

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 782

By: Jolley, Loveless and  
Griffin of the Senate

3  
4 and

5 Denney of the House  
6

7 An Act relating to charter schools; amending 70 O.S.  
2011, Section 3-132, as last amended by Section 1,  
8 Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section  
3-132), which relates to the Oklahoma Charter Schools  
9 Act; modifying criteria for charter school sponsors;  
removing certain sponsor; allowing the State Board of  
10 Education to sponsor a certain number of charter  
schools in counties with certain population; allowing  
11 certain priority for charter schools; providing a  
definition; amending 70 O.S. 2011, Section 3-134,  
12 which relates to charter applications; modifying  
certain financial plan requirement; adding certain  
13 information required in application; providing for  
location of certain charter schools sponsored by the  
14 State Board of Education; allowing appeal of rejected  
application; removing option for certain mediation;  
15 providing powers and duties of a charter school  
sponsor; directing charter school sponsors to  
16 establish certain policies and procedures; providing  
immunity from liability to sponsors for certain  
17 activities; amending 70 O.S. 2011, Section 3-135,  
which relates to charter school contracts; adding  
18 certain requirements for charter school contracts;  
prohibiting serving students without certain  
19 contract; allowing a sponsor to establish certain  
requirements; providing criteria for the  
20 establishment of performance framework; prohibiting  
request for certain data; allowing charter school  
21 contracts for multiple schools; amending 70 O.S.  
2011, Section 3-137, which relates to contract terms;  
22 allowing contract renewal with certain terms;  
requiring issuance of certain performance report;  
23 providing deadline for response; establishing renewal  
application guidelines; providing for certain  
24 consideration in making certain renewal decision;

1 removing option for certain mediation; directing the  
2 State Board of Education to establish a charter  
3 school ranking list; providing options for certain  
4 ranked charter schools; providing for certain  
5 calculation under certain conditions; directing the  
6 State Board of Education to consider certain  
7 information; requiring a charter school sponsor to  
8 appear before the State Board of Education after  
9 certain decision; allowing the State Board of  
10 Education to uphold or overturn certain decision;  
11 prohibiting the granting of a charter under certain  
12 conditions; exempting certain charter schools from  
13 certain application; providing procedures for charter  
14 school closure; directing charter school sponsors to  
15 develop certain processes; requiring sponsor to state  
16 certain reasons; requiring review of certain charter  
17 proposal; amending 70 O.S. 2011, Section 3-140, as  
18 last amended by Section 2, Chapter 212, O.S.L. 2013  
19 (70 O.S. Supp. 2014, Section 3-140), which relates to  
20 eligibility of students; prohibiting a charter school  
21 sponsor from restricting certain enrollment;  
22 providing mechanism for calculating certain capacity;  
23 amending 70 O.S. 2011, Section 3-142, as amended by  
24 Section 3, Chapter 212, O.S.L. 2013 (70 O.S. Supp.  
2014, Section 3-142), which relates to funding;  
modifying reference to unexpended funds; prohibiting  
levying of taxes and issuance of bonds; allowing  
charter schools to enter into certain borrowing  
contracts; and directing responsibility for  
repayment.

17 AUTHOR: Add the following House Coauthor: Jordan

18 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
19 and insert

21 "An Act relating to charter schools; amending 70 O.S.  
22 2011, Sections 3-132, as last amended by Section 1,  
23 Chapter 212, O.S.L. 2013, 3-134, 3-135, 3-137, 3-  
24 140, as last amended by Section 2, Chapter 212,  
O.S.L. 2013 and 3-142, as amended by Section 3,  
Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014,  
Sections 3-132, 3-140 and 3-142), which relate to

1 the Oklahoma Charter Schools Act; modifying list of  
2 authorized sponsors of charter schools; deleting  
3 certain conditions on certain sponsors; allowing the  
4 State Board of Education to sponsor charter schools  
5 under certain conditions; mandating that priority be  
6 given to certain charter schools serving certain  
7 students; mandating that priority be given to  
8 charter school applicants that meet certain  
9 conditions; listing factors for approving a new site  
10 or school; modifying definition; adding definition;  
11 adding information to be included in the charter  
12 school application; limiting location of certain  
13 charter schools; allowing for an appeal of a  
14 rejected application to the State Board of  
15 Education; deleting mediation and arbitration  
16 criteria; providing for certain type of binding  
17 arbitration for certain applicants; stating powers  
18 and duties of a sponsor; directing sponsors to  
19 establish procedures for accepting, approving and  
20 disapproving applications; requiring sponsors to  
21 develop and maintain chartering policies and  
22 practices that are consistent with certain  
23 principles and standards; limiting liability of  
24 sponsors; adding provisions required in the charter  
contract; prohibiting a charter school from serving  
students without a contract; allowing sponsors to  
establish preopening requirements and conditions;  
specifying basis for performance provisions of a  
contract; allowing submission of data in certain  
format; listing performance framework categories;  
limiting requests for metric or data; allowing  
applicants and sponsors to have multiple contracts  
or one contract for multiple schools; allowing for  
renewal for successive terms; requiring sponsors to  
issue performance reports and application renewal  
guidance before a certain time; specifying contents  
of performance reports; listing steps to be allowed  
under the application renewal guidance; requiring  
the application renewal guidance to include certain  
criteria; requiring charter renewal decisions to  
include certain criteria and actions; deleting  
certain mediation option; directing the State Board  
of Education to identify certain charter schools by  
school grades; allowing closure of a charter school  
identified at bottom of ranking; providing process  
for ranking under certain conditions; providing for  
review of sponsor's decision by the State Board of

1 Education and implementation of certain options;  
2 prohibiting charters by other sponsors for certain  
3 closed charter schools; exempting certain charter  
4 schools from closure requirements; listing  
5 considerations for closure; providing for suspension  
6 of certain charter school authorization; providing  
7 protocol for closing a charter school; directing  
8 sponsors to develop revocation and nonrenewal  
9 processes; requiring sponsors to state reasons for  
10 revocation or nonrenewal in a resolution; requiring  
11 review of certain charter school proposal by the  
12 Board; updating statutory language; prohibiting the  
13 sponsor of a charter school from restricting the  
14 number of students enrolled in a charter school;  
15 requiring the governing body of the charter school  
16 to determine capacity; specifying considerations;  
17 modifying type of funds that may be reserved;  
18 prohibiting charter schools from levying taxes or  
19 issuing bonds; allowing a charter school to enter  
20 into private contracts for certain purposes; and  
21 establishing responsibility for debt.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, as last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section 3-132), is amended to read as follows:

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

1. By a any school district ~~with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal~~

1 ~~Decennial Census~~ in the State of Oklahoma, provided such charter  
2 school shall only be located within the geographical boundaries of  
3 the sponsoring district and subject to the restrictions of Section  
4 3-145.6 of this title;

5 2. ~~By a school district which has a school site that has been~~  
6 ~~identified as in need of improvement by the State Board of Education~~  
7 ~~pursuant to the Elementary and Secondary Education Act of 1965, as~~  
8 ~~amended or reauthorized;~~

9 ~~3.~~ By a technology center school district if the charter school  
10 is located in a school district served by the technology center  
11 school district and ~~the school district has an average daily~~  
12 ~~membership of five thousand (5,000) or more and~~ in which all or part  
13 of the school district is located in a county having more than five  
14 hundred thousand (500,000) population according to the latest  
15 Federal Decennial Census;

16 ~~4.~~ 3. By a technology center school district if the charter  
17 school is located in a school district served by the technology  
18 center school district and the school district has a school site  
19 that has been identified as in need of improvement by the State  
20 Board of Education pursuant to the Elementary and Secondary  
21 Education Act of 1965, as amended or reauthorized;

22 ~~5.~~ 4. By ~~a~~ an accredited comprehensive or regional institution  
23 that is a member of The Oklahoma State System of Higher Education or  
24 a community college if the charter school is located in a school

1 ~~district that has an average daily membership of five thousand~~  
2 ~~(5,000) or more and in~~ which all or part of the school district is  
3 located in a county having more than five hundred thousand (500,000)  
4 population according to the latest Federal Decennial Census.—~~In~~  
5 ~~addition, the institution shall have a teacher education program~~  
6 ~~accredited by the Oklahoma Commission for Teacher Preparation and~~  
7 ~~have a branch campus or constituent agency physically located within~~  
8 ~~the school district in which the charter school is located;~~

9 ~~6.~~ 5. By a comprehensive or regional institution that is a  
10 member of The Oklahoma State System of Higher Education if the  
11 charter school is located in a school district that has a school  
12 site that has been identified as in need of improvement by the State  
13 Board of Education pursuant to the Elementary and Secondary  
14 Education Act of 1965, as amended or reauthorized. In addition, the  
15 institution shall have a teacher education program accredited by the  
16 Oklahoma Commission for Teacher Preparation and have a branch campus  
17 or constituent agency physically located within the school district  
18 in which the charter school is located in the State of Oklahoma;

19 ~~7.~~ 6. By a federally recognized Indian tribe, operating a high  
20 school under the authority of the Bureau of Indian Affairs as of  
21 November 1, 2010, if the charter school is for the purpose of  
22 demonstrating native language immersion instruction, and is located  
23 within its former reservation or treaty area boundaries. For  
24 purposes of this paragraph, native language immersion instruction

1 shall require that educational instruction and other activities  
2 conducted at the school site are primarily conducted in the native  
3 language; ~~or~~

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

13 8. By the State Board of Education when the applicant has first  
14 been denied a charter by the local school district in which it seeks  
15 to operate. In counties with fewer than five hundred thousand  
16 (500,000) population, according to the latest Federal Decennial  
17 Census, the State Board of Education shall not sponsor more than  
18 five charter schools per year each year for the first five (5) years  
19 after the effective date of this act, with not more than one charter  
20 school sponsored in a single school district per year. In order to  
21 authorize a charter school under this section, the State Board of  
22 Education shall find evidence of all of the following:

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- 1           a. a thorough and high-quality charter school application  
2           from the applicant based on the authorizing standards  
3           in subsection B of Section 3-134 of this title,  
4           b. a clear demonstration of community support for the  
5           charter school, and  
6           c. the grounds and basis of objection by the school  
7           district for denying the operation of the charter are  
8           not supported by the greater weight of evidence and  
9           the strength of the application.

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

13           C. An eligible non-school-district sponsor shall give priority  
14 to applicants that have demonstrated a record of operating at least  
15 one school or similar program that demonstrates academic success and  
16 organizational viability and serves student populations similar to  
17 those the proposed charter school seeks to serve. In assessing the  
18 potential for quality replication of a charter school, a sponsor  
19 shall consider the following factors before approving a new site or  
20 school:

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

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



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

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

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

11        6. A financial structure that ensures that funds attributable  
12 to each charter school within a network and required by law to be  
13 utilized by a school remain with and are used to benefit that  
14 school.

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

23        ~~C.~~ E. For the purposes of the Oklahoma Charter Schools Act,  
24 "conversion charter school" means a charter school created by

1 converting all or any part of a traditional public school into a  
2 charter school which may be operated by the school district board of  
3 education or by an independent operating board elected by and  
4 accountable to the school district board of education.

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

8 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-134, is  
9 amended to read as follows:

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

20 B. Except as otherwise provided for in Section 3-137 of this  
21 title, an applicant seeking to establish a charter school shall  
22 submit a written application to the proposed sponsor as prescribed  
23 in subsection E of this section. The application shall include:

24 1. A mission statement for the charter school;

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

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

9           4. A description of the hiring policy of the charter school;

10          5. The name of the applicant or applicants and requested  
11 sponsor;

12          6. A description of the facility and location of the charter  
13 school;

14          7. A description of the grades being served;

15          8. An outline of criteria designed to measure the effectiveness  
16 of the charter school;

17          9. A demonstration of support for the charter school from  
18 residents of the school district which may include but is not  
19 limited to a survey of the school district residents or a petition  
20 signed by residents of the school district; ~~and~~

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

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

1        12. The proposed calendar for the charter school and sample  
2 daily schedule;

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

5        14. A description of the instructional design of the charter  
6 school, including the type of learning environment, class size and  
7 structure, curriculum overview and teaching methods;

8        15. The plan for using internal and external assessments to  
9 measure and report student progress on the performance framework  
10 developed by the applicant in accordance with subsection C of  
11 Section 3-135 of this title;

12        16. The plans for identifying and successfully serving students  
13 with disabilities, students who are English language learners and  
14 students who are academically behind;

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

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

19        19. The student discipline policies for the charter school,  
20 including those for special education students;

21        20. An organizational chart that clearly presents the  
22 organizational structure of the charter school, including lines of  
23 authority and reporting between the governing board, staff, any  
24 related bodies such as advisory bodies or parent and teacher

1 councils and any external organizations that will play a role in  
2 managing the school;

3 21. A clear description of the roles and responsibilities for  
4 the governing board, the leadership and management team for the  
5 charter school and any other entities shown in the organizational  
6 chart;

7 22. The leadership and teacher employment policies for the  
8 charter school;

9 23. Proposed governing bylaws;

10 24. Explanations of any partnerships or contractual  
11 partnerships central to the operations or mission of the charter  
12 school;

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

15 26. Opportunities and expectations for parental involvement;

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

18 28. A description of the financial plan and policies for the  
19 charter school, including financial controls and audit requirements;

20 29. A description of the insurance coverage the charter school  
21 will obtain;

22 30. Start-up and five-year budgets with clearly stated  
23 assumptions;

24

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

3        32. Evidence of anticipated fundraising contributions, if  
4 claimed in the application;

5        33. A sound facilities plan, including backup or contingency  
6 plans if appropriate;

7        34. A requirement that the charter school governing board meet  
8 at a minimum quarterly in the state and that for those charter  
9 schools outside of counties with a population of five hundred  
10 thousand (500,000) or more, that a majority of members are residents  
11 within the geographic boundary of the sponsoring entity; and

12        35. A requirement that the charter school follow the  
13 requirements of the Oklahoma Open Meeting Act and Oklahoma Open  
14 Records Act.

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

21        D. The sponsor of a charter school is the board of education of  
22 a school district, the board of education of a technology center  
23 school district, a higher education institution, the State Board of  
24 Education, or a federally recognized Indian tribe which meets the

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

14 E. An applicant for a charter school may submit an application  
15 to a proposed sponsor which shall either accept or reject  
16 sponsorship of the charter school within ninety (90) days of receipt  
17 of the application. If the proposed sponsor rejects the  
18 application, it shall notify the applicant in writing of the reasons  
19 for the rejection. The applicant may submit a revised application  
20 for reconsideration to the proposed sponsor within thirty (30) days  
21 after receiving notification of the rejection. The proposed sponsor  
22 shall accept or reject the revised application within thirty (30)  
23 days of its receipt. Should the sponsor reject the application on  
24 reconsideration, the applicant may appeal the decision to the State

1 Board of Education with the revised application for review pursuant  
2 to paragraph 8 of subsection A of Section 3-132 of this title. The  
3 State Board of Education shall hear the appeal no later than sixty  
4 (60) days from the date received by the Board.

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

11 ~~G. If a proposed sponsor rejects the revised application for a~~  
12 ~~charter school, the applicant may proceed to mediation or binding~~  
13 ~~arbitration or both mediation and binding arbitration as provided in~~  
14 ~~the Dispute Resolution Act and the rules promulgated pursuant~~  
15 ~~thereto. The applicant shall contact the early settlement program~~  
16 ~~for the county in which the charter school would be located. If the~~  
17 ~~parties proceed to binding arbitration, a panel of three arbitrators~~  
18 ~~shall be appointed by the director of the early settlement program~~  
19 ~~handling the dispute. The proposed sponsor shall pay the cost for~~  
20 ~~any mediation or arbitration requested pursuant to this section~~  
21 Applicants for charter schools proposed to be sponsored by an entity  
22 other than a school district pursuant to paragraph 1 of subsection A  
23 of Section 3-132 of this title may, upon rejection of the revised  
24 application, proceed to binding arbitration under the commercial



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

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

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

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

22 2. Solicit and evaluate charter applications;

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

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

2       5. Negotiate and execute sound charter contracts with each  
3 approved public charter school;

4       6. Monitor, in accordance with charter contract terms, the  
5 performance and legal compliance of charter schools; and

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

8       J. Sponsors shall establish a procedure for accepting,  
9 approving and disapproving charter school applications in accordance  
10 with subsection E of this section.

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

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

22       SECTION 3.        AMENDATORY        70 O.S. 2011, Section 3-135, is  
23 amended to read as follows:

1 Section 3-135. A. The sponsor of a charter school shall enter  
2 into a written contract with the governing body of the charter  
3 school. The contract shall incorporate the provisions of the  
4 charter of the charter school and contain, but shall not be limited  
5 to, the following provisions:

6 1. A description of the program to be offered by the school  
7 which complies with the purposes outlined in Section ~~11 of this act~~  
8 3-136 of this title;

9 2. Admission policies and procedures;

10 3. Management and administration of the charter school,  
11 including that a majority of the charter governing board members are  
12 residents of the State of Oklahoma and meet no less than quarterly  
13 in a public meeting within the boundaries of the school district in  
14 which the charter school is located or within the State of Oklahoma  
15 in the instance of multiple charter school locations by the same  
16 sponsor;

17 4. Requirements and procedures for program and financial  
18 audits;

19 5. A description of how the charter school will comply with the  
20 charter requirements set forth in the Oklahoma Charter Schools Act;

21 6. Assumption of liability by the charter school; ~~and~~

22 7. The term of the contract;  
23  
24

1       8. A description of the high standards of expectation and rigor  
2 for charter school plans and assurance that charter school plans  
3 adopted meet at least those standards;

4       9. Policies that require that the charter school be as equally  
5 free and open to all students as traditional public schools;

6       10. Procedures that require students enrolled in the charter  
7 school to be selected by lottery to ensure fairness if more students  
8 apply than a school has the capacity to accommodate;

9       11. Policies that require the charter school to be subject to  
10 the same academic standards and expectations as existing public  
11 schools; and

12       12. A description of the requirements and procedures for the  
13 charter school to receive funding in accordance with statutory  
14 requirements and guidelines for existing public schools.

15       B. A charter school shall not enter into an employment contract  
16 with any teacher or other personnel until the charter school has a  
17 contract with a sponsoring school district. The employment contract  
18 shall set forth the personnel policies of the charter school,  
19 including, but not limited to, policies related to certification,  
20 professional development evaluation, suspension, dismissal and  
21 nonreemployment, sick leave, personal business leave, emergency  
22 leave, and family and medical leave. The contract shall also  
23 specifically set forth the salary, hours, fringe benefits, and work  
24 conditions. The contract may provide for employer-employee

1 bargaining, but the charter school shall not be required to comply  
2 with the provisions of Sections 509.1 through 509.10 of ~~Title 70 of~~  
3 ~~the Oklahoma Statutes~~ this title. The contract shall conform to all  
4 applicable provisions set forth in Section ~~11 of this act~~ 3-136 of  
5 this title.

6 Upon contracting with any teacher or other personnel, the  
7 governing body of the charter school shall, in writing, disclose  
8 employment rights of the employees in the event the charter school  
9 closes or the charter is not renewed.

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

19 C. The performance provisions within the charter contract shall  
20 be based on a performance framework that clearly sets forth the  
21 academic and operational performance indicators, measures and  
22 metrics that will guide the evaluations of the charter school by the  
23 sponsor. The sponsor shall require a charter school to submit the  
24 data required in this section in the identical format that is

1 required by the State Department of Education of all public schools  
2 in order to avoid duplicative administrative efforts or allow a  
3 charter school to provide permission to the Department to share all  
4 required data with the sponsor of the charter school. The  
5 performance framework shall include indicators, measures and metrics  
6 for, at a minimum:

- 7 1. Student academic proficiency;
- 8 2. Student academic growth;
- 9 3. Achievement gaps in both proficiency and growth between  
10 major student subgroups;
- 11 4. Student attendance;
- 12 5. Recurrent enrollment from year to year as determined by the  
13 methodology used for public schools in Oklahoma;
- 14 6. In the case of high schools, graduation rates as determined  
15 by the methodology used for public schools in Oklahoma;
- 16 7. In the case of high schools, postsecondary readiness;
- 17 8. Financial performance and sustainability; and
- 18 9. Governing board performance and stewardship, including  
19 compliance with all applicable laws, regulations and terms of the  
20 charter contract.

21 D. The sponsor shall not request any metric or data from a  
22 charter school that it does not produce or publish for all school  
23 sites in the district or under its sponsorship, unless the metric or  
24 data is unique to a charter school.

1 E. A charter contract may provide for one or more schools by an  
2 applicant to the extent approved by the sponsor and consistent with  
3 applicable law. An applicant or the governing board of an applicant  
4 may hold one or more charter contracts. Each charter school that is  
5 part of a charter contract shall be separate and distinct from any  
6 other charter school under the same charter contract.

7 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-137, is  
8 amended to read as follows:

9 Section 3-137. A. An approved contract for a charter school  
10 shall be effective for ~~not longer than~~ five (5) years from the first  
11 day of operation. A charter contract may be renewed for successive  
12 five-year terms of duration, although the sponsor may vary the term  
13 based on the performance, demonstrated capacities and particular  
14 circumstances of each charter school. A sponsor may grant renewal  
15 with specific conditions for necessary improvements to a charter  
16 school.

17 B. Prior to the beginning of the fourth year of operation of a  
18 charter school, the sponsor shall issue a charter school performance  
19 report and charter renewal application guidance to the school and  
20 the charter school board. The performance report shall summarize  
21 the performance record to date of the 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 concerning the  
2 charter school that may jeopardize its position in seeking renewal  
3 if not timely rectified. The charter school shall have forty-five  
4 (45) days to respond to the performance report and submit any  
5 corrections or clarifications for the report.

6 C. 1. Prior to the beginning of the fifth year of operation,  
7 the charter school may apply for renewal of the contract with the  
8 sponsor. The renewal application guidance shall, at a minimum,  
9 provide an opportunity for the charter school to:

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

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

22 D. The sponsor may deny the request for renewal if it  
23 determines the charter school has failed to complete the obligations  
24 of the contract or comply with the provisions of the Oklahoma



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

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

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

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

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

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

22 ~~C.~~ F. A sponsor may terminate a contract during the term of the  
23 contract for failure to meet the requirements for student  
24 performance contained in the contract, failure to meet the standards

1 of fiscal management, violations of the law, or other good cause.  
2 The sponsor shall give at least ninety (90) days' written notice to  
3 the governing board prior to terminating the contract. The  
4 governing board may request, in writing, an informal hearing before  
5 the sponsor within fourteen (14) days of receiving notice. The  
6 sponsor shall conduct an informal hearing before taking action. If  
7 a sponsor decides to terminate a contract, the governing board may,  
8 if requested by the charter school, proceed to ~~mediation or~~ binding  
9 arbitration ~~or both~~ as provided for in subsection G of Section 3-134  
10 of this title.

11 ~~D.~~ G. 1. Beginning in the 2016-2017 school year, the State  
12 Board of Education shall identify charter schools in the state that  
13 are ranked in the bottom five percent (5%) of all public schools as  
14 determined pursuant to Section 1210.545 of this title.

15 2. At the time of its charter renewal, based on an average of  
16 the current year and the two (2) prior operating years, a sponsor  
17 may close a charter school site identified as being among the bottom  
18 five percent (5%) of public schools in the state. The average of  
19 the current year and two (2) prior operating years shall be  
20 calculated by using the percentage ranking for each year divided by  
21 three, as determined by this subsection.

22 3. If there is a change to the calculation described in Section  
23 1210.545 of this title that results in a charter school site that  
24 was not ranked in the bottom five percent (5%) being ranked in the

1 bottom five percent (5%), then the sponsor shall use the higher of  
2 the two rankings to calculate the ranking of the charter school  
3 site.

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

- 11 a. transfer the sponsorship of the charter school  
12 identified in this paragraph to another sponsor,
- 13 b. order the closure of the charter school identified in  
14 this paragraph at the end of the current school year,  
15 or
- 16 c. order the reduction of any administrative fee  
17 collected by the sponsor that is applicable to the  
18 charter school identified in this paragraph. The  
19 reduction shall become effective at the beginning of  
20 the month following the month the hearing of the  
21 sponsor is held by the State Board of Education.

22 5. A charter school that is closed by the State Board of  
23 Education pursuant to paragraph 4 of this subsection shall not be  
24 granted a charter by any other sponsor.

1       6. The requirements of this subsection shall not apply to a  
2 charter school that has been designed by the State Department of  
3 Education as implementing an alternative education program  
4 throughout the charter school.

5       7. In making a school site closure decision, the State Board of  
6 Education shall consider the following:

- 7           a. enrollment of students with special challenges such as  
8           drug or alcohol addiction, prior withdrawal from  
9           school, prior incarceration or other special  
10          circumstances,
- 11          b. high mobility of the student population resulting from  
12          the specific purpose of the charter school,
- 13          c. annual improvement in the performance of students  
14          enrolled in the charter school compared with the  
15          performance of students enrolled in the charter school  
16          in the immediately preceding school year, and
- 17          d. whether a majority of students attending the charter  
18          school under consideration for closure would likely  
19          revert to attending public schools with lower academic  
20          achievement, as demonstrated pursuant to Section  
21          1210.545 of this title.

22       8. If the State Board of Education has closed or transferred  
23 authorization of at least twenty-five percent (25%) of the charter  
24 schools chartered by one sponsor pursuant to paragraph 4 of this

1 subsection, the authority of the sponsor to authorize new charter  
2 schools may be suspended by the Board until the Board approves the  
3 sponsor to authorize new charter schools. A determination under  
4 this paragraph to suspend the authority of a sponsor to authorize  
5 new charter schools shall identify the deficiencies that, if  
6 corrected, will result in the approval of the sponsor to authorize  
7 new charter schools.

8 H. If a sponsor terminates a contract or the charter school is  
9 closed, the closure shall be conducted in accordance with the  
10 following protocol:

11 1. Within two (2) calendar weeks of a final closure  
12 determination, the sponsor shall meet with the governing board and  
13 leadership of the 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 and transition team shall communicate regularly  
18 and effectively with families of students enrolled in the charter  
19 school, as well as with school staff and other stakeholders, to keep  
20 them apprised of key information regarding the closure of the school  
21 and their options and risks;

22 3. The sponsor and transition team shall ensure that current  
23 instruction of students enrolled in the charter school continues per  
24 the charter agreement for the remainder of the school year;

1       4. The sponsor and transition team shall ensure that all  
2 necessary and prudent notifications are issued to agencies,  
3 employees, insurers, contractors, creditors, debtors and management  
4 organizations; and

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

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

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

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

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

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

24       5. Permit the recording of the proceedings; and

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

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

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

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

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

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

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

5        SECTION 5.        AMENDATORY        70 O.S. 2011, Section 3-140, as  
6 last amended by Section 2, Chapter 212, O.S.L. 2013 (70 O.S. Supp.  
7 2014, Section 3-140), is amended to read as follows:

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



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

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

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

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

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

10 E. A sponsor of a charter school shall not restrict the number  
11 of students a charter school may enroll. The capacity of the  
12 charter school shall be determined annually by the governing board  
13 of the charter school based on the ability of the charter school to  
14 facilitate the academic success of the students, to achieve the  
15 other objectives specified in the charter contract and to ensure  
16 that the student enrollment does not exceed the capacity of its  
17 facility or site.

18 SECTION 6. AMENDATORY 70 O.S. 2011, Section 3-142, as  
19 amended by Section 3, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014,  
20 Section 3-142), is amended to read as follows:

21 Section 3-142. A. For purposes of funding, a charter school  
22 sponsored by a board of education of a school district shall be  
23 considered a site within the school district in which the charter  
24 school is located. The student membership of the charter school

1 shall be considered separate from the student membership of the  
2 district in which the charter school is located for the purpose of  
3 calculating weighted average daily membership pursuant to Section  
4 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of  
5 this title. For charter schools sponsored by a board of education  
6 of a school district, the sum of the separate calculations for the  
7 charter school and the school district shall be used to determine  
8 the total State Aid allocation for the district in which the charter  
9 school is located. A charter school shall receive from the  
10 sponsoring school district, the State Aid allocation and any other  
11 state-appropriated revenue generated by its students for the  
12 applicable year, less up to five percent (5%) of the State Aid  
13 allocation, which may be retained by the school district as a fee  
14 for administrative services rendered. For charter schools sponsored  
15 by the board of education of a technology center school district, a  
16 higher education institution, the State Board of Education, or a  
17 federally recognized Indian tribe and for statewide virtual charter  
18 schools sponsored by the Statewide Virtual Charter School Board, the  
19 State Aid allocation for the charter school shall be distributed by  
20 the State Board of Education and not more than five percent (5%) of  
21 the State Aid allocation may be charged by the sponsor as a fee for  
22 administrative services rendered. The State Board of Education  
23 shall determine the policy and procedure for making payments to a  
24 charter school. The fee for administrative services as authorized

1 in this subsection shall only be assessed on the State Aid  
2 allocation amount and shall not be assessed on any other  
3 appropriated amounts.

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

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

1 membership for the virtual charter school calculated pursuant to  
2 subsection A of this section.

3 C. A charter school shall be eligible to receive any other aid,  
4 grants or revenues allowed to other schools. A charter school  
5 sponsored by the board of education of a technology center school  
6 district, a higher education institution, the State Board of  
7 Education, or a federally recognized Indian tribe shall be  
8 considered a local education agency for purposes of funding. A  
9 charter school sponsored by a board of education of a school  
10 district shall be considered a local education agency for purposes  
11 of federal funding.

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

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



1 ENGROSSED SENATE  
2 BILL NO. 782

By: Jolley, Loveless and  
Griffin of the Senate

3 and

4 Denney of the House  
5

6 An Act relating to charter schools; amending 70 O.S.  
7 2011, Section 3-132, as last amended by Section 1,  
8 Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014, Section  
9 3-132), which relates to the Oklahoma Charter Schools  
10 Act; modifying criteria for charter school sponsors;  
11 removing certain sponsor; allowing the State Board of  
12 Education to sponsor a certain number of charter  
13 schools in counties with certain population; allowing  
14 certain priority for charter schools; providing a  
15 definition; amending 70 O.S. 2011, Section 3-134,  
16 which relates to charter applications; modifying  
17 certain financial plan requirement; adding certain  
18 information required in application; providing for  
19 location of certain charter schools sponsored by the  
20 State Board of Education; allowing appeal of rejected  
21 application; removing option for certain mediation;  
22 providing powers and duties of a charter school  
23 sponsor; directing charter school sponsors to  
24 establish certain policies and procedures; providing  
immunity from liability to sponsors for certain  
activities; amending 70 O.S. 2011, Section 3-135,  
which relates to charter school contracts; adding  
certain requirements for charter school contracts;  
prohibiting serving students without certain  
contract; allowing a sponsor to establish certain  
requirements; providing criteria for the  
establishment of performance framework; prohibiting  
request for certain data; allowing charter school  
contracts for multiple schools; amending 70 O.S.  
2011, Section 3-137, which relates to contract terms;  
allowing contract renewal with certain terms;  
requiring issuance of certain performance report;  
providing deadline for response; establishing renewal  
application guidelines; providing for certain  
consideration in making certain renewal decision;  
removing option for certain mediation; directing the  
State Board of Education to establish a charter

1 school ranking list; providing options for certain  
2 ranked charter schools; providing for certain  
3 calculation under certain conditions; directing the  
4 State Board of Education to consider certain  
5 information; requiring a charter school sponsor to  
6 appear before the State Board of Education after  
7 certain decision; allowing the State Board of  
8 Education to uphold or overturn certain decision;  
9 prohibiting the granting of a charter under certain  
10 conditions; exempting certain charter schools from  
11 certain application; providing procedures for charter  
12 school closure; directing charter school sponsors to  
13 develop certain processes; requiring sponsor to state  
14 certain reasons; requiring review of certain charter  
15 proposal; amending 70 O.S. 2011, Section 3-140, as  
16 last amended by Section 2, Chapter 212, O.S.L. 2013  
17 (70 O.S. Supp. 2014, Section 3-140), which relates to  
18 eligibility of students; prohibiting a charter school  
19 sponsor from restricting certain enrollment;  
20 providing mechanism for calculating certain capacity;  
21 amending 70 O.S. 2011, Section 3-142, as amended by  
22 Section 3, Chapter 212, O.S.L. 2013 (70 O.S. Supp.  
23 2014, Section 3-142), which relates to funding;  
24 modifying reference to unexpended funds; prohibiting  
levying of taxes and issuance of bonds; allowing  
charter schools to enter into certain borrowing  
contracts; and directing responsibility for  
repayment.

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

SECTION 7. AMENDATORY 70 O.S. 2011, Section 3-132, as  
last amended by Section 1, Chapter 212, O.S.L. 2013 (70 O.S. Supp.  
2014, Section 3-132), is amended to read as follows:

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



1        1. By a any school district ~~with an average daily membership of~~  
2 ~~five thousand (5,000) or more and which all or part of the school~~  
3 ~~district is located in a county having more than five hundred~~  
4 ~~thousand (500,000) population according to the latest Federal~~  
5 ~~Decennial Census~~ in the State of Oklahoma, provided such charter  
6 school shall only be located within the geographical boundaries of  
7 the sponsoring district and subject to the restrictions of Section  
8 3-145.6 of this title;

9        2. By a ~~school district which has a school site that has been~~  
10 ~~identified as in need of improvement by the State Board of Education~~  
11 ~~pursuant to the Elementary and Secondary Education Act of 1965, as~~  
12 ~~amended or reauthorized;~~

13        ~~3.~~ By a technology center school district if the charter school  
14 is located in a school district served by the technology center  
15 school district ~~and the school district has an average daily~~  
16 ~~membership of five thousand (5,000) or more and~~ in which all or part  
17 of the school district is located in a county having more than five  
18 hundred thousand (500,000) population according to the latest  
19 Federal Decennial Census;

20        ~~4.~~ 3. By a technology center school district if the charter  
21 school is located in a school district served by the technology  
22 center school district and the school district has a school site  
23 that has been identified as in need of improvement by the State  
24

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

3 ~~5.~~ 4. By a an accredited comprehensive or regional institution  
4 that is a member of The Oklahoma State System of Higher Education or  
5 a community college if the charter school is located in a school  
6 district ~~that has an average daily membership of five thousand~~  
7 ~~(5,000) or more and~~ in which all or part of the school district is  
8 located in a county having more than five hundred thousand (500,000)  
9 population according to the latest Federal Decennial Census. ~~In~~  
10 ~~addition, the institution shall have a teacher education program~~  
11 ~~accredited by the Oklahoma Commission for Teacher Preparation and~~  
12 ~~have a branch campus or constituent agency physically located within~~  
13 ~~the school district in which the charter school is located;~~

14 ~~6.~~ 5. By a comprehensive or regional institution that is a  
15 member of The Oklahoma State System of Higher Education if the  
16 charter school is located in a school district that has a school  
17 site that has been identified as in need of improvement by the State  
18 Board of Education pursuant to the Elementary and Secondary  
19 Education Act of 1965, as amended or reauthorized. In addition, the  
20 institution shall have a teacher education program accredited by the  
21 Oklahoma Commission for Teacher Preparation and have a branch campus  
22 or constituent agency physically located within the school district  
23 in which the charter school is located in the State of Oklahoma;  
24

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

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

19       8. By the State Board of Education when the applicant has first  
20 been denied a charter by the local school district in which it seeks  
21 to operate. In counties with fewer than five hundred thousand  
22 (500,000) population, according to the latest Federal Decennial  
23 Census, the State Board of Education shall not sponsor more than  
24 five charter schools per year each year for the first five (5) years

1 after the effective date of this act, with not more than one charter  
2 school sponsored in a single school district per year. In order to  
3 authorize a public charter school under this section, the State  
4 Board of Education shall find evidence of all of the following:

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

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

11 c. the grounds and basis of objection by the local school  
12 district for denying the charter's operation are not  
13 supported by the greater weight of evidence and the  
14 strength of the application.

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

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

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

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

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

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

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

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

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

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

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

5 E. For the purposes of the Oklahoma Charter Schools Act,  
6 "conversion charter school" means a charter school created by  
7 converting all or any part of a traditional public school into a  
8 public charter school which may be operated by the local school  
9 board or by an independent operating board elected by and  
10 accountable to the local school board.

11 ~~E.~~ F. A charter school may consist of a new school site, new  
12 school sites or all or any portion of an existing school site. An  
13 entire school district may not become a charter school site.

14 SECTION 8. AMENDATORY 70 O.S. 2011, Section 3-134, is  
15 amended to read as follows:

16 Section 3-134. A. For written applications filed after January  
17 1, 2008, prior to submission of the application to a proposed  
18 sponsor seeking to establish a charter school, the applicant shall  
19 be required to complete training which shall not exceed ten (10)  
20 hours provided by the State Department of Education on the process  
21 and requirements for establishing a charter school. The Department  
22 shall develop and implement the training by January 1, 2008. The  
23 Department may provide the training in any format and manner that  
24

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

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

7 1. A mission statement for the charter school;

8 2. A description including, but not limited to, background  
9 information of the organizational structure and the governing body  
10 of the charter school;

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

16 4. A description of the hiring policy of the 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;

24

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

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

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

9 12. The proposed calendar for the public charter school and  
10 sample daily schedule;

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

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

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

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

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



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

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

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

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

15        22. The leadership and teacher employment policies for the  
16 public charter school;

17        23. Proposed governing bylaws;

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

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

23        26. Opportunities and expectations for parental involvement;

24

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

20 G. If a proposed sponsor rejects the revised application for a  
21 charter school, the applicant may proceed to ~~mediation or binding~~  
22 ~~arbitration or both mediation and binding arbitration as provided in~~  
23 ~~the Dispute Resolution Act and the rules promulgated pursuant~~  
24 ~~thereto. The applicant shall contact the early settlement program~~

1 ~~for the county in which the charter school would be located. If the~~  
2 ~~parties proceed to binding arbitration, a panel of three arbitrators~~  
3 ~~shall be appointed by the director of the early settlement program~~  
4 ~~handling the dispute. The proposed sponsor shall pay the cost for~~  
5 ~~any mediation or arbitration requested pursuant to this section.~~

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

15 I. A sponsor of a public charter school shall have the  
16 following powers and duties:

17 1. Provide oversight of the operations of public charter  
18 schools in the state through annual performance reviews of public  
19 charter schools and reauthorization of public charter schools for  
20 which it is a sponsor;

21 2. Solicit and evaluate charter applications;

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

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

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

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

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

7       J. Sponsors shall establish a procedure for accepting,  
8 approving, and disapproving public charter school applications in  
9 accordance with subsection E of Section 3-134 of this title.

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

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

21       SECTION 9.        AMENDATORY        70 O.S. 2011, Section 3-135, is  
22 amended to read as follows:

23       Section 3-135. A. The sponsor of a charter school shall enter  
24 into a written contract with the governing body of the charter

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

4 1. A description of the program to be offered by the school  
5 which complies with the purposes outlined in Section ~~11 of this act~~  
6 3-136 of this title;

7 2. Admission policies and procedures;

8 3. Management and administration of the charter school,  
9 including that a majority of the charter governing board are  
10 residents of the State of Oklahoma and meet no less than quarterly  
11 in a public meeting within the boundaries of the school district in  
12 which the charter school is located or within the State of Oklahoma  
13 in the instance of multiple charter school locations by the same  
14 sponsor;

15 4. Requirements and procedures for program and financial  
16 audits;

17 5. A description of how the charter school will comply with the  
18 charter requirements set forth in the Oklahoma Charter Schools Act;

19 6. Assumption of liability by the charter school; ~~and~~

20 7. The term of the contract;

21 8. A description of the high standards of expectation and rigor  
22 for public charter school plans and assurance that charter school  
23 plans adopted meet at least such standards;

24

1        9. Policies that require that the public charter school be as  
2 equally free and open to all students as traditional public schools;

3        10. Procedures that require students enrolled in the charter  
4 school to be selected by lottery to ensure fairness if more students  
5 apply than a school has the capacity to accommodate;

6        11. Policies that require the public charter school to be  
7 subject to the same academic standards and expectations as existing  
8 public schools; and

9        12. A description of the requirements and procedures for the  
10 charter school to receive funding in accordance with statutory  
11 requirements and guidelines for existing public schools.

12        B. A charter school shall not enter into an employment contract  
13 with any teacher or other personnel until the charter school has a  
14 contract with a sponsoring school district. The employment contract  
15 shall set forth the personnel policies of the charter school,  
16 including, but not limited to, policies related to certification,  
17 professional development evaluation, suspension, dismissal and  
18 nonreemployment, sick leave, personal business leave, emergency  
19 leave, and family and medical leave. The contract shall also  
20 specifically set forth the salary, hours, fringe benefits, and work  
21 conditions. The contract may provide for employer-employee  
22 bargaining, but the charter school shall not be required to comply  
23 with the provisions of Sections 509.1 through 509.10 of Title 70 of  
24



1 the Oklahoma Statutes. The contract shall conform to all applicable  
2 provisions set forth in Section ~~11 of this act~~ 3-136 of this title.

3 Upon contracting with any teacher or other personnel, the  
4 governing body of the charter school shall, in writing, disclose  
5 employment rights of the employees in the event the charter school  
6 closes or the charter is not renewed.

7 No public charter school may begin serving students without a  
8 charter contract executed in accordance with the provision of this  
9 act and approved in an open meeting of the sponsor.

10 The sponsor may establish reasonable preopening requirements or  
11 conditions to monitor the start-up progress of newly approved public  
12 charter schools and ensure that each school is prepared to open  
13 smoothly on the date agreed and to ensure that each school meets all  
14 building, health, safety, insurance, and other legal requirements  
15 for the opening of a school.

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

1 of Education to share all required data with the charter school's  
2 sponsor. The performance framework shall include indicators,  
3 measures, and metrics for, at a minimum:

4 1. Student academic proficiency;

5 2. Student academic growth;

6 3. Achievement gaps in both proficiency and growth between  
7 major student subgroups;

8 4. Student attendance;

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

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

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

14 8. Financial performance and sustainability; and

15 9. Governing board performance and stewardship, including  
16 compliance with all applicable laws, regulations, and terms of the  
17 charter contract.

18 D. The sponsor shall not request any metric or data from a  
19 charter school that it does not produce or publish for all school  
20 sites in the district or under its sponsorship, unless the metric or  
21 data is unique to a charter school.

22 E. A charter contract may provide for one or more schools by an  
23 applicant, to the extent approved by the sponsor and consistent with  
24 applicable law. An applicant or the governing board of an applicant

1 may hold one or more charter contracts. Each public charter school  
2 that is part of a charter contract shall be separate and distinct  
3 from any other public charter school under the same charter  
4 contract.

5 SECTION 10. AMENDATORY 70 O.S. 2011, Section 3-137, is  
6 amended to read as follows:

7 Section 3-137. A. An approved contract for a charter school  
8 shall be effective for ~~not longer than~~ five (5) years from the first  
9 day of operation. A charter contract may be renewed for successive  
10 five-year terms of duration, although the sponsor may vary the term  
11 based on the performance, demonstrated capacities, and particular  
12 circumstances of each public charter school. A sponsor may grant  
13 renewal with specific conditions for necessary improvements to a  
14 public charter school.

15 B. Prior to the beginning of the fourth year of operation of a  
16 public charter school, the sponsor shall issue a public charter  
17 school performance report and charter renewal application guidance  
18 to the school and the charter school board. The performance report  
19 shall summarize the performance record to date of the public charter  
20 school, based on the data required by this act and the charter  
21 contract and taking into consideration the percentage of at-risk  
22 students enrolled in the school, and shall provide notice of any  
23 weaknesses or concerns perceived by the sponsor concerning the  
24 public charter school that may jeopardize its position in seeking

1 renewal if not timely rectified. The public charter school shall  
2 have forty-five (45) days to respond to the performance report and  
3 submit any corrections or clarifications for the report.

4 C. Prior to the beginning of the fifth year of operation, the  
5 charter school may apply for renewal of the contract with the  
6 sponsor. The renewal application guidance shall, at a minimum,  
7 provide an opportunity for the public charter school to:

8 1. Present additional evidence, beyond the data contained in  
9 the performance report, supporting its case for charter renewal;

10 2. Describe improvements undertaken or planned for the school;  
11 and

12 3. Detail the plan for the next charter term for the school.

13 The renewal application guidance shall include or refer  
14 explicitly to the criteria that will guide the renewal decisions of  
15 the sponsor, which shall be based on the performance framework set  
16 forth in the charter contract and consistent with this act.

17 D. The sponsor may deny the request for renewal if it  
18 determines the charter school has failed to complete the obligations  
19 of the contract or comply with the provisions of the Oklahoma  
20 Charter Schools Act. A sponsor shall give written notice of its  
21 intent to deny the request for renewal at least eight (8) months  
22 prior to expiration of the contract. In making charter renewal  
23 decisions, a sponsor shall:

24

1        1. Ground decisions on evidence of the performance of the  
2 school over the term of the charter contract in accordance with the  
3 performance framework set forth in the charter contract and will  
4 take into consideration the percentage of at-risk students enrolled  
5 in the school;

6        2. Grant renewal to schools that have achieved the standards,  
7 targets, and performance expectations as stated in the charter  
8 contract; are organizationally and fiscally viable; and have been  
9 faithful to the terms of the contract and applicable law;

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

12       4. Provide a public report summarizing the evidence basis for  
13 each decision.

14       ~~B.~~ E. If a sponsor denies a request for renewal, the governing  
15 board of the sponsor may, if requested by the charter school,  
16 proceed to ~~mediation or~~ binding arbitration ~~or both~~ as provided for  
17 in subsection G of Section 3-134 of this title.

18       ~~C.~~ F. A sponsor may terminate a contract during the term of the  
19 contract for failure to meet the requirements for student  
20 performance contained in the contract, failure to meet the standards  
21 of fiscal management, violations of the law, or other good cause.  
22 The sponsor shall give at least ninety (90) days' written notice to  
23 the governing board prior to terminating the contract. The  
24 governing board may request, in writing, an informal hearing before

1 the sponsor within fourteen (14) days of receiving notice. The  
2 sponsor shall conduct an informal hearing before taking action. If  
3 a sponsor decides to terminate a contract, the governing board may,  
4 if requested by the charter school, proceed to ~~mediation or~~ binding  
5 arbitration ~~or both~~ as provided for in subsection G of Section 3-134  
6 of this title.

7 G. Beginning in the 2016-2017 school year, the State Board of  
8 Education shall identify public charter schools in the state that  
9 are ranked in the bottom five percent (5%) of all public schools as  
10 determined pursuant to Section 1210.545 of this title.

11 1. At the time of its charter renewal, based on an average of  
12 the current year and the two (2) prior operating years, a sponsor  
13 may close a public charter school site identified as being among the  
14 bottom five percent (5%) of public schools in the state. The  
15 average of the current year and two (2) prior operating years shall  
16 be calculated by using the percentage ranking for each year divided  
17 by three, as determined by this subsection.

18 2. If there is a change to the calculation described in Section  
19 1210.545 of this title that results in a charter school site that  
20 was not ranked in the bottom five percent (5%) being ranked in the  
21 bottom five percent (5%), then the sponsor shall use the higher of  
22 the two rankings to calculate the ranking of the public charter  
23 school site.

24

1       3. In the event that a sponsor fails to close a public charter  
2 school site consistent with this subsection, the sponsor shall  
3 appear before the State Board of Education to provide support for  
4 its decision. The State Board of Education may, by majority vote,  
5 uphold or overturn the sponsor's decision. If the sponsor's  
6 decision is overturned by the State Board of Education, the State  
7 Board of Education may implement one of the following actions:

8           a. transfer the sponsorship of the charter school  
9           identified in this paragraph to another sponsor,

10          b. order the closure of the charter school identified in  
11          this paragraph at the end of the current school year,  
12          or

13          c. order the reduction of any administrative fee  
14          collected by the sponsor that is applicable to the  
15          charter school identified in this paragraph. The  
16          reduction shall become effective at the beginning of  
17          the month following the month of the sponsor's hearing  
18          before the State Board of Education.

19       A charter school that is closed by the State Board of Education  
20 pursuant to this paragraph may not be granted a charter by any other  
21 sponsor.

22       4. The requirements of this subsection shall not apply to a  
23 public charter school that has been designed by the State Department  
24

1 of Education as implementing an alternative education program  
2 throughout the public charter school.

3 5. In making a school site closure decision, the State Board of  
4 Education shall consider the following:

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

9 b. high mobility of the student population resulting from  
10 the specific purpose of the charter school,

11 c. annual improvement in the performance of students  
12 enrolled in the charter school compared with the  
13 performance of students enrolled in the charter school  
14 in the immediately preceding school year, and

15 d. whether a majority of students attending the charter  
16 school under consideration for closure would likely  
17 revert to attending public schools with lower academic  
18 achievement, as demonstrated pursuant to Section  
19 1210.545 of this title.

20 6. If the State Board of Education has closed or transferred  
21 authorization of at least twenty-five percent (25%) of the charter  
22 schools chartered by one sponsor pursuant to paragraph 3 of this  
23 subsection, the sponsor's authority to authorize new charter schools  
24 may be suspended by the State Board of Education until the State



1 Board of Education approves the sponsor to authorize new charter  
2 schools. A determination under this paragraph to suspend a  
3 sponsor's authority to authorize new charter schools shall identify  
4 the deficiencies that, if corrected, will result in the approval of  
5 the sponsor to authorize new charter schools.

6 H. If a sponsor terminates a contract or the public charter  
7 school is closed, the closure shall be conducted in accordance with  
8 the following protocol:

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

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

21 3. The sponsor and transition team shall ensure that current  
22 instruction of students enrolled in the public charter school  
23 continues per the charter agreement for the remainder of the school  
24 year;

1       4. The sponsor and transition team shall ensure that all  
2 necessary and prudent notifications are issued to agencies,  
3 employees, insurers, contractors, creditors, debtors, and management  
4 organizations; and

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

9       1. A sponsor shall develop revocation and nonrenewal processes  
10 that are consistent with this act and that:

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

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

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

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

24       5. Permit the recording of the proceedings; and

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

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

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

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

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

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

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

5        SECTION 11.        AMENDATORY        70 O.S. 2011, Section 3-140, as  
6 last amended by Section 2, Chapter 212, O.S.L. 2013 (70 O.S. Supp.  
7 2014, Section 3-140), is amended to read as follows:

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

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

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

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

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

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

10 E. A sponsor may not restrict the number of students a public  
11 charter school may enroll. The capacity of the public charter  
12 school shall be determined annually by the governing board of the  
13 public charter school based on the public charter school's ability  
14 to facilitate the academic success of its students, to achieve the  
15 other objectives specified in the charter contract, and to ensure  
16 that its student enrollment does not exceed the capacity of its  
17 facility or site.

18 SECTION 12. AMENDATORY 70 O.S. 2011, Section 3-142, as  
19 amended by Section 3, Chapter 212, O.S.L. 2013 (70 O.S. Supp. 2014,  
20 Section 3-142), is amended to read as follows:

21 Section 3-142. A. For purposes of funding, a charter school  
22 sponsored by a board of education of a school district shall be  
23 considered a site within the school district in which the charter  
24 school is located. The student membership of the charter school

1 shall be considered separate from the student membership of the  
2 district in which the charter school is located for the purpose of  
3 calculating weighted average daily membership pursuant to Section  
4 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of  
5 this title. For charter schools sponsored by a board of education  
6 of a school district, the sum of the separate calculations for the  
7 charter school and the school district shall be used to determine  
8 the total State Aid allocation for the district in which the charter  
9 school is located. A charter school shall receive from the  
10 sponsoring school district, the State Aid allocation and any other  
11 state-appropriated revenue generated by its students for the  
12 applicable year, less up to five percent (5%) of the State Aid  
13 allocation, which may be retained by the school district as a fee  
14 for administrative services rendered. For charter schools sponsored  
15 by the board of education of a technology center school district, a  
16 higher education institution, the State Board of Education, or a  
17 federally recognized Indian tribe and for statewide virtual charter  
18 schools sponsored by the Statewide Virtual Charter School Board, the  
19 State Aid allocation for the charter school shall be distributed by  
20 the State Board of Education and not more than five percent (5%) of  
21 the State Aid allocation may be charged by the sponsor as a fee for  
22 administrative services rendered. The State Board of Education  
23 shall determine the policy and procedure for making payments to a  
24 charter school. The fee for administrative services as authorized

1 in this subsection shall only be assessed on the State Aid  
2 allocation amount and shall not be assessed on any other  
3 appropriated amounts.

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

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



1 membership for the virtual charter school calculated pursuant to  
2 subsection A of this section.

3 C. A charter school shall be eligible to receive any other aid,  
4 grants or revenues allowed to other schools. A charter school  
5 sponsored by the board of education of a technology center school  
6 district, a higher education institution, the State Board of  
7 Education, or a federally recognized Indian tribe shall be  
8 considered a local education agency for purposes of funding. A  
9 charter school sponsored by a board of education of a school  
10 district shall be considered a local education agency for purposes  
11 of federal funding.

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

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

