a community
22 college, a federally recognized Indian tribe, or the State Board of
23 Education in a charter school sponsorship contract executed prior to
24 July 1, 2023. All property, equipment, supplies, records, assets,

1 current and future liabilities, encumbrances, obligations, and
2 indebtedness associated with a statewide virtual charter school or
3 charter school sponsorship contract shall be transferred to the
4 Statewide Charter School Board. Appropriate conveyances and other
5 documents shall be executed to effectuate the transfer of property
6 associated with a sponsorship contract. Upon succession of
7 sponsorship contracts, the Statewide Charter School Board shall
8 assume sponsorship of the statewide virtual charter schools and
9 charter schools for the remainder of the term of the contracts.
10 Prior to the end of the current term of the contract, the Statewide
11 Charter School Board shall allow a charter school to apply for
12 renewal of the sponsorship contract in accordance with the renewal
13 procedures established pursuant to Section 3-137 of Title 70 of the
14 Oklahoma Statutes.

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

18 A. Beginning July 1, 2023, and subject to the requirements of
19 the Oklahoma Charter Schools Act, the Statewide Charter School Board
20 shall:

21 1. Provide general supervision and oversight of the operations
22 of charter schools and statewide virtual charter schools in this
23 state, recommend legislation pertaining to charter schools to the
24 Oklahoma Legislature, and promulgate rules and policies that the

1 Board deems necessary to accomplish the purposes prescribed in this
2 section;

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

8 3. Hire an executive director and other staff for its
9 operation;

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

12 5. Comply with the requirements of the Oklahoma Open Meeting
13 Act and Oklahoma Open Records Act.

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

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

21 b. on July 1, 2023, and after, a public school
22 established by contract with the Statewide Charter
23 School Board,
24

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

4 2. A charter school may consist of a new school site, new
5 school sites, or all or any portion of an existing school site. An
6 entire school district shall not be a charter school site.

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

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

1 conversion plan, the board shall notify the State Board of Education
2 within sixty (60) days after the vote. The notification shall
3 include a copy of the minutes for the board meeting at which the
4 conversion plan was approved.

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

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

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

22 D. 1. Beginning July 1, 2023, the Statewide Charter School
23 Board shall make publicly available a list of supplemental online
24 courses which have been reviewed and certified by the Board to

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

11 2. In conjunction with the Office of Management and Enterprise
12 Services, the Board shall negotiate and enter into contracts with
13 supplemental online course providers to offer a state rate price to
14 school districts for supplemental online courses that have been
15 reviewed and certified by the Statewide Charter School Board and
16 listed as provided in paragraph 1 of this subsection.

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

20 There is hereby created in the State Treasury a revolving fund
21 for the Statewide Charter School Board to be designated the
22 "Statewide Charter School Board Revolving Fund". The fund shall be
23 a continuing fund, not subject to fiscal year limitations, and shall
24 consist of all monies received by the Statewide Charter School Board

1 from state appropriations. All monies accruing to the credit of the
2 fund are hereby appropriated and may be budgeted and expended by the
3 Statewide Charter School Board for the purposes set forth in Section
4 2 of this act. Expenditures from the fund shall be made upon
5 warrants issued by the State Treasurer against claims filed as
6 prescribed by law with the Director of the Office of Management and
7 Enterprise Services for approval and payment.

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

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

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

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

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

1 of Education for the ensuing fiscal year. Appropriations therefor
2 shall be made in lump-sum form for each major item in the budget as
3 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Any school district which maintains an elementary school and
15 faces the necessity of relocating its school facilities because of
16 construction of a lake, either by state or federal authority, which
17 will inundate the school facilities, shall be entitled to receive
18 probationary accreditation from the State Board of Education for a
19 period of five (5) years after the effective date of this act and
20 any school district, otherwise qualified, shall be entitled to
21 receive probationary accreditation from the State Board of Education
22 for a period of two (2) consecutive years to attain the minimum
23 average daily attendance. The Head Start and public nurseries or
24 kindergartens operated from Community Action Program funds shall not

1 be subjected to the accrediting rules of the State Board of
2 Education. Neither will the State Board of Education make rules
3 affecting the operation of the public nurseries and kindergartens
4 operated from federal funds secured through Community Action
5 Programs even though they may be operating in the public schools of
6 the state. However, any of the Head Start or public nurseries or
7 kindergartens operated under federal regulations may make
8 application for accrediting from the State Board of Education but
9 will be accredited only if application for the approval of the
10 programs is made. The status of no school district shall be changed
11 which will reduce it to a lower classification until due notice has
12 been given to the proper authorities thereof and an opportunity
13 given to correct the conditions which otherwise would be the cause
14 of such reduction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23

24

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

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

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

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

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

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

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

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

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

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

- f. for each school district or eligible charter school which is below the baseline local funding per student, the Department shall subtract the baseline local funding per student from the average nonchargeable millage per student of the school district or eligible charter school to determine the nonchargeable millage per student shortfall for each district, and
- g. the nonchargeable millage per student shortfall for a school district or eligible charter school shall be multiplied by the average daily membership of the preceding school year of the eligible school district or eligible charter school. This amount shall be the redbud school grant amount for the school district or eligible charter school.

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

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

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

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

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

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

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

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

21 B. Except as otherwise provided for in Section 3-137 of this
22 title, an applicant seeking to establish a charter school or
23 statewide virtual charter school shall submit a written application
24 to the ~~proposed sponsor as prescribed in subsection E of this~~

1 ~~section~~ Statewide Charter School Board. The application,
2 application process, and application time frames shall be posted on
3 the Board's website. The application shall include:

4 1. A mission statement for the charter school or statewide
5 virtual charter school;

6 2. A description including, but not limited to, background
7 information of the organizational structure and the governing ~~body~~
8 board of the charter school or statewide virtual charter school;

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

15 4. A description of the hiring policy of the charter school or
16 statewide virtual charter school;

17 5. The name of the applicant or applicants ~~and requested~~
18 ~~sponsor;~~

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

21 7. A description of the grades being served;

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

1 9. A demonstration of support for the charter school from
2 residents of the school district in which the charter school is to
3 be located which may include but is not limited to a survey of the
4 school district residents or a petition signed by residents of the
5 school district;

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

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

10 12. The proposed calendar for the charter school or statewide
11 virtual charter school and sample daily schedule;

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

14 14. A description of the instructional design of the charter
15 school, or statewide virtual charter school including the type of
16 learning environment, class size and structure, curriculum overview,
17 and teaching methods;

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

22 16. The plans for identifying and successfully serving students
23 with disabilities, students who are English language learners, and
24 students who are academically behind;

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

3 18. Plans and time lines for student recruitment and
4 enrollment, including lottery procedures;

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

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

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

18 22. The leadership and teacher employment policies for the
19 charter school or statewide virtual charter school;

20 23. Proposed governing bylaws;

21 24. Explanations of any partnerships or contractual
22 partnerships central to the operations or mission of the charter
23 school or statewide virtual charter school;

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

3 26. Opportunities and expectations for parental involvement;

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

6 28. A description of the financial plan and policies for the
7 charter school, or statewide virtual charter school including
8 financial controls and audit requirements;

9 29. A description of the insurance coverage the charter school
10 or statewide virtual charter school will obtain;

11 30. Start-up and five-year budgets with clearly stated
12 assumptions;

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

15 32. Evidence of anticipated fundraising contributions, if
16 claimed in the application;

17 33. A sound facilities plan, including backup or contingency
18 plans if appropriate;

19 34. A requirement that the charter school or statewide virtual
20 charter school governing board ~~meet at a minimum quarterly in the~~
21 ~~state~~ comply with the requirements of paragraph 7 of subsection A of
22 Section 3-136 of this title and that for those charter schools
23 outside of counties with a population of five hundred thousand
24

(500,000) or more, that a majority of members are residents within the geographic boundary of the ~~sponsoring entity~~ charter school; and

35. A requirement that the charter school or statewide virtual charter school follow the requirements of the Oklahoma Open Meeting Act and Oklahoma Open Records Act.

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

D. ~~The sponsor of a charter school is the board of education of a school district, the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe which meets the criteria established in Section 3-132 of this title. Any board of education of a school district in the state may sponsor one or more charter schools. The physical location of a charter school sponsored by a board of education of a school district or a technology center school district shall be within the boundaries of the sponsoring school district.~~ The physical location of a charter school sponsored by the ~~State Board of Education~~ Statewide Charter School Board when the applicant of the charter school is the Office of Juvenile Affairs shall be where an Office of Juvenile Affairs

1 facility for youth is located. ~~The physical location of a charter~~
2 ~~school otherwise sponsored by the State Board of Education pursuant~~
3 ~~to paragraph 8 of subsection A of Section 3-132 of this title shall~~
4 ~~be in the school district in which the application originated.~~

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

20 F. ~~A board of education of a school district, board of~~
21 ~~education of a technology center school district, higher education~~
22 ~~institution, or federally recognized Indian tribe sponsor of a~~
23 ~~charter school shall notify the State Board of Education when it~~
24

1 ~~accepts sponsorship of a charter school. The notification shall~~
2 ~~include a copy of the charter of the charter school.~~

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

14 ~~H. If a board of education of a technology center school~~
15 ~~district, a higher education institution, the State Board of~~
16 ~~Education, or a federally recognized Indian tribe accepts~~
17 ~~sponsorship of a charter school, the administrative, fiscal and~~
18 ~~oversight responsibilities of the technology center school district,~~
19 ~~the higher education institution, or the federally recognized Indian~~
20 ~~tribe shall be listed in the contract. No administrative, fiscal,~~
21 ~~or oversight responsibilities of a charter school or statewide~~
22 ~~virtual charter school shall be delegated to a school district~~
23 ~~unless the local school district agrees to enter into a contract to~~
24 ~~assume the responsibilities.~~

1 ~~I. A sponsor of a public charter school~~ F. Beginning July 1,
2 2023, the Statewide Charter School Board shall have the following
3 powers and duties in its oversight of charter schools and statewide
4 virtual charter schools in this state:

5 1. Provide oversight of the operations of charter schools and
6 statewide virtual charter schools in the state through annual
7 performance reviews ~~of charter schools~~ and reauthorization ~~of~~
8 ~~charter schools for which it is a sponsor;~~

9 2. Solicit and evaluate charter school and statewide virtual
10 charter school applications;

11 3. Approve quality charter school and statewide virtual charter
12 school applications that meet identified educational needs and
13 promote a diversity of educational choices;

14 4. Decline to approve weak or inadequate charter school or
15 statewide virtual charter school applications;

16 5. Negotiate and execute sound charter contracts with each
17 approved ~~public~~ charter school or statewide virtual charter school;

18 6. Monitor, in accordance with charter contract terms, the
19 performance and legal compliance of charter schools and statewide
20 virtual charter schools; and

21 7. Determine whether each charter contract merits renewal,
22 nonrenewal, or revocation.

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

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

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

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

19 Section 3-136. A. A Beginning July 1, 2023, a written contract
20 entered into between the Statewide Charter School Board and the
21 governing board of a charter school or statewide virtual charter
22 school shall ~~adopt a charter which will~~ ensure compliance with the
23 following:
24

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

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

18 3. The charter contract shall provide a description of the
19 educational program to be offered. A charter school or statewide
20 virtual charter school may provide a comprehensive program of
21 instruction for a prekindergarten program, a kindergarten program,
22 or any grade between grades one and twelve. Instruction may be
23 provided to all persons between the ages of four (4) and twenty-one
24 (21) years. A charter school or statewide virtual charter school

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

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

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

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

10 ~~7.~~ 6. A charter school or statewide virtual charter school
11 shall comply with all federal and state laws relating to the
12 education of children with disabilities in the same manner as a
13 school district;

14 ~~8.~~ 7. A charter school or statewide virtual charter school
15 shall provide for a governing ~~body~~ board for the school which shall
16 be responsible for the policies and operational decisions of the
17 charter school or statewide virtual charter school. A majority of
18 the charter school or statewide virtual charter school governing
19 board members shall be residents of this state and shall meet no
20 less than quarterly in a public meeting within the boundaries of the
21 school district in which the charter school is located or within
22 this state if the governing board oversees multiple charter schools
23 in this state or oversees a statewide virtual charter school. A
24 member of the governing board of a charter school or statewide

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

12 ~~9.~~ 8. A charter school or statewide virtual charter school
13 shall not be used as a method of generating revenue for students who
14 are being home schooled and are not being educated at an organized
15 charter school site or by a statewide virtual charter school;

16 ~~10.~~ 9. A charter school ~~may~~ or statewide virtual charter school
17 shall be as equally free and open to all students as traditional
18 public schools and shall not charge tuition or fees;

19 ~~11.~~ 10. A charter school or statewide virtual charter school
20 shall provide instruction each year for at least the number of days
21 required in Section 1-109 of this title;

22 ~~12.~~ 11. A charter school or statewide virtual charter school
23 shall comply with the student suspension requirements provided for
24 in Section 24-101.3 of this title;

1 ~~13.~~ 12. A charter school or statewide virtual charter school
2 shall be considered a school district for purposes of tort liability
3 under The Governmental Tort Claims Act;

4 ~~14.~~ 13. Employees of a charter school or statewide virtual
5 charter school may participate as members of the Teachers'
6 Retirement System of Oklahoma in accordance with applicable statutes
7 and rules if otherwise allowed pursuant to law;

8 ~~15.~~ 14. A charter school or statewide virtual charter school
9 may participate in all health and related insurance programs
10 available to ~~the employees of the sponsor of the charter school~~ a
11 public school district;

12 ~~16.~~ 15. A charter school or statewide virtual charter school
13 shall comply with the Oklahoma Open Meeting Act and the Oklahoma
14 Open Records Act;

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

18 ~~18.~~ 16. No later than September 1 of each year, the governing
19 board of each charter school or statewide virtual charter school
20 formed pursuant to the Oklahoma Charter Schools Act shall prepare a
21 statement of actual income and expenditures for the charter school
22 or statewide virtual charter school for the fiscal year that ended
23 on the preceding June 30, in a manner compliant with Section 5-135
24 of this title. The statement of expenditures shall include

functional categories as defined in rules adopted by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-145 of this title. Charter schools and statewide virtual charter schools shall not be permitted to submit estimates of expenditures or prorated amounts to fulfill the requirements of this paragraph; and

17. A charter school or statewide virtual charter school contract shall include performance provisions based on a performance framework that clearly provides the academic and operational performance indicators, measures, and metrics that shall guide the evaluation of a charter school or statewide virtual charter school by the Statewide Charter School Board. The Board shall require a charter school or statewide virtual charter school to submit the data required in this subsection in the identical format that is required by the State Department of Education of all public schools in order to avoid duplicative administrative efforts or allow a charter school or statewide virtual charter school to provide permission to the Department to share all required data with the Board. The performance framework shall include indicators, measures, and metrics for, at a minimum:

- a. student academic proficiency,
- b. student academic growth,
- c. achievement gaps in both proficiency and growth between major student subgroups,

- d. student attendance,
- e. recurrent enrollment from year to year as determined
by the methodology used for public schools in this
state,
- f. in the case of high schools, graduation rates as
determined by the methodology used for public schools
in this state,
- g. in the case of high schools, postsecondary readiness,
- h. financial performance and sustainability, and
- i. governing board performance and stewardship, including
compliance with all applicable laws, regulations, and
terms of the charter contract.

B. 1. The charter contract of a charter school or statewide
virtual charter school shall include a description of the personnel
policies, personnel qualifications, and method of school governance,
~~and the specific role and duties of the sponsor of the charter~~
~~school.~~ A charter school or statewide virtual charter school shall
not enter into an employment contract with any teacher or other
personnel until a contract has been executed with the Statewide
Charter School Board. The employment contract shall provide the
personnel policies of the charter school or statewide virtual
charter school including, but not limited to, policies related to
certification, professional development evaluation, suspension,
dismissal and nonreemployment, sick leave, personal business leave,

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

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

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

23 C. The charter of a charter school or statewide virtual charter
24 school may be amended at the request of the governing ~~body~~ board of

1 the charter school or statewide virtual charter school and upon the
2 approval of the ~~sponsor~~ Statewide Charter School Board.

3 D. A charter school or statewide virtual charter school may
4 enter into contracts and sue and be sued.

5 E. The governing ~~body~~ board of a charter school ~~may~~ or
6 statewide virtual charter school shall not levy taxes or issue
7 bonds.

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

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

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

13 B. Charter contracts shall be reviewed every five (5) years.
14 Prior to the beginning of the ~~fourth~~ fifth year of operation of a
15 charter school or statewide virtual charter school, the ~~sponsor~~
16 Statewide Charter School Board shall issue a ~~charter school~~
17 performance report and charter renewal application guidance to the
18 charter school and the charter school its governing board or the
19 statewide virtual charter school and its governing board. The
20 performance report shall summarize the performance record to date of
21 the charter school or statewide virtual charter school, based on the
22 data required by the Oklahoma Charter Schools Act and the charter
23 contract and taking into consideration the percentage of at-risk
24 students enrolled in the school, and shall provide notice of any

1 weaknesses or concerns perceived by the ~~sponsor~~ Board concerning the
2 charter school or statewide virtual charter school that may
3 jeopardize its position in seeking renewal if not timely rectified.
4 The charter school or statewide virtual charter school shall have
5 forty-five (45) days to respond to the performance report and submit
6 any corrections or clarifications for the report.

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

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

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

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

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

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

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

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

23 E. ~~If a sponsor denies a request for renewal, the governing~~
24 ~~board of the sponsor may, if requested by the charter school,~~

1 ~~proceed to binding arbitration as provided for in subsection G of~~
2 ~~Section 3-134 of this title.~~

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

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

23 2. At the time of its charter renewal, based on an average of
24 the current year and the two (2) prior operating years, ~~a sponsor~~

1 the Statewide Charter School Board may close a charter school site
2 or statewide virtual charter school identified as being among the
3 bottom five percent (5%) of public schools in the state. The
4 average of the current year and two (2) prior operating years shall
5 be calculated by using the percentage ranking for each year divided
6 by three, as determined by this subsection.

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

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

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

- b. ~~order the closure of the charter school identified in this paragraph at the end of the current school year, or~~
- e. ~~order the reduction of any administrative fee collected by the sponsor that is applicable to the charter school identified in this paragraph. The reduction shall become effective at the beginning of the month following the month the hearing of the sponsor is held by the State Board of Education.~~

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

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

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

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

- b. high mobility of the student population resulting from the specific purpose of the charter school or statewide virtual charter school,
- c. annual improvement in the performance of students enrolled in the charter school or statewide virtual charter school compared with the performance of students enrolled in the charter school or statewide virtual charter school in the immediately preceding school year, and
- d. whether a majority of students attending the charter school or statewide virtual charter school under consideration for closure would likely revert to attending public schools with lower academic achievement, as demonstrated pursuant to Section 1210.545 of this title.

~~8. 7.~~ If the ~~State Board of Education~~ Statewide Charter School Board has closed ~~or transferred authorization of~~ at least twenty-five percent (25%) of the charter schools ~~chartered by one sponsor pursuant to paragraph 4 of~~ or statewide virtual charter schools proposed by one applicant pursuant to this subsection, the authority of the ~~sponsor applicant~~ applicant to ~~authorize~~ apply for new charter schools or statewide virtual charter schools may be suspended by the Board until the Board approves the ~~sponsor applicant~~ applicant to ~~authorize~~ propose new charter schools or statewide virtual charter schools. A

1 determination ~~under~~ made pursuant to this paragraph ~~to suspend the~~
2 ~~authority of a sponsor to authorize new charter schools~~ shall
3 identify the deficiencies that, if corrected, will result in the
4 approval of the ~~sponsor~~ applicant to ~~authorize~~ apply for new charter
5 schools or statewide virtual charter schools.

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

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

17 2. The ~~sponsor~~ Statewide Charter School Board and transition
18 team shall communicate regularly and effectively with families of
19 students enrolled in the charter school or statewide virtual charter
20 school, as well as with school staff and other stakeholders, to keep
21 them apprised of key information regarding the closure of the school
22 and their options and risks;

23 3. The ~~sponsor~~ Statewide Charter School Board and transition
24 team shall ensure that current instruction of students enrolled in

1 the charter school or statewide virtual charter school continues per
2 the charter ~~agreement~~ contract for the remainder of the school year;

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

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

11 ~~1. A sponsor shall develop revocation and nonrenewal processes~~
12 ~~that are consistent with the Oklahoma Charter Schools Act and that:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 B. A teacher who is employed by or teaching at a charter school
19 or statewide virtual charter school and who submits an employment
20 application to the school district where the teacher was employed
21 immediately before employment by or at a charter school or statewide
22 virtual charter school shall be given employment preference by the
23 school district if:
24

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

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

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

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

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

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

21 C. A charter school may designate a specific geographic area
22 within the school district in which the charter school is located as
23 an academic enterprise zone and may limit admissions to students who
24 reside within that area. An academic enterprise zone shall be a

1 geographic area in which sixty percent (60%) or more of the children
2 who reside in the area qualify for the free or reduced school lunch
3 program.

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

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

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

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

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

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

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

6 3. A public school student may transfer to one statewide
7 virtual charter school at any time during a school year. For
8 purposes of this subsection, "school year" shall mean July 1 through
9 the following June 30. After one statewide virtual charter school
10 transfer during a school year, a public school student shall not be
11 permitted to transfer to any other statewide virtual charter school
12 without the concurrence of both the resident school district and the
13 receiving statewide virtual charter school. A student shall have a
14 grace period of fifteen (15) school days from the first day of
15 enrollment in a statewide virtual charter school to withdraw without
16 academic penalty and shall continue to have the option of one
17 statewide virtual charter school transfer without the concurrence of
18 both schools during that same school year. A statewide virtual
19 charter school student that has utilized the allowable one transfer
20 pursuant to this subsection shall not be permitted to transfer to
21 another district or other statewide virtual charter school without
22 first notifying his or her resident district and initiating a new
23 transfer. Upon cancellation of a transfer, the statewide virtual
24 charter school shall transmit the records of the student to the new

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

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

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

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

- 23 a. a temporary on-base billeting facility,
24 b. a purchased or leased home or apartment, or

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

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

6 5. For purposes of this subsection:

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

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

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

18 Section 3-142. A. The student membership and attendance of ~~the~~
19 a charter school or statewide virtual charter school shall be
20 considered ~~separate from the student membership and attendance of~~
21 ~~the sponsor~~ for the purpose of calculating enrollment and funding
22 including weighted average daily membership pursuant to Section 18-
23 201.1 of this title and State Aid pursuant to Section 18-200.1 of
24 this title. A charter school or statewide virtual charter school

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

20 B. 1. The weighted average daily membership for the first year
21 of operation of a charter school shall be determined initially by
22 multiplying the actual enrollment of students as of August 1 by
23 1.333. The charter school shall receive revenue equal to that which
24 would be generated by the estimated weighted average daily

1 membership calculated pursuant to this paragraph. At midyear, the
2 allocation for the charter school shall be adjusted using the first
3 quarter weighted average daily membership for the charter school
4 ~~calculated pursuant to subsection A of this section.~~

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

19 C. Except as explicitly authorized by state law, a charter
20 school or statewide virtual charter school shall not be eligible to
21 receive state-dedicated, local, or county revenue; provided, a
22 charter school or statewide virtual charter school may be eligible
23 to receive any other aid, grants, or revenues allowed to other
24

1 schools. A charter school or statewide virtual charter school shall
2 be considered a local education agency for purposes of funding.

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

15 E. Any charter school or statewide virtual charter school which
16 chooses to lease property shall be eligible to receive current
17 government lease rates.

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

1 thirty (30) days after the first nine (9) weeks of the school year.

2 If the Charter School Closure Reimbursement Revolving Fund has a
3 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
4 payment shall be required the following school year.

5 G. There is hereby created in the State Treasury a revolving
6 fund for the ~~State Department of Education~~ Statewide Charter School
7 Board to be designated the "Charter School Closure Reimbursement
8 Revolving Fund". The fund shall be a continuing fund, not subject
9 to fiscal year limitations, and shall consist of all monies received
10 by the ~~State Department of Education~~ Statewide Charter School Board
11 from charter schools as provided in subsection F of this section.

12 All monies accruing to the credit of said fund are hereby
13 appropriated and may be budgeted and expended by the ~~State~~
14 ~~Department of Education~~ Statewide Charter School Board for the
15 purpose of ~~reimbursing charter school sponsors for costs~~ paying for
16 expenditures incurred due to the closure of a charter school.

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

22 SECTION 11. AMENDATORY 70 O.S. 2021, Section 3-143, is
23 amended to read as follows:
24

1 Section 3-143. ~~The State Board of Education~~ Statewide Charter
2 School Board shall issue an annual report to the Legislature and the
3 Governor outlining the status of charter schools and statewide
4 virtual charter schools in the state. Each charter school and
5 statewide virtual charter school shall annually file a report with
6 ~~the Office of Accountability. The report~~ Statewide Charter School
7 Board that shall include such information as requested by the ~~Office~~
8 ~~of Accountability, Board~~ including but not limited to information on
9 enrollment, testing, curriculum, finances, and employees.

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

12 Section 3-144. A. There is hereby created in the State
13 Treasury a fund to be designated the "Charter Schools Incentive
14 Fund". The fund shall be a continuing fund, not subject to fiscal
15 year limitations, and shall consist of all monies appropriated by
16 the Legislature, gifts, grants, devises, and donations from any
17 public or private source. ~~The State Department of Education~~
18 Statewide Charter School Board shall administer the fund for the
19 purpose of providing financial support to charter school and
20 statewide virtual charter school applicants and charter schools and
21 statewide virtual charter schools for start-up costs and costs
22 associated with renovating or remodeling existing buildings and
23 structures for use by a charter school. ~~The State Department of~~
24 ~~Education~~ Statewide Charter School Board is authorized to allocate

1 funds on a per-pupil basis for purposes of providing matching funds
2 for the federal State Charter School Facilities Incentive Grants
3 Program created pursuant to the No Child Left Behind Act, 20 USCA,
4 Section 7221d.

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

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

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

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

~~Appropriate conveyances and other documents shall be executed to effectuate the transfer of any property associated with the contract. Upon succession of the contract, the Board shall assume sponsorship of the virtual charter school for the remainder of the term of the contract. Prior to the end of the current term of the contract, the Board shall allow the provider of the virtual charter school to apply for renewal of the contract with the Board in accordance with the renewal procedures established pursuant to Section 3-145.3 of this title.~~

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

Section 3-145.7 ~~There~~ A. Until July 1, 2023, there is hereby created in the State Treasury a revolving fund for the Statewide Virtual Charter School Board to be designated the "Statewide Virtual Charter School Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Statewide Virtual Charter School Board from State Aid pursuant to Section 3-145.3 of ~~Title 70 of the Oklahoma Statutes~~ this title or any other state appropriation. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Statewide Virtual Charter School Board for the purpose of supporting the mission of the Statewide Virtual Charter School Board. Expenditures from the fund shall be made upon warrants issued by the

1 State Treasurer against claims filed as prescribed by law with the
2 Director of the Office of Management and Enterprise Services for
3 approval and payment.

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

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

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

21 B. By July 1, 2020, the governing ~~body~~ board of each statewide
22 virtual charter school shall adopt an attendance policy. The policy
23 may allow attendance to be a proportional amount of the required
24 attendance policy provisions based upon the date of enrollment of

1 the student. The attendance policy shall include the following
2 provisions:

3 1. The first date of attendance and membership shall be the
4 first date the student completes an instructional activity~~;~~;

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

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

9 b. is on pace for on-time completion of the course as
10 defined by the governing board of the statewide
11 virtual charter school, or

12 c. completes no less than seventy-two instructional
13 activities within the quarter of the academic year~~;~~;
14 and

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

18 a. the number of school days during which the student
19 completed the instructional activities during the
20 quarter,

21 b. the number of school days proportional to the
22 percentage of the course that has been completed, or
23
24

1 c. the number of school days proportional to the
2 percentage of the required minimum number of completed
3 instructional activities during the quarter;;

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

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

20 E. Any student that is behind pace and does not complete an
21 instructional activity for a fifteen-school-day period shall be
22 withdrawn for truancy. The statewide virtual charter school shall
23 submit a notification to the parent or legal guardian of a student
24 who has been withdrawn for truancy or is approaching truancy.

1 F. A student who is reported for truancy two times in the same
2 school year shall be withdrawn and prohibited from enrolling in the
3 same statewide virtual charter school for the remainder of the
4 school year.

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

15 H. If a statewide virtual charter school withdraws a student
16 pursuant to subsections F and G of this section, the statewide
17 virtual charter school shall immediately notify the student's
18 resident district in writing of the student's disenrollment.

19 I. The provisions of subsections F, G, and H of this section
20 shall not be in effect until the implementation of subsection H of
21 Section ~~3-145.3~~ 3-140 of this title.

22 J. The Statewide ~~Virtual~~ Charter School Board may promulgate
23 rules to implement the provisions of this section.

SECTION 16. AMENDATORY 70 O.S. 2021, Section 1210.704,

is amended to read as follows:

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

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

1. A school site or sites within the district;

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

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

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

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

1 The online platform shall be available to all Oklahoma school
2 districts.

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

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

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

18 SECTION 17. REPEALER 70 O.S. 2021, Sections 3-132, 3-
19 135, 3-145.1, 3-145.2, 3-145.3, and 3-145.4 are hereby repealed.

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

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

24

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

COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/02/2022
- DO PASS, As Amended.