

TITLE 777. STATEWIDE CHARTER SCHOOL BOARD

EDITOR'S NOTE:

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Effective 7-1-24, the name of the Statewide Virtual Charter School Board was changed to the Statewide Charter School Board. [See SB 516 (2023)]

CHAPTER 1. ADMINISTRATIVE OPERATIONS

[**Authority:** 70 O.S., §3-145.4; 51 O.S., §§ 24A1 et seq.; 75 O.S., §§ 302, 305 - 323]

[**Source:** Codified 9-12-14]

SUBCHAPTER 1. GENERAL PROVISIONS

777:1-1-1. Purpose

This Chapter contains rules and regulations of general applicability to the administrative operations, formal proceedings, and informal proceedings of the Statewide Charter School Board.

[**Source:** Added at 31 Ok Reg 2481, eff 9-12-14; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency); Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:1-1-3. Authority, interpretation, and severability of rules

These rules are adopted pursuant to the provisions of the Oklahoma Charter Schools Act and the Administrative Procedures Act. Should a court of competent jurisdiction or the Attorney General of Oklahoma find any part of these rules to be inconsistent with the provisions of law as they presently exist or are hereafter amended, they shall be interpreted to comply with the statutes as they presently exist or are hereafter amended. The partial or total invalidity of any section of this Title shall not affect the valid sections.

[**Source:** Added at 31 Ok Reg 2481, eff 9-12-14]

777:1-1-4. Organization

(a) **Objectives.** As the sole entity authorized to sponsor statewide virtual charter school and may authorize charter schools in this state in accordance with the provisions of the Oklahoma Charter Schools Act, the Statewide Charter School Board shall be charged with establishing any rules, policies, and procedures necessary to regulate operation of charter schools and statewide virtual charter schools and to ensure that free appropriate public education and related services are provided to charter school and virtual charter school students in a manner that is safe, consistent, effective, and appropriate.

(b) **Staff.** Subject to the availability of funding, the Statewide Charter School Board may maintain such staff as is authorized by law and as necessary to fulfill the duties set forth by Oklahoma statutes and regulations.

(c) **Hours of operation.** The official hours of operation of the principal office of the Statewide Charter School Board shall be the same as the hours of operation of the State Department of Education, and shall exclude Saturdays, Sundays, and legal holidays.

[**Source:** Added at 31 Ok Reg 2481, eff 9-12-14; Amended at 33 Ok Reg 1894, eff 9-11-16;

Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);

Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

777:1-1-5. Time computation

Any period of time prescribed by this Title shall be calculated in accordance with the following provisions:

(1) The day of the act or event from which the designated period of time begins to run shall not be included.

(2) The last day of the period so computed shall be included, unless:

- (A) The last day falls on a Saturday, a Sunday, or a legal holiday as defined by the Oklahoma Statutes, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as defined by the Oklahoma Statutes; or
- (B) The last day falls on any other day when the administrative office of the Statewide Charter School Board does not remain open for public business until 4:30 p.m., in which event the period runs until the end of the next day when the receiving office does remain open for public business until 4:30 p.m.

[Source: Added at 31 Ok Reg 2481, eff 9-12-14; Amended at 34 Ok Reg 2129, eff 9-11-17;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:1-1-6. Records requests

(a) **Custodian of records.** The Statewide Charter School Board may designate a records custodian. In absence of a records custodian designated by the Statewide Charter School Board, the records custodian of the Statewide Charter School Board shall be deemed to be the Statewide Charter School Board.

(b) **Procedure for records requests.** Any individual or group seeking access to public records maintained by the Statewide Charter School Board (the "Requester") shall submit a written request to the Statewide Charter School Board records custodian, by fax, email, regular mail or in person. A form is available on the Board's website. In addition, all records requests must comply with the Open Records Act at 51 O.S. § 24A.1 et seq. and all of the following provisions:

(1) All records requests must include:

- (A) Identification and contact information of the individual and/or entity making the request;
- (B) A description of the records requested with sufficient detail necessary to enable the records custodian to reasonably identify whether records responsive to the request exist; and
- (C) If the Requester claims the public interest exemption from search fees in accordance with the provisions of (d) of this Section, all information necessary for the records custodian to determine the applicability of the exemption.

(2) Within a prompt and reasonable time of the date of receipt of the request, the records custodian shall review the request, seek any additional information from the Requester necessary to clarify the request, and shall ascertain whether any records responsive to the request exist.

(3) In addition, the records custodian shall promptly notify the Requester if records responsive to the request exist and whether the search will incur any fees and costs pursuant to 51 O.S. § 24A.5.

(4) If the Requester fails to furnish additional information reasonably necessary to identify the records sought or otherwise enable agency personnel to accurately process the request, or if fees and costs have not been paid, any further processing of the request may be suspended by the records custodian. A request that remains suspended for a period of forty-five (45) calendar days or more shall be deemed abandoned.

(c) **Fees for record searches and copies of records.** Fees and costs associated with record searches and providing copies of records shall be determined in accordance with the following procedures:

(1) **Fees to recover reasonable and direct costs of record searches.** Requests for individual records of persons that are either solely for commercial purposes or requests that cause an excessive disruption of the essential functions of the agency are subject to fees for recovery of the reasonable, direct costs of record searches. However, requesters shall be exempted from search fees when the release of the requested records is in the public interest, including, but not limited to, release of records in response to requests from:

- (A) News media;
- (B) Scholars;
- (C) Authors; and
- (D) Taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

(2) **Fees to recover reasonable and direct costs of record copies.** Requests for records are subject to fees for recovery of the reasonable, direct costs of copying records and/or certification of each individual copy of a record.

- (A) For purposes of this paragraph, "copying" of a record may include costs of:
 - (i) Mechanical reproduction of a paper ("hard copy") record; or
 - (ii) Conversion of a record into an electronic format (e.g., pdf).
- (B) In no instance shall the fees per page fee for copying and/or certification of individual copies of documents exceed the amount set forth in 51 O.S. § 25A.5(3).
- (C) The Board is authorized to periodically review and adjust the rates that will be charged for providing copies of records in accordance with the law. Those rates will include costs for record copies, document searches and transcript rates. The rates will be posted at principal office of the Statewide Charter School Board and filed with the county clerk as required by law.
- (D) All fees and/or costs shall be paid by the requester prior to delivery of the response to the request. All fees must be paid by check or money order. No cash will be accepted.

[Source: Added at 31 Ok Reg 2481, eff 9-12-14; Amended at 33 Ok Reg 1894, eff 9-11-16;
Amended at 39 Ok Reg 2393, eff 9-11-22; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:1-1-7. Procedures for declaratory rulings

- (a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning:
 - (1) **"Declaratory ruling"** shall mean an informal declaration as to the applicability of a rule or order in an individual case for the purpose of providing a petitioner with a definitive response to a question about an ambiguity in the law as necessary to allow a petitioner to ascertain legal obligations and comply accordingly.
- (b) **Petitions for declaratory ruling.** Any person affected by a rule adopted by the Statewide Virtual Charter School Board set forth in this Title or an order issued by the Board may petition for a declaratory ruling as to the applicability of a specific rule or order in a specified set of circumstances involving petitioner. Petitions for a declaratory ruling shall be submitted in accordance with the following procedures:
 - (1) The petition must be in writing and submitted to the Statewide Charter School Board;
 - (2) The petition shall specifically identify the rule in question by citation to the Oklahoma Administrative Code;
 - (3) The petition shall pose the specific issue(s) to be answered by the Statewide Charter School Board;
 - (4) The petition shall state clearly and with specificity all factual and legal grounds in support of petitioner's interpretation of the rule or order and shall include:
 - (A) An allegation of all facts upon which the declaratory ruling is based; and
 - (B) Copies of all documentation cited by petitioner in support of petitioner's claim attached to the petition;
 - (5) The petition shall be signed by the petitioner or an authorized representative of the petitioner; and
 - (6) The petition shall state the name, address, telephone number, and email address of the petitioner or an authorized representative of petitioner at which all notices required by this Section shall be served.
- (c) **Review of a petition for declaratory ruling.** Upon receipt by the Board, the petition will be stamped to show the date of submission, and the Board shall promptly notify the petitioner, the agency's legal counsel, and any other interested parties of the date of the board meeting at which the petition has been set for initial review by the Board. The date set for initial review shall be at least ten (10) calendar days from the date of receipt of the petition by the Board.
- (d) **Initial review of petition.** Upon preliminary review of the petition, the Board may take one of the following actions:
 - (1) The Board may consider the merits of the petition and issue a ruling at the meeting;
 - (2) The Board may dismiss the petition on one or more of the following grounds:
 - (A) The petition was not filed in accordance with the requirements of this Section; or
 - (B) The request for a declaratory ruling stated in the petition is more appropriately handled through the agency rulemaking process in accordance with the provisions of the Administrative Procedures Act; or
 - (3) The Board may order a hearing on the matter and specify a date at which petitioner, counsel for the agency and any other individuals or entities deemed interested parties by the Board may present oral

argument on the issues raised in the petition. The Board shall prescribe the amount of time allotted for oral argument.

(e) **Declaratory ruling.** At the conclusion of the presentation of the matter, the Board may render a decision on the petition or continue the meeting for further deliberation at a later date. Upon rendering a decision, a written decision memorializing the Board's decision shall be issued and signed by the Chairman of the Board, and a copy of the decision shall be mailed to Petitioner via certified mail within ten (10) calendar days of the date the decision is rendered.

(f) **Judicial review.** A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings set forth in the Oklahoma Administrative Procedures Act at 75 O.S. §§ 317-323.

[Source: Added at 31 Ok Reg 2481, eff 9-12-14; Amended at 33 Ok Reg 1894, eff 9-11-16;
Amended at 43 Ok Reg, Number 21, effective 7-25-26]

777:1-1-8. Petitions for adoption, amendment, or repeal of a rule

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning:

- (1) **"Rule"** shall have the meaning set forth in the Administrative Procedures Act at 75 O.S. § 250.3.
- (2) **"Rulemaking"** shall have the meaning set forth in the Administrative Procedures Act at 75 O.S. § 250.3.
- (3) **"Submission of a petition"** shall mean receipt of a petition by the Board in accordance with the requirements of (b) of this Section.

(b) **Petitions.** Any person may initiate an informal proceeding for the purpose of requesting the Board to promulgate, amend, or repeal a rule in this Title. An informal proceeding to request rulemaking in accordance with the provisions of this Section shall be initiated by filing a petition in accordance with all of the following requirements:

- (1) Petitions shall be submitted in writing and filed with the Statewide Virtual Charter School Board. The petition shall meet all of the following requirements:
 - (A) The petition shall state a description of the alleged necessity or basis for the requested change;
 - (B) The petition shall describe any potential conflicts with any existing statute or regulation that would result from the proposed rulemaking action requested;
 - (C) The petition shall include citations to all statutory provisions, if any, which provide authority for the Board to promulgate, amend, or repeal the rule;
 - (D) The petition shall be signed by the petitioner or an authorized representative of the petitioner; and
 - (E) The petition shall state the name, address, telephone number, and email address of the petitioner or an authorized representative of petitioner.

- (2) Upon receipt by the Board, the petition will be stamped to show the date of submission, and the Board shall review the petition for compliance with all of the provisions of this Section. If the petition complies with all provisions of (b) of this Section, the Board may set the petition for consideration by the Board at the next regular meeting of the Board, or at a subsequent meeting if the petition is not received until after the agenda for the next meeting has already been set.

(c) **Review and consideration of petitions.** Petitions for adoption, amendment, or repeal of a rule in accordance with the provisions of this Section shall be considered by the Board in accordance with the following provisions:

- (1) If the Board approves further consideration of the proposed change, the decision shall be reflected in the meeting minutes of the Board. Within five (5) business days of the date of the meeting, written notification will be mailed to petitioner that such proposal will be formally considered for adoption, amendment, or repeal, provided that the process for rule adoption, amendment, or repeal shall be conducted in accordance with the requirements of the Administrative Procedures Act.
- (2) In the event the Board determines that the proposal or request should not receive further consideration, the decision shall be reflected in the minutes of the Board. Within five (5) business days of the date of the meeting, written notification of the denial of the petition will be mailed to petitioner.
- (3) In the event the Board fails to decide whether or not to take action on the petition within thirty (30) days of the date of submission of the petition, the petition shall be deemed to have been denied in

accordance with the provisions of 75 O.S. § 305.

[Source: Added at 31 Ok Reg 2481, eff 9-12-14; Amended at 33 Ok Reg 1894, eff 9-11-16]

777:1-1-9. Individual proceedings

(a) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meaning:

- (1) "Board" shall mean the Statewide Charter School Board.
- (2) "Individual proceeding" shall have the meaning set forth in the Administrative Procedures Act at 75 O.S. § 250.3.

(b) **Computation of time.** Any period of time prescribed pursuant to the provision of this rule shall be computed in accordance with the provisions of the Administrative Procedures Act at 70 O.S. § 250.8.

(c) **Petitions.** An individual proceeding shall be initiated by filing a petition with the Statewide Charter School Board. The petition shall meet all of the following requirements:

- (1) The Petition must include:
 - (A) A statement of the legal authority and jurisdiction under which the petitioner seeks to initiate the proceeding and the hearing is to be held;
 - (B) A reference to each particular statute and/or rule involved;
 - (C) A short and plain statement of the allegations asserted; and
 - (D) A statement or description of the request for the relief petitioner seeks from the Board.
- (2) The Petition must clearly identify the petitioner(s) and be signed by the petitioner or counsel for the petitioner.

(d) **Informal disposition.** Nothing in this Section shall prevent informal disposition of a petition from being made by stipulation, agreed settlement, consent order, or default, unless otherwise precluded by law. In the event of an informal disposition of a petition, written notice signed by each party or counsel representatives shall be delivered to the Statewide Charter School Board prior to the time of the scheduled hearing.

(e) **Right to counsel.** All parties to an individual proceeding shall have the right to representation by legal counsel in accordance with the provisions of 75 O.S. § 310. The Board may be represented by its own counsel, or, if deemed necessary by the Chairperson of the Board, a request may be made of the Attorney General to provide Board Advisor counsel to assist the Board in ruling on motions, questions of admissibility of evidence, competency of witnesses, and any other questions of law. In the event that counsel is not requested from the Attorney General, the Chairperson of the Board or a hearing officer appointed by the Board will rule on motions, the evidence, competency of the witnesses and other questions of law.

(f) **Legal counsel.** In accordance with 74 O.S. § 20i (2014), the Chairperson of the Board may request a private attorney on behalf of the Statewide Charter School Board and contract for legal representation.

(g) **Entry of appearance.** All parties or attorneys representing parties in an individual proceeding shall file an entry of appearance. The entry of appearance shall constitute the address of record for the party at which all documents in the individual proceedings will be served. The entry of appearance shall meet all of the following requirements:

- (1) The case caption of the individual proceeding;
- (2) The name and signature of the party or parties entering an appearance in the individual proceeding; and
- (3) The mailing address, telephone, fax number and e-mail address of the party or parties entering an appearance in the individual proceeding or, if represented by counsel:
 - (A) The name and signature of the attorney or attorneys entering an appearance in the individual proceeding on behalf of the party or parties;
 - (B) The name of the law firm of the attorney(s), if any; and
 - (C) The Oklahoma Bar Association number of the attorney(s).

(h) **Motions.** All requests for action in an individual proceeding before the Board or hearing officer shall be made in the form of a motion. Motions shall be filed with the Board, and shall comply with all of the following requirements:

- (1) The motion must clearly and specifically state:
 - (A) The facts upon which the request is based;
 - (B) All legal grounds in support of the request; and
 - (C) The action or relief sought.

- (2) The motion must be signed by the movant or counsel for the movant;
- (3) The motion must include the name and contact information of record of the movant or counsel for the movant; and
- (4) The motion must be timely served upon all parties to the proceeding and shall include a certificate of service that complies with the provisions of (h)(3) of this Section.
- (5) If the non-moving party wishes to file a response to a motion, the response must be filed with the Board ten (10) business days from the date of service and served on the opposing party.

(i) **Service.** Methods of service and proof of service of any notice, pleading, order, or other document required by this Section shall comply with the following provisions:

(1) **Methods of service.** Service of any notice, pleading, or order required by this Section shall be made by one of the following methods:

- (A) By personal delivery, served by a person licensed to make service of process in civil cases;
- (B) By certified mail with delivery shown by return receipt. Service by certified mail shall be effective on the date of receipt or, if refused, on the date refusal by the Respondent. Acceptance or refusal by any officer of a business or an authorized agent for a business shall constitute acceptance or refusal by the party addressed;
- (C) By publication if it is shown that service cannot be made by any other means despite the exercise of due diligence; or
- (D) Any other method authorized by 12 O.S. § 2005(B).

(2) **Proof of service.** Proof of service of any petition to initiate an individual proceeding shall be filed with the Statewide Charter School Board. Acknowledgment in writing of the document by the recipient, or appearance by the recipient at a hearing without objection to service, shall be considered proof of service.

(3) **Certificates of service.** All documents filed with the Statewide Charter School Board in a pending individual proceeding and all documents requiring service in accordance with the provisions of this Section shall include a Certificate of Service that meets all of the following requirements:

- (A) The Certificate of Service shall state "I hereby certify that on this _____ day of _____, _____, a copy of the foregoing document was mailed, postage prepaid, to:" and shall identify the name and address of all parties to whom the document was served.
- (B) The Certificate of Service shall be signed by the party or counsel for the party charged with service of the document.

(j) **Formal hearing procedures.** A hearing on a petition shall be conducted by the Chairman of the Board or the hearing officer in accordance with 75 O.S. § 310 and the following procedures:

(1) **Date of hearing.** When a petition is filed, the Board shall promptly set the petition for hearing. Notice of the hearing shall comply with the requirements of 75 O.S. § 309. At the hearing, the Board may choose to consider evidence and arguments in support of or in opposition to the petition, the Board may set the matter for further hearing.

(2) **Appointment of a hearing officer.** The Chairman of the Board shall preside over any hearing conducted in an individual proceeding in accordance with the provisions of this Section. Alternatively, the Board, at its discretion, may utilize a hearing officer to conduct the hearing. If utilized, the hearing officer shall be appointed by the Chairperson of the Board upon a vote of the majority of the members of the Board.

(3) **Continuances.** Any party to the proceeding may request a continuance of the scheduled hearing in accordance with the following provisions:

- (A) A party may request to continue a hearing scheduled in an individual proceeding by filing a motion for continuance with the Board. The motion for continuance shall meet all of the following requirements:
 - (i) The motion shall comply with all of the requirements of (g) of this Section; and
 - (ii) The motion shall be filed at least fifteen (15) business days prior to the scheduled hearing date, provided that this time requirement may be waived by the Board or hearing officer for good cause shown by the movant.
- (B) The Board may continue a scheduled hearing by submitting written notification to all parties via certified mail, return receipt requested, or by electronic mail at least five (5) business days

prior to the date of the scheduled hearing, provided that the time requirement may be waived by the Board or the hearing officer for good cause shown by the Board or counsel for the Board.

(C) If a motion for continuance is unopposed and the Board finds good cause for granting the motion, counsel for the Board shall prepare and sign a continuance order. The continuance order shall be filed with the Board and served in accordance with the requirements of (h) of this Section.

(D) If a motion for continuance is opposed, the non-moving party shall file a response motion opposing the continuance stating all factual and legal grounds for denial of the motion. The Board or the hearing officer shall issue an order concerning the motion as soon as possible prior to the hearing. The order shall be filed with the Board, and copies of the order served in accordance with the provisions of (h) of this Section and by email if possible.

(4) Discovery and subpoenas. The Board or the hearing officer may require parties to an individual proceeding to attend discovery when necessary and appropriate for prompt adjudication of an individual proceeding conducted in accordance with the provisions of this Section. Discovery shall be conducted in accordance with 75 O.S. § 315 and the following provisions:

(A) **Depositions.** The parties, upon notice may take depositions of witnesses in the same manner prescribed for depositions in civil actions in the district courts of the State of Oklahoma. The depositions may be admitted into evidence by the Board or the hearing officer in the same manner as other evidence. Costs of depositions shall be borne by the deposing party.

(B) **Subpoenas.** Subpoenas for the attendance of a witness or for production of evidence may be issued in accordance with the following provisions:

(i) **Issuance of a subpoena.** The Chairman of the Board or the hearing officer may direct the Board to issue a subpoena upon the motion of a party. The signature of the Executive Director shall be sufficient authentication for issuance of any subpoena. A motion for issuance of a subpoena shall comply with the provisions of (g) of this Section and shall be filed with sufficient time to permit service of the subpoena at least five (5) business days prior to the hearing at which the attendance of the witness or ten (10) business days prior to the date production of records is required.

(ii) **Objections to subpoenas.** Any party to the proceeding may oppose the issuance of a subpoena by filing a response to the motion for issuance within five (5) business days of receipt of service of the motion for subpoena. The Board may deny the issuance of a subpoena if, in its discretion, the request for subpoena is not necessary and proper for purposes of the individual proceeding.

(iii) **Service of a subpoena.** Subpoenas shall be served as set forth in (i)(1)(A) or (i)(1)(B).

(iv) **Quashing a subpoena.** Any party or the recipient of the subpoena may move to quash a subpoena or subpoenas duces tecum issued in accordance with the provisions of this Section, provided that, prior to quashing a subpoena or subpoenas duces tecum the agency shall give notice to all parties. A subpoena or subpoenas duces tecum may not be quashed if any party objects.

(v) **Enforcement of subpoenas.** Upon the failure of any person to obey a subpoena, or upon the refusal of any witness to be sworn or make an affirmation or to answer a question put to her or him in the course of any individual proceeding, the Board shall consider the issue of enforcement of the subpoena as soon as convenient. By resolution, the Board may direct initiation of appropriate judicial proceedings necessary to enforce the subpoena or grant a party's motion for the party to seek compliance with the subpoena from the district court. Meanwhile, the hearing or other matters shall proceed, so far as is possible, but the Board or the hearing officer, at its discretion at any time may order a stay or continuance of the proceedings for such time as may be necessary to secure a final ruling in the compliance proceedings.

(vi) **Costs of issuance and service of subpoenas.** The costs covering the issuance and service of subpoenas and all witness fees incurred on behalf of a party to the proceedings, other than the Board, shall be borne by the party on whose behalf they are incurred,

provided that the Board in its final order may tax such costs to another party if justice so requires.

(j) Disqualification of a Board member or hearing officer. A Board member or hearing officer shall withdraw from any individual proceeding in which he or she cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification on the ground of his or her inability to give a fair and impartial hearing by filing an affidavit promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the Board, or if it affects a member of the Board, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing officer, the Board shall either assign a replacement hearing officer, or conduct the hearing itself. Upon the entry of an order of disqualification affecting a Board member, the Governor immediately shall appoint a member pro tempore to sit in place of the disqualified member in that proceeding.

(k) Presentation and consideration of evidence. Presentation and consideration of evidence shall be conducted in accordance with the following procedures:

(1) **Witness and exhibit lists.** The parties to the hearing shall exchange witness and exhibit lists no later than five (5) business days prior to the hearing, or within a different time by agreement of the parties.

(2) **Admissibility and consideration of evidence.** The Board or hearing officer may determine the order in which evidence shall be received and presented. Admission and consideration of evidence in an individual proceeding conducted in accordance with the provisions of this Section shall be conducted in accordance with the Administrative Procedures Act at 75 O.S. §§ 309 through 326 and the following provisions:

(A) **Official notice.** The Board or hearing officer may take notice of judicially cognizable facts or of generally recognized technical or scientific facts within the specialized knowledge of the Statewide Charter School Board. The Board or hearing officer shall give notice to all parties, prior to, or at the hearing, of any facts of which it proposes to take official notice. Any party or her/his attorney may request that official notice be taken of any fact qualified for such notice by the statutes of this state. If such official notice is taken, it shall be stated in the record, and all parties shall have opportunity to contest and give evidence in rebuttal or derogation of the official notice.

(B) **Exclusion of witnesses.** A party may request the exclusion of witnesses to the extent and for the purposes stated in 12 O.S. § 2615. Exclusion of a witness shall not be considered a violation of the Oklahoma Open Meeting Act.

(C) **Testimony of witnesses.** All testimony of witnesses presented by parties shall be made under oath or affirmation. A party may conduct cross-examination of witnesses called by other parties. Witnesses may also be questioned by the Board or the hearing officer.

(D) **Objections to evidence.** Objections to evidence may be made and shall be included in the record of the proceedings.

(E) **Documentary evidence and authentication.** Documentary evidence may be received in the form of copies or excerpts. Parties may challenge the authenticity of any copies. Any part of the evidence may be received in written form, when a hearing will be expedited and the interests of the parties will not be prejudiced.

(l) Order of procedure. The order of procedure at the hearing shall be as follows:

- (1) Opening statements by legal counsel of both parties;
- (2) Presentation of evidence by both parties followed by cross-examination of witnesses, and questions by State Board members or the hearing officer;
- (3) Closing arguments by legal counsel of both parties; and
- (4) Submission of case to the Board or the hearing officer for decision.

(m) Dismissal of an action. Upon a hearing, if the petitioner fails to show a prima facie case for lack of sufficient evidence, the Board may dismiss the petition upon grounds of failure to prove sufficient facts in support of the petition or upon the recommendation of the hearing officer on the same grounds. If the petitioner fails to appear at the scheduled hearing without prior notification to the Statewide Charter School Board within the time frame to request a stay or continuance set forth in (i) of this Section and without a demonstration of good cause, or fails to prove the allegations by clear and convincing evidence, the petition shall be dismissed.

(n) Decisions. After the conclusion of the hearing, a decision will be rendered on the petition.

(1) If the Board presided over the hearing, deliberations may be held in executive session pursuant to the provisions of the Open Meeting Act set forth at 25 O.S. § 307. After deliberations, the decision of the Board shall be announced in open session. Within a reasonable amount of time, the Board shall render a Final Order containing findings of fact and conclusions of law. All findings of fact made by the Board shall be based exclusively on the evidence presented during the course of the hearing or previously filed briefs, (made a part of the record), and of the testimony of witnesses taken under oath.

(2) If a hearing officer presided over the hearing, the hearing officer may allow the parties to prepare and submit proposed findings of fact and conclusions of law within a reasonable period of time following the hearing. Then, as expeditiously as possible, the hearing officer shall prepare proposed findings of fact and conclusions of law and submit them to the Board. After the parties have been given notice and an opportunity to file exceptions, present briefs and oral arguments to the proposed findings of fact and conclusions of law, the Board may take action to accept, reject, or modify the proposed Findings and Conclusions of the hearing officer for the final order.

(o) **Final order.** As the final determination of the matter, the final order shall constitute the final agency order and shall comply with the requirements set forth at 75 O.S. § 312. If no motion for rehearing, reopening or reconsideration of the order is filed in accordance with (r) of this Section, the final agency order shall represent the exhaustion of all administrative remedies. All final orders in an individual proceeding shall be in writing and made a part of the record. Final orders are to be issued and signed by the Chairperson of the Board for transmission to the parties by the Board. Within five (5) business days of the date of issuance of the final order, parties shall be notified of a final order either personally or by certified mail, return receipt requested. Upon request, a copy of the order shall be delivered or mailed to each party and the party's attorney of record, if any.

(p) **Communication with parties.** Unless required for the disposition of ex parte matters authorized by law, the Chairperson and the members of the Board, or the hearing officer if applicable, shall not communicate, directly or indirectly, in connection with any issue of fact, with any party, nor, in connection with any issue of law, with any party or his or her representative except upon notice and opportunity for all parties to participate. The Chairperson and members of the Board or their employees may communicate with one another in compliance with the Open Meeting Act and have the aid and advice of one or more personal assistants. Advice may also be secured from the Attorney General's office.

(q) **Record of hearing.** The record of the hearing shall be set forth in such form and detail as the Chairperson or the Board may direct.

(1) In accordance with the requirements of 75 O.S. § 309, the record shall include:

- (A) All pleadings, motions, and intermediate rulings;
- (B) Evidence received or considered during the individual proceeding;
- (C) A statement of matters officially noticed;
- (D) Questions and offers of proof, objections, and rulings thereon;
- (E) Proposed findings and exceptions;
- (F) Any decision, opinion, or report by the Board or a hearing officer presiding at the hearing;
and
- (G) All other evidence or data submitted to the Board or hearing officer in connection with their consideration of the case.

(2) The Board shall ensure that all proceedings, except for executive sessions, are electronically recorded. The recording shall be made and maintained in accordance with the requirements of 75 O.S. § 309, and a copy shall be provided to any party to the proceeding upon request. The Board may, but is not required to direct the recording of a proceeding to be fully transcribed and have a copy of the transcript placed on file in the Board's office. Parties to the proceeding may have the proceedings transcribed by a court reporter at their own expense.

(r) **Rehearing, reopening or reconsideration of an order.** The ruling shall become final unless, within ten (10) calendar days of entry of the order of declaratory ruling, the petitioner files a written request for a reconsideration of the petition with the Board stating all grounds upon which the petitioner seeks reconsideration of the Board's ruling. A petition for rehearing, reopening, or reconsideration of an agency order issued pursuant to the provisions of this Section shall comply with the following procedures:

(1) A petition for rehearing, reopening or reconsideration of a final order must be filed with the Board within ten (10) calendar days from the entry of the order. It must be signed by the party or his or her attorney, and must set forth with particularity the statutory grounds upon which it is based. However, a

petition based upon fraud practiced by the prevailing party or upon procurement of the orders by perjured testimony or fictitious evidence may be filed at any time. All petitions for rehearing, reopening, or reconsideration will be considered and ruled upon as soon as the convenient conduct of the Board's business will permit.

(2) A petition for a rehearing, reopening, or reconsideration shall set forth the grounds for the request. The grounds for such a petition shall be either:

- (A) Newly discovered or newly available evidence, relevant to the issues;
- (B) Need for additional evidence adequately to develop the facts essential to proper decision;
- (C) Probable error committed by the Agency in the proceeding or in its decision such as would be grounds for reversal on judicial review of the order;
- (D) Need for further consideration of the issues and the evidence in the public interest; or
- (E) A showing that issues not previously considered ought to be examined in order to properly dispose of the matter. The grounds justifying the rehearing shall be set forth by the Statewide Charter School Board which grants the order, or in the petition of the individual making the request for the hearing.

(3) It is the burden of the party requesting a rehearing to notify the opposing party of the appeal.

(4) Upon receipt of a written request for reconsideration in accordance with this subsection, the request shall be set on the agenda for consideration by the Statewide Charter School Board at the next available regular meeting or at a subsequent regular or special meeting. Rehearing, reopening, or reconsideration of the matter may be heard by the Statewide Charter School Board or may be referred to a hearing officer. The hearing must be confined to those grounds on which the recourse was granted.

(s) **Judicial review.** Any person or party aggrieved or adversely affected by a final order in an individual proceeding, after the exhaustion of administrative remedies, is entitled to certain judicial review in accordance with the provisions of the Oklahoma Administrative Procedures Act, and the procedures set forth therein shall govern appeals.

[Source: Added at 32 Ok Reg 1434, eff 8-27-15; Amended at 33 Ok Reg 1894, eff 9-11-16;

Amended at 34 Ok Reg 2129, eff 9-11-17; Amended at 39 Ok Reg 2393, eff 9-11-22;

Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);

Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

CHAPTER 10. CHARTER SCHOOLS AND STATEWIDE VIRTUAL CHARTER SCHOOLS

[Authority: 70 O.S. §3-145.4; 51 O.S. §§ 24.A1 et seq.,]

[Source: Codified 12-15-14; Amended at 42 Ok Reg, Number 20, effective 7-11-25]

SUBCHAPTER 1. GENERAL PROVISIONS

777:10-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Charter Schools Act.

"Charter school" means any school sponsored by the Statewide Charter School Board in accordance with the requirements of the Oklahoma Charter Schools Act for the purpose of providing full-time public school courses of instruction for pre-kindergarten through twelfth (12th) grade students whose legal residence is located within the boundaries of the school district.

"Charter school site" or **"school site"** or **"virtual charter school site"** means the physical location of any facility or structure, leased or owned by the school, other than the legal residence of a student or the parent/legal guardian of a student, for use by a charter school or virtual charter school to provide face-to-face or virtual instruction to students enrolled in the charter school or virtual charter school per 70 O.S. § 3-132.2(c)(1-2).

"Educational management organization" or **"EMO"** means a for-profit or nonprofit organization that receives public funds to provide administration and management services for a charter school, virtual charter school, or traditional public school.

"Face-to-face instruction" means any in-person tutoring, educational instruction, or any other activity provided by the charter school or virtual charter school to an enrolled student for which the student's physical presence and/or participation is used by the charter school or virtual charter school to earn credit for a virtual course, meet the instructional requirements of 70 O.S. § 1-111 and/or be counted toward the student's compulsory attendance requirements set forth at Art. 13, § 4 of the Oklahoma Constitution, 70 O.S. § 10-105, and/or accompanying regulations of the State Department of Education relating to student attendance.

"OCAS" means the Oklahoma Cost Accounting System.

"SCSB" or "Board" means the Statewide Charter School Board.

"Statewide virtual charter school" means any charter school sponsored by the Statewide Charter School Board in accordance with the requirements of the Oklahoma Charter Schools Act for the purpose of providing full-time virtual public school courses of instruction for Pre-K through twelfth (12th) grade students whose legal residence is located within the State of Oklahoma.

[Source: Added at 31 Ok Reg 669, eff 7-1-14 (emergency); Added at 32 Ok Reg 1439, eff 8-27-15;
Amended at 34 Ok Reg 2134, eff 9-11-17; Amended at 39 Ok Reg 2400, eff 9-11-22;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

777:10-1-3. School establishment requirements

(a) **Information Technology Systems and Facilities.** By July 1 of the first year of operation, the school shall have in place the following:

- (1) Purchased and implemented a state-approved school finance system; Every approved charter school or virtual charter school must utilize a state-approved school finance system aligned with the Oklahoma Cost Accounting System (OCAS). The school must notify the Board of the name of the system being utilized by July 1 prior to the start of school.
- (2) Purchased and implemented a state-approved student information system; Every approved charter school or virtual charter school must utilize a state-approved student information system. The school must notify the Board of the name of the system being utilized by July 1 prior to the start of school.
- (3) Established secure connectivity to state reporting systems; Every approved charter school or virtual charter school must verify connections to state-reporting systems that meet federal and state requirements for student data, student privacy, and applicable laws and statutes. The school must notify the Board of the name of the system being utilized by July 1 prior to the start of school.
- (4) Secured and occupied a public school administration facility located within the boundaries of the State of Oklahoma. Every approved charter school or virtual charter school must have a public site that allows the public to have access to the main office of the school. The school must notify the Board of the location, address, contact information of the facility by July 1 prior to the start of the school, and during the year if the location of the site changes.

(b) **Authorizer Access to Information and Reporting Systems.** The charter school or virtual charter school shall grant the Statewide Charter School Board read-only access to all state and school reporting systems, including, but not limited to, Single-Sign On, OCAS, the student information system, and the WAVE.

(c) **Governing Boards.**

- (1) Upon the approval of the charter school application by the Statewide Charter School Board, the school governing board shall comply with all requirements expressly applicable to charter school governing boards under the Oklahoma Charter Schools Act, including but not limited to adhering to the Open Meeting Act.
- (2) Charter schools and virtual charter schools authorized by the Statewide Charter School Board shall be governed by a board with a majority of members separate and distinct from any/all other school governing boards.
- (3) Any board member serving on two (2) governing boards shall abstain from voting on shared services between the charter school or virtual charter school and any other school on which they serve as a board member.
- (4) School governing boards are required to have a minimum of five (5) members, at least one (1) of which shall be a parent, grandparent, or guardian of currently or previously enrolled student(s).

(5) School governing board bylaws shall include specific terms of service for board members and methods for selection and re-appointment.

(6) Charter schools and virtual charter schools authorized by the Statewide Charter School Board shall provide online access and recording for public viewing of all governing board meetings.

[Source: Added at 34 Ok Reg 2134, eff 9-11-17; Amended at 39 Ok Reg 2400, eff 9-11-22;

Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);

Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

777:10-1-4. Educational Management Organizations

Any charter school or virtual charter school that contracts with or otherwise utilizes an educational management organization shall abide by the following:

(1) The relationship of the charter school and an educational management organization is that of a customer and vendor. As such, the charter school or virtual charter school and the educational management organization shall be separate entities in all aspects.

(2) The name of the educational management organization shall not be the same or similar to the name of the charter school.

(3) All funds utilized to operate the charter school or virtual charter school, including, but not limited to, paying employees, providing curriculum, technology, supplies, and/or extra-curricular activities to students shall be maintained in public charter school accounts and controlled by charter school employees.

(4) All payments to educational management organizations shall be supported by documentation on file including, but not limited to, purchase orders, invoices, OCAS coding details, staff approvals, and board approvals. Prior to payments from the school to educational management organizations, all funds shall be maintained in public school accounts, subject to open records requests and audits.

(5) All products and services provided as well as all management fees charged by the educational management organization shall be specifically listed and explained in the management contract. Any amendments to the contract shall be provided to the sponsor within five (5) business days of approval by the school's governing body.

(6) School governing boards shall evaluate their educational management organization annually and submit the evaluation to the SCSB.

(7) An owner of an educational management organization shall not serve as superintendent of the charter school or virtual charter school.

(8) Educational management organization contracts or agreements shall be coterminous with the term of the charter contract.

[Source: Added at 39 Ok Reg 2400, eff 9-11-22; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);

Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

SUBCHAPTER 3. CHARTER SCHOOL AND VIRTUAL CHARTER SCHOOL SPONSORSHIP

[Source: Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);

Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:10-3-1. Purpose

The rules in this subchapter set forth procedures for authorization and sponsorship of charter schools or virtual charter schools and requirements for contracts for sponsorship of charter schools or virtual charter schools, including procedures for renewal and termination of contracts for sponsorship of charter schools and statewide virtual charter schools.

[Source: Added at 31 Ok Reg 2486, eff 12-15-14; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);

Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:10-3-3. Applications to sponsor charter schools and virtual charter schools; renewal and termination of contracts for sponsorship of charter schools and virtual charter schools

(a) **Sponsorship application cycle and timelines.** To ensure that timely processing, review, and consideration of initial applications for sponsorship occurs within the time periods specified by 70 O.S. § 3-134, and to ensure that the application process is completed with sufficient time for new schools to organize and comply with all statutory reporting requirements for the beginning of the initial school year, the timeline for the application cycle for the following school year is as follows:

- (1) Completion of charter school training required by 70 O.S. § 3-134(A) prior to submission of letter of intent to submit an application;
- (2) Charter school training must be completed within the last two (2) years by an individual directly associated with the proposed school ;
- (3) A letter of intent to submit an application for sponsorship must be provided to the Statewide Charter School Board. The letter of intent shall include, but is not limited to the proposed school's vision and mission, educational model, community engagement efforts, and governing board. Upon receipt of the letter of intent, guidance for application submission will be provided;
- (4) All applications for sponsorship shall be submitted by the governing board of the proposed school to the SCSB;
- (5) In reviewing an application for sponsorship of a charter school or virtual charter school, the SCSB shall determine whether the applicant's proposal for sponsorship complies with the provisions of the Oklahoma Charter Schools Act and the SCSB's administrative rules in Title 777 of the Oklahoma Administrative Code.
- (6) An application for proposed school sponsorship shall be submitted to the Board as follows:
 - (A) For statewide virtual charter school sponsorship, an application shall be submitted in January, eighteen (18) months prior to July of the expected school opening year; or
 - (B) For charter school sponsorship, an application shall be submitted at least eighteen (18) months prior to July of the expected school opening year.
- (7) In reviewing an application for sponsorship of a proposed school, the SCSB shall determine whether the applicant's proposal for sponsorship complies with the provisions of the Act and the Board's administrative rules in this chapter.
- (8) Upon meeting aforementioned standards, the application is considered received, and the following provisions will be executed:
 - ((A) A review of the application will consider all aspects of the application process including, but not limited to, the written application, supporting documents, and capacity interviews;
 - (B) The Board will render a decision on the application for sponsorship at a subsequent board meeting;
 - (C) If approved, negotiation and execution of a contract for sponsorship will begin;
 - (D) If rejected, the applicant may submit an amended application within thirty (30) calendar days of receipt of notification of rejection;
 - (E) A Board decision on amended application, if applicable, will be rendered within thirty (30) calendar days of receipt of the amended application;
 - (F) If approved, negotiation and execution of a contract for sponsorship will begin; and
 - (G) If rejected, the application may proceed according to statute.

(b) **Initial application requirements for sponsorship.** To ensure only high-quality applications are approved, the Statewide Charter School Board prioritizes the following criteria:

- (1) Evidence of the proposed school team's experience and history with establishing academically successful schools and education programs;
- (2) Sound, research-based foundation for the proposed school's educational model;
- (3) Complete and attainable plans for the execution of the proposed school's implementation process; and
- (4) For initial consideration for sponsorship, the applicant must provide information and documents related to the proposed school model, its governing board and founding team, community, educational model, and execution plan. The following information must be included in the written application:
 - (A) Basic application information including:
 - (i) Name of proposed school,
 - (ii) Name of applicant,

- (iii) Name of contact, contact's title, address, email, and phone number,
 - (iv) School district within which the proposed school will reside,
 - (v) The grade level(s) to be served, and
 - (vi) Date the application was approved by the proposed school's governing board.
- (B) Evidence of charter school training completed within the past two (2) years and specific role in the organization of the person named on the certificate;
- (C) For charter schools only, evidence of denial by the local school district, including but not limited to:
- (i) Board meeting minutes of the local school district governing board where action was taken on the application,
 - (ii) Correspondence from the local school district governing board indicating denial or refusal to take formal action on the application, or
 - (iii) Documentation of application submission to the local school district governing board and the board meeting minutes of the local district governing board meeting over the sixty (60) day period following submission as evidence that the district took no action on the application.
- (D) An executive summary that fully describes:
- (i) Vision and mission statement,
 - (ii) Overview of the educational model, and
 - (iii) Description of the community to be served.
- (E) Information related to the proposed school's governing board and founding team:
- (i) The relevant knowledge, skills, and abilities of the governing board and founding team to lead the proposed school in academic, financial, and organizational considerations and to ensure key elements are upheld, and
 - (ii) Biographies and resumes of each member of the governing board and founding team, including agreement to code of ethics and conflict of interest statements.
- (F) Information related to the proposed school's community, including the importance of the educational model to the community and its support;
- (G) A full description of the proposed school's educational model, including clearly stated key design elements of the model;
- (H) A complete description of the proposed school's implementation plan, including financial and operational aspects that will support the educational model:
- (i) The budget is realistic, viable, and aligned with the educational model,
 - (ii) The financial plan includes the resources, fiscal planning, and expertise necessary to carry out effective budgeting, financial management, and oversight, and achieve the school's mission and intended outcomes,
 - (iii) The contingency plan ensures and includes services to all students consistent with the school's mission and key design elements, and
 - (iv) The organizational design supports the fulfillment of the commitments and responsibilities of a public school, implementation of the key design elements, oversight of school finances, and achievement of the school's mission.
- (I) Signed and notarized Statement of Assurance from each governing board member demonstrating agreement to fully comply as an Oklahoma public charter school or virtual charter school with all statutes, regulations, and requirements of the United States of America, State of Oklahoma, Statewide Charter School Board, and Department of Education: citing agreement to abide by the Oklahoma Open Meeting Act, guaranteeing access to education and equity for all eligible students regardless of race, ethnicity, economic status, academic ability or other factors as established by law, acknowledging the performance criteria designed to measure the effectiveness of the proposed school, guaranteeing to meet no fewer than ten (10) months of the year in the state, and guaranteeing to establish the components necessary to begin school operations in the State of Oklahoma on July 1 of the first year, including a public administration facility, state-approved school financial system, state-approved student information system, and a secured applicable connections to state reporting systems.

(c) Ready-to-Open application process phase. If approved and a charter contract is executed, the applicant will begin phase two (2) or the Ready-to-Open phase of the application process. The applicant shall provide information and documentation related to the academic, financial, and organizational readiness of the school. The Ready-to-Open requirements must be fulfilled to attain final approval for school opening.

(1) Academic Program:

- (A) Establish the school's instructional design including the learning environment that will be created, class size and structure, curriculum guides for each core academic area aligned with the Oklahoma Academic Standards, teaching methods, and professional development;
- (B) Develop and implement the plan for using internal and external assessments to measure and report student achievement including how the school will use formative and summative assessments to measure program effectiveness and modify instruction to meet student needs;
- (C) Develop and implement the plan for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and students who are gifted and/or talented;
- (D) Approve the policies that determine the requirements for student grade placement, promotion, and retention;
- (E) For high schools, approve a graduation requirements policy that meets or exceeds the state requirements;
- (F) Develop and implement the plan for offering co-curricular and extracurricular programs and how the offered programs will be funded and delivered;
- (G) Develop and implement a system for gathering and reporting data on academic indicators, measures, and goals, including mission-specific (or school-specific) goals; and
- (H) Develop and implement plans to support all learners including systems to identify students' strengths and needs for academic, behavioral, and social emotional development, ensuring students across all subgroups have access to appropriate supports, interventions, and resources to achieve, grow, and advance.

(2) Financial Capacity:

- (A) Approve financial policies, including but not limited to a description of the treasurer, encumbrance clerk, and other financial officers or persons who have primary responsibility for the finances of the school, a description of financial controls and audit requirements;
- (B) Secure adequate insurance required of public schools in Oklahoma ;
- (C) Approve annual budget;
- (D) Submit any proposed contract between the school's governing board and an educational management organization to the SCSB for approval;
- (E) Approve any proposed contract between the school's governing board and an educational management organization; and
- (F) Provide proof of secured funds for each source of revenue and documentation to support any agreement, donation, loan, or long-term debt that supports the budget.

(3) Organizational Capacity:

- (A) Recruit and hire a qualified school leader, which may be employed by an educational management organization, consistent with the school's mission and the charter contract;
- (B) Develop and implement a plan for evaluating the school leader and the contracted educational management organization (if applicable), in accordance with a written board policy;
- (C) Develop and approve plans for providing transportation, food service, and all other significant operational or ancillary services;
- (D) Approve the leadership and teacher employment and hiring policies ;
- (E) Develop and implement a teacher and staff evaluation system consistent with the school's mission and key design elements, including performance evaluation, onboarding, performance improvement, and coaching support;
- (F) Execute any partnerships or contractual partnerships and submit executed contracts to the SCSB;
- (G) Develop the proposed school's facilities plan including location of the proposed school with a site inspection by the SCSB at least forty-five (45) days prior to expected school opening;

- (H) Develop an organizational chart that clearly presents the organizational structure of the school including lines of authority and any external organizations expected to play a role in managing the school including a description of the roles and responsibilities of each entity;
- (I) Develop and approve governing board's bylaws;
- (J) Develop and approve the school calendar;
- (K) Develop and approve the discipline policy, including special education students;
- (L) Develop and approve policies including but not limited to enrollment and lottery, complaints/grievances, Family Educational Rights and Privacy Act (FERPA), Open Meeting Act, Open Records Act, parent participation and volunteering, course requirements, promotion, retention, and graduation, and family engagement; and
- (M) Develop and approve policies that protect employee rights, such as those relating to the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and employee contracts.

(d) Application for renewal of contracts for sponsorship of charter schools or virtual charter schools.

Renewal of a contract for sponsorship by the Board shall be conducted in accordance with the requirements of the Oklahoma Charter Schools Act.

(1) Application requests for renewal of contract for sponsorship. Requests for renewal of the contract for sponsorship shall be submitted by the governing board of the charter school or virtual charter school in accordance with the following procedures:

- (A) At least one (1) year prior to expiration of the initial contract term but no earlier than eighteen (18) months prior to the date of expiration, the governing board of the charter school or virtual charter school board must submit a letter of intent to apply for renewal of the charter contract. Upon receipt of the letter of intent, guidance for application submission will be provided.
- (B) The Board shall schedule the request at a subsequent meeting. The Board shall timely submit notice of the date, time, and location of the meeting at which the proposal for renewal will be considered.
- (C) The Board shall review the proposal and take action on the request of renewal no later than eight (8) months prior to the date of expiration of the contract.
- (D) The Board will issue a school performance report in accordance with State statute. The school shall have forty-five (45) calendar days to respond to the performance report and submit any correspondence or clarifications for the report. In evaluating a school's renewal request, the Board may consider the application, performance report, results of a site visit, and evidence provided in the school's presentation to the Board.
- (E) The Board may accept or reject the application, may request the applicant consider application revisions, or may proceed with renewal with conditions.
- (F) The SCSB may base its decision to deny the school governing board's request for renewal upon any grounds for nonrenewal or termination set forth in title 70, section 3-137 of the Oklahoma Statutes.

(2) Format for application for renewal. The renewal application shall include the following:

- (A) School information:
 - (i) Name of school,
 - (ii) School phone number,
 - (iii) Address of school,
 - (iv) School website address,
 - (v) Contact information: name, title, phone number, and email address,
 - (vi) Governing board president contact information: name, phone number, and email address,
 - (vii) Names of other governing board members,
 - (viii) Current authorizer,
 - (ix) Grade level(s) served,
 - (x) Current enrollment,
 - (xi) Year school was established,
 - (xii) Year school was last renewed, and

(xiii) Date application for renewal was approved by the governing board in an open meeting;

- (B) A cover letter no more than three (3) pages providing a brief overview of the school's vision and mission, school performance, and major accomplishments and challenges;
- (C) A narrative that describes improvements currently undertaken or planned for the school;
- (D) A narrative describing the school's detailed plan for the next charter contract term for the school, including how the plan is aligned to its vision and mission;
- (E) The school's current strategic plan; and
- (F) A signed and notarized statement from the Head of School and all governing board members demonstrating their consideration and approval of the renewal and reauthorization application and agreement to fully comply as an Oklahoma public charter school with all statutes, regulations, and requirements of the United States of America, State of Oklahoma, the Board, the Oklahoma Department of Education, and agree to abide by the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, and to guarantee access to education and equity for all eligible students regardless of their race, ethnicity, economic status, academic ability, or other factors.

(3) Additional information required for charter schools or virtual charter schools sponsored by an Oklahoma authorizer other than the Board seeking renewal from the Board.

- (A) Current charter contract;
- (B) Annual Performance Frameworks and Performance Report for the school's current charter contract term;
- (C) Organizational Chart;
- (D) Current enrollment by grade level;
- (E) Percentage of returning students in the current school year;
- (F) Oklahoma School Testing Program (OSTP) data for the past two (2) years;
- (G) School Report Cards for the past two (2) years;
- (H) Annual financial audits and related documents for the past two (2) years;
- (I) Current school budget including a year-to-date comparison of budgeted versus actual revenues and expenditures;
- (J) Loan and long-term debt documents;
- (K) Quarterly financial statements for the past four (4) quarters;
- (L) Current statement of financial position (balance sheet) with assets, liabilities, and fund balances;
- (M) Current Oklahoma State Department of Education accreditation status including all applicable documents;
- (N) All shared services agreements; and
- (O) Educational Management Organization contract, if applicable.

(4) Performance report and site visit. The Board will issue a school performance report in accordance with State statute. The school shall have forty-five (45) calendar days to respond to the performance report and submit any corrections or clarifications for the report. In evaluating a school's renewal request, the Board may consider the application, performance report, results of a site visit, and evidence provided in the school's presentation to the Board.

(5) Notice of intent of non-renewal of contract for sponsorship. The Board may elect to not renew a contract for sponsorship in accordance with the following procedures:

- (A) No later than eight (8) months prior to the date of expiration of the contract. The Board shall submit written notice of its intent of non-renewal via certified mail, return receipt requested to the governing body of the charter school at the address of record set forth in the contract. The notice shall include:
 - (i) A statement of any and all factual and legal grounds upon which the Board's intent to non-renew the contract is based, and
 - (ii) A statement of the date, time, and location of the meeting at which the Board intends to take action on the proposed non-renewal, which shall be held no earlier than thirty (30) calendar days from the date of the notice of intent to non-renew the contract is sent to the charter school.
- (B) The Board may base its decision to non-renew the contract for sponsorship upon any of the grounds for nonrenewal or termination set forth in 70 O.S. § 3-137 and/or this Section.

(C) If the Board denies a request for renewal, the charter school or virtual charter school may proceed as provided for in the Oklahoma Charter Schools Act.

(e) Termination of contracts for sponsorship of charter schools and virtual charter schools. The Board may terminate a contract with a charter school or virtual charter school in accordance with the following procedures:

(1) Grounds for termination of a contract for sponsorship. At any time during the term of the contract, the Board may terminate the contract for one or more of the following grounds:

- (A) Failure to meet the requirements for student performance set forth in the terms of the contract;
- (B) Failure to meet the standards of fiscal accounting and management set forth in the terms of the contract;
- (C) Violations of applicable state, federal, tribal, or local laws, statutes, and/or regulations; and
- (D) Other good cause as established by the Board, which may include but shall not be limited to:
 - (i) Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to meet reporting deadlines necessary for compliance with state or federal statutes or regulations,
 - (ii) Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to accurately report student enrollment counts,
 - (iii) Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to accurately report and/or classify student accountability data,
 - (iv) Identification and/or designation of the charter school by the State Board of Education as consistently in need of improvement in accordance with subsection (g)(6) of Section 1003 of Title I of the Elementary and Secondary Education Act of 1965 (ESEA), pursuant to 70 O.S. § 1210.544,
 - (v) Any material breach of the terms set forth in the contract for sponsorship, and
 - (vi) Any action or failure to act by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors that presents or results in an immediate and serious danger to the health, safety, and welfare of its students.

(2) Notice of intent to terminate contract. At least ninety (90) calendar days prior to termination of a contract for sponsorship of a charter school or virtual charter school, the Board shall submit written notice of its intent to terminate the contract via certified mail, return receipt requested to the governing board of the charter school at the address of record set forth in the contract for sponsorship. The notice shall include:

- (A) A statement of any and all factual and legal grounds upon which the Board's intent to terminate the contract is based,
- (B) A statement of the date, time, and location of the meeting at which the Board intends to take final action on the proposed termination, which shall be held no earlier than forty-five (45) calendar days from the date that the notice of intent to terminate is mailed to the charter school, and
- (C) A statement that the governing board of the school may request a hearing before the Board to present oral argument and evidence in opposition to the proposed termination by delivering a written request to the Board within fourteen (14) calendar days of receipt of notice of the intent to terminate the contract that includes:
 - (i) A response to the factual and legal grounds for termination set forth in the notice; and
 - (ii) A summary of evidence that the school intends to submit in support of its response.
- (D) Within ten (10) calendar days of the date of receipt of the request for hearing, the Board shall schedule a hearing and submit written notice of the date, time, and location of the hearing by regular mail to the charter school's address of record set forth in the contract for sponsorship. The Board may send a courtesy copy of the notice by facsimile, and/or email.

(3) Hearing on termination. In the event that a hearing is requested, the Board shall promptly schedule a hearing at which the charter school or virtual charter school may present argument and evidence in opposition to the proposed termination. The Board shall prescribe the time allotted for oral argument and

presentation of evidence. Upon completion of the hearing, the Board may consider the merits of the argument and presentation of evidence and take action on the proposed termination, or it may schedule action on the proposed termination at a subsequent board meeting to provide the board with further opportunity for deliberation.

(4) **Appeal of termination.** The procedures for filing appeals may be made in accordance with the Oklahoma Charter Schools Act.

(f) **Negotiation and execution of contracts for sponsorship.** To facilitate and/or expedite negotiations for new contracts for sponsorship, the Board may adopt a model contract for sponsorship of a charter school or virtual charter school for use by the Board and potential charter schools or virtual charter schools sponsored by the Board. Adoption of a model contract shall not prohibit the Board from further negotiation of contract terms or addition of terms to the contract for sponsorship prior to execution of the contract so long as such terms are in compliance with applicable state, federal, local, and/or tribal law and the provisions of this Section.

(g) **Execution of the contract.** The final contract for sponsorship shall not be executed until approved by the Board at a meeting. The Board may delegate authority to the Chairman to execute the approved contract for sponsorship on behalf of the Board.

[Source: Added at 31 Ok Reg 700, eff 7-8-14 (emergency); Added at 31 Ok Reg 2486, eff 12-15-14; Amended at 33 Ok Reg 1902, eff 9-11-16; Amended at 35 Ok Reg 301, eff 12-16-17 (emergency); Amended at 35 Ok Reg 2171, eff 9-14-18; Amended at 36 Ok Reg 1272, eff 8-11-19; Amended at 39 Ok Reg 2400, eff 9-11-22; Amended at 40 Ok Reg 2401, eff 9-11-23; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency); Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools by the Statewide Charter School Board

(a) **Tiered school oversight process.** The performance framework sets forth the performance indicators for authorization of charter schools and virtual charter schools in the State. Schools shall meet or show evidence of significant progress toward meeting the required standard accountability indicators as a condition of continued authorization.

(1) The Board provides a tiered school oversight process that includes a system of monitoring and oversight functions to ensure the school's compliance with all applicable laws, regulations, rules, and terms of the charter contract.

(2) The tiered school oversight process shall provide for review, notices, warnings, probation, and closure of schools that fail to meet the standard accountability indicators. If a school does not take action to comply, the Board may proceed with steps at an appropriate level of concern.

(3) The tiered school oversight process is designed to allow the Board to take appropriate action at any level based on each unique situation that may be identified through the performance framework or identified through another process.

(A) The Board shall perform an annual review and evaluation of the performance of charter schools and virtual charter schools. The performance framework includes the indicators assessed and required in statute, rules, and the charter contract. The performance framework is presented annually to the Statewide Charter School Board and the school's governing board in an open meeting. These indicators may identify potential concerns for further review and research.

(B) Using the results of the performance framework, SCSB staff reviews and researches identified potential concerns to determine the nature and severity of the concern and possible corrective actions. The school is expected to take action to remedy identified deficiency(ies).

(C) Unresolved deficiency(ies) identified in the review and research stage of the tiered school oversight process will generate a notice of concern, issued by the Statewide Charter School Board staff and sent to members of the Statewide Charter School Board and the school's governing board. Terms and timeline to resolve deficiency(ies) will be included in the notice of concern. The Statewide Charter School Board may offer support and resources.

(D) A formal warning action to address unresolved deficiency(ies) or other serious concern(s) may be taken by the Statewide Charter School Board in an open meeting. The warning shall

include deficiency(ies), terms and timeline for resolution and requires the school to take action. Support and resources may be made available and/or required.

(E) Probation is a formal action taken by the Board in an open meeting and as a final opportunity for a school to resolve a deficiency(ies). A final plan from the charter school or virtual charter school is required.

(F) Closure is a formal action taken by the Board in open meeting on a school who fails to resolve a deficiency(ies). It is a final action and requires the SCSB's and the school's governing board to follow the closure plan.

(b) Oversight and annual performance review. The Board will provide ongoing oversight of the charter schools and virtual charter schools through data and evidence collection, site visits, classroom observations, audits, attendance of governing board meetings, compliance checks, and school performance reviews. Schools will be subject to an annual performance review of the immediately preceding school year. The review will consist of a compilation of performance ratings and findings based on the performance framework standards. Results will be shared with key stakeholders. The charter school or virtual charter school will have forty-five (45) calendar days to respond to the annual performance review in writing and such response will become part of the public record.

(c) Performance framework. The performance framework for designated charter schools and virtual charter schools establishes accountability criteria and assesses schools in the areas of academic, financial, and organizational capacities. In addition to required state accountability indicators, the Board may approve up to three mission-specific performance measures for a school. These must be evidence-based, valid, reliable, and aligned with the school's mission. Mission-specific measures may account for up to ten percent (10%) of the academic weighting of the Performance Framework Index. Schools must propose such measures during the initial application process or renewal process, and performance against the measures will be reviewed annually.

(1) Oklahoma performance measures will be used to assess the school's academic performance, including overall achievement, overall growth, subgroup achievement, subgroup growth, and post-secondary readiness. Academic performance accountability indicators and measurements are listed below. Subgroup measures will only be applicable if the school has a minimum of ten (10) students in the subgroup.

(A) Are students achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(B) Are students achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(C) Are students enrolled in the school for three (3) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or

- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(D) Are students enrolled in the school for three (3) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the state level of proficiency; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(E) Are students in the special education subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(F) Are students in the special education subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(G) Are students in the special education subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
- (iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(H) Are students in the special education subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
 - (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (I) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
 - (ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (J) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
 - (ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (K) Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
 - (ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the level of proficiency of the district within the geographic boundary of the charter school; or
 - (iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (L) Are students in the economically disadvantaged subgroup enrolled for three (3) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessment is equal to or above the state level of proficiency; or
 - (ii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is equal to

or above the level of proficiency of the district within the geographic boundary of the charter school; or

(iii) The percentage of students in the economically disadvantaged education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(M) Are students achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(N) Are students achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(O) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessments is improved by (5%) or greater compared to the prior school year.

(P) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

(i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(Q) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

(ii) The percentage of students in the economically disadvantaged subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(R) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):

- (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the economically disadvantaged subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(S) Are students in early childhood schools achieving growth on research-based, nationally-normed internal assessments in early literacy? Meets standard accountability indicator(s):

- (i) The percentage of early childhood students in pre-kindergarten and kindergarten achieving proficiency or greater, as determined by the assessment on the end-of-year assessment given in May each year, as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of early childhood students in pre-kindergarten and kindergarten achieving growth at each grade level on a research-based nationally-normed assessment is improved by five percent (5%) or greater compared to the prior school year.

(T) Are students in early childhood schools achieving growth on research-based, nationally-normed internal assessment in early numeracy? Meets standard accountability indicator(s):

- (i) The percentage of early childhood students in pre-kindergarten and kindergarten achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of early childhood students in pre-kindergarten and kindergarten achieving growth at each grade level on a research-based nationally-normed assessment is improved by five percent (5%) or greater compared to the prior school year.

(U) Are early childhood school students in the economically disadvantaged subgroup achieving growth on research-based, nationally-normed internal assessments in early literacy? Meets standard accountability indicator(s):

- (i) The percentage of early childhood students in economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(V) Are early childhood school students in the economically disadvantaged subgroup achieving growth on research-based, nationally-normed internal assessments in early numeracy? Meets standard accountability indicator(s):

- (i) The percentage of early childhood students in the economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
- (ii) The percentage of students in the economically disadvantaged subgroup in pre-kindergarten and kindergarten achieving growth at each grade level on research-based, nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.

(W) Based on state expectations for student graduation within four years, does the school meet the expectations for student graduation? Meets standard accountability indicator(s):

- (i) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the State of Oklahoma;
- (ii) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the district within the geographic boundary of the charter school;
- (iii) The school's most recent graduation rate as reported by the State Department of Education, increased twenty percent (20%) or more of the difference between the graduation rate from the baseline year; or
- (iv) The school's most recent graduation rate increased five percent (5%) or greater compared to the prior school year.

(X) Based on the extended-year adjusted graduation rate, does the school meet the expectations for student graduation? Meets standard accountability indicator(s): Evidence supports a majority of extended-year students graduating.

(Y) Did the school meet the expectation for graduating eligible seniors (students within six (6) credits of graduation) during the most recent year? Meets standard accountability indicator(s):

- (i) The percentage of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the State of Oklahoma; or.
- (ii) The percentage of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the district within the geographic boundary of the charter school.

(Z) Do the school's students demonstrate College and Career Readiness? Meets standard accountability indicator(s):

- (i) College: Achieved minimum required test score for entry without taking remediation:
 - (I) High School Transcript of a 2.0 (C average) or higher; or
 - (II) American College Testing (ACT); or
 - (III) Scholastic Aptitude Test (SAT); or
 - (IV) Other recognized college entrance exams such as Accuplacer or the Classical Learning Test; and
 - (V) College Board Advanced Placement exam score(s) of 3 or greater; or
- (ii) Acceptance to a college or university; or successful completion and submission of a college FAFSA form; and
- (iii) Career
 - (I) Accepted to the Military; or
 - (II) Evidence of sustainable employment; or
 - (III) Completed an authorizer or state approved Career and Technical Education Certificate.

(2) Oklahoma performance measures will be used to assess the school's fiscal viability. Financial performance accountability indicators and measurements in each category are listed below.

(A) Did the school's annual financial statement audit have findings? Meets standard accountability indicator(s): There were no instances of significant deficiencies, material noncompliance, or known fraud identified on the school's independent financial audit.

(B) Was the auditor's opinion on the school's annual financial statement audit modified or qualified? Meets standard accountability indicator(s): The audit opinion on the school's annual financial statement audit was unmodified/unqualified.

(C) Did the auditor's opinion letter contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit? Meets standard accountability indicator(s): The auditor's opinion letter did not contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit.

(D) Did the annual financial auditor issue a disclaimer of opinion on the annual financial statement audit? Meets standard accountability indicator: The auditor did not issue a disclaimer of opinion on the annual financial statement audit.

(E) Did the annual report on internal control over financial reporting disclose any material weakness(es) or significant deficiency? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses, or noncompliance on the annual report on internal control over financial reporting.

(F) Did the school consistently submit appropriate quarterly financial reports to the Statewide Charter School Board? Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.

(G) Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's audit by the State Auditor and Inspector.

(H) Did the school consistently meet financial reporting expectations as required by the State Department of Education and confirmed by the Office of Financial Accounting, Oklahoma Cost Accounting System (OCAS), and/or Single- Sign-On? Meets standard accountability indicator(s): Evidence confirms financial reporting expectations were fulfilled.

(I) Was the school's OCAS data submitted to the State Department of Education, properly certified by the school leader, and accepted by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms that the school submitted OCAS data to the State Department of Education, certified by the school leader, and accepted State Department of Education.

(J) Did the school timely submit the annual financial statement audit to the State Department of Education? Meets standard accountability indicator(s): Evidence confirms that the school timely submitted the annual financial statement audit to the State Department of Education.

(K) Did the State Department of Education require a corrective action plan as part of their follow-up to the annual financial statement audit submission? Meets standard accountability indicator(s): No corrective action plan was required by the State Department of Education in the response to the school.

(L) If a corrective action plan was required by the State Department of Education, did the plan sufficiently address the issues and was the plan accepted by the State Department of Education? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education sufficiently addressed the issues and was accepted by the State Department of Education.

(M) If a corrective action plan was required by the State Department of Education for the prior fiscal year, can it be confirmed that the corrective action measures were followed in the most recent fiscal year? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education for the prior fiscal year was followed by the school in the most recent fiscal year.

(N) Did the school have a negative general fund balance at the end of the most recent fiscal year? Meets standard accountability indicator(s): The school did not have a negative general fund balance at the end of the prior fiscal year.

(O) Did the Days Cash on Hand ratio fall below thirty (30) days during the fiscal year? Meets standard accountability indicator(s): Evidence supports that the school maintained a Days Cash on Hand ratio of thirty (30) days or more at the end of each fiscal quarter.

(P) Did the school fail to pay any commitments, warrants, or debts? Meets standard accountability indicator(s): Evidence supports the school paid all commitments, warrants, and debts.

(Q) Did the school maintain a general fund balance of greater than ten percent (10%) of the prior fiscal year's total expenditures? Meets standard accountability indicator(s): Evidence supports that the school maintained a general fund balance greater than ten percent (10%) of the prior fiscal year's total expenditures measured at the end of each fiscal quarter.

(R) Did the school maintain positive fund balances in all other fund types? Meets standard accountability indicator(s): Evidence supports that the school maintained a positive fund balance in all fund types.

(S) Is the school's enrollment (average daily membership) for the first nine (9) weeks greater than or equal to eighty-five percent (85%) of last year's enrollment? Meets standard accountability indicator(s): The first quarter statistical report indicates enrollment did not decline by more than fifteen percent (15%) in comparison to the end-of-year enrollment documented by the annual statistical report.

(T) Does the school's governing board review periodic financial statements including a statement of financial position (balance sheet), statement of activities (income statement), and statement of cash flows? Meets standard accountability indicator(s): Evidence supports that the governing board reviews the school's periodic financial statements at the public governing board meetings.

(U) Does the school's governing board review and approve changes to the budget as significant changes to revenues and expenditures occur? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews and approves changes to the budget at the public governing board meetings throughout the year as revenues and expenditures change significantly.

(V) Does the school's governing board review financial forecasting models prior to annual budget adoption? Meets standard accountability indicator(s): Evidence supports that the school's governing board participates in annual review of financial forecasting prior to budget adoption during a public governing board meeting.

(W) Does the school's governing board review the audited financial statements and address all findings? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews the audited financial statements and addresses all findings in a public governing board meeting.

(X) Does the school properly report its facilities' carrying values and applicable depreciation on its annual financial statements? Meets standard accountability indicator(s): The annual financial statements indicate proper values for facilities are represented.

(Y) Does the school maintain documentation of property and facility leases and purchases at fair market value? Meets standard accountability indicator(s): The school maintains documentation of leases and purchases at fair market value.

(3) Oklahoma performance measures will be used to assess the school's organizational performance including organizational structure, governance, record of compliance, attendance, recurrent enrollment, accreditation, and student support. Organizational performance accountability indicators and measurements in each category are listed below.

(A) Do the school's decisions align with its vision and mission? Meets standard accountability indicator(s): Evidence supports the school's decisions align with its vision and mission.

(B) Does the school follow appropriate procedures to ensure all students have equitable access to services and opportunities for success? Meets standard accountability indicator(s): Data confirms appropriate procedures to ensure student access and equity.

(C) Does the school have approved and appropriate policies and procedures that ensure student and staff safety and success, and does the school communicate those policies and procedures to students/families and staff? Meets standard accountability indicator(s): Evidence supports approved and appropriate policies and procedures are implemented and communicated.

(D) Does the school adhere to applicable laws and regulations? Meets standard accountability indicator(s): Evidence supports the school adheres to laws and regulations.

(E) Does the school adhere to the terms of the charter contract? Meets standard accountability indicator(s): Evidence supports the school adheres to the charter contract.

(F) Does a stable governing board exist? Meets standard accountability indicator(s): Evidence supports history of board stability exists.

(G) Does the governing board recruit, select, orient, and train members with skills and expertise to enable them to govern the school appropriately? Meets standard accountability indicator(s): Board agendas, and minutes, training records, and other documents support board member activities.

(H) Does the charter school comply with the Open Meeting Act and Open Records Act? Meets standard accountability indicator(s): Evidence supports the charter school consistently complies with requirements of the Open Meeting Act and Open Records Act.

(I) Does the charter school provide transparency through Statewide Charter School Board access to school records? Meets standard accountability indicator(s): The charter school has provided the Statewide Charter School Board with all requested school records.

(J) Does the educational management organization provide transparency through Statewide Charter School Board access to school records? Meets standard accountability indicator(s): The educational management organization has provided the Statewide Charter School Board with all requested school records.

(K) Did the school consistently meet the reporting expectations as required by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms reporting expectations were fulfilled.

(L) Did the school consistently meet the reporting expectations as required by the Statewide Charter School Board? Meets standard accountability indicator(s): The school reported and submitted documentation on time on-time and accurately.

(M) Did the school receive accreditation from the State Department of Education? Meets standard accountability indicator(s): The school received accreditation with no unresolved deficiencies following Tiered School Oversight Tier II Investigation (777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools as noted from the Statewide Charter School Board).

(N) Does the school meet the expectations for student attendance? Meets standard accountability indicator(s): Evidence supports the school met State expectations for student attendance.

(i) For charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate of the local school district in which the charter school is located; or

(ii) For virtual charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate reported by the attendance rate for the state of Oklahoma; or

(iii) The school's attendance rate reported by the State Department of Education increased five percent (5%) or greater compared to the prior school year.

(O) Does recurrent enrollment of students meet expectations? Meets standard accountability indicator(s): The school's student recurrent enrollment rate meets the expectations indicated by the methodology used for public schools in Oklahoma.

(P) Does the school provide support structures for students and families that are accessible such as teacher support, individualized learning plans, individualized career academic planning (ICAP), guidance/counseling program, online tutoring, and technical support? Meets standard accountability indicator(s): Students and families have access to multiple support structures.

(Q) Does the school and governing board engage in strategic planning that results in establishment of school goals and verifiable school improvement? Meets standard accountability indicator(s): Evidence supports that the school and governing board engage in strategic planning resulting in establishment of school goals and verifiable school improvement.

(4) Performance Framework Index will be calculated based on the following categories:

(A) Academic (A) Calculation - (Score) * (Weight) = A with a weight of 60%.

(B) Financial (F) Calculation - (Score) * (Weight) = F with a weight of 20%.

(C) Organizational (O) Calculation - (Score) * (Weight) = O with a weight of 20%.

(D) As set forth in 70 O.S. § 3-137, Performance Framework scores will guide reauthorization procedures.

(i) A Performance Framework Index (PFI) score of 75% or higher calculated over the course of the charter contract term will result in renewal of authorization for a five (5) year term should the governing board of the charter school choose to submit a letter requesting reauthorization.

(ii) A Performance Framework Index (PFI) score of 60-74% or higher calculated over the course of the charter contract term is expected. However, an application for renewal of authorization is required for consideration by the Statewide Virtual Charter School Board.

(iii) A Performance Framework Index (PFI) score of less than 60% calculated over the course of the charter contract term places the charter school at risk of non-approval of the renewal for authorization. An application for reauthorization is required for consideration by the Statewide Charter School Board.

(E) In the event data is not available, the Statewide Charter School Board will designate corresponding score with "Not Available." In the event data is not applicable, the Statewide Charter School Board will designate corresponding score with "Not Applicable."

(F) Schools with a score that does not meet or exceed the academic standards of the Performance Framework or present the Board substantial financial or legal concerns shall develop, implement, and complete a plan for improvement comprised of action items that reflect clear progress benchmarks to track performance over time with phased indicators to guide development.

(i) The plan for improvement shall include, but is not limited to a needs assessment, measurable goals, evidence-based practices and interventions, an implementation plan that includes task(s), person(s) responsible, and timeline(s), and the regular collection and analysis of data to track progress toward the set goals;

(ii) If the school cannot provide evidence of improvement or shows a multi-year decline in academic performance, financial or organizational stability, then it shall be subject to a continuous plan of improvement subject to escalation through the tiered school oversight process; and

(iii) In the event a school does not comply with a required plan of improvement, the Board reserves the right to pursue school closure according to the provisions of this chapter when the Board's judgment concludes the school has not met progress goals.

(d) Performance framework for designated alternative education sites. The performance framework for charter school and virtual charter school alternative education sites establishes accountability criteria and assesses schools in the areas of academic, financial, and organizational capacities. Designated alternative education sites are those that conform to the program requirements set forth in 70 O.S. § 1210-568 and are designated as alternative education sites by the State Board of Education.

(1) Oklahoma performance measures will be used to assess the school's academic performance, including overall achievement, overall growth, subgroup achievement, subgroup growth, and post-secondary readiness. Academic performance accountability indicators and measurements in each category and grade level are listed below. Sub-group measures will only be applicable if the school has a minimum of ten (10) students in the sub-group.

(A) Are students achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(B) Are students achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

(i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or

(ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(C) Are students enrolled in the school for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(D) Are students enrolled in the school for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(E) Are students in the special education subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(F) Are students in the special education subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(G) Are students in the special education subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):

- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.

(H) Are students in the special education subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):

- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
- (ii) The percentage of students in the special education subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%)

or greater compared to the prior school year.

- (I) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):
- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
 - (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (J) Are students in the economically disadvantaged subgroup achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
 - (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (K) Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in reading/English language arts? Meets standard accountability indicator(s):
- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
 - (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (L) Are students in the economically disadvantaged subgroup enrolled for two (2) or more consecutive academic years achieving proficiency on statewide assessments in mathematics? Meets standard accountability indicator(s):
- (i) The OSTP score of all schools designed as alternative education sites will be averaged to determine the baseline percentage for comparison. The school's percentage of students scoring proficient or above at each grade level on the OSTP state assessments is equal to or above the baseline; or
 - (ii) The percentage of students in the economically disadvantaged subgroup scoring proficient or above at each grade level on the OSTP state assessments is improved five percent (5%) or greater compared to the prior school year.
- (M) Are students achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):
- (i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given at each grade level; on or before September 15th of each year; or
 - (ii) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.
- (N) Are students achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
- (i) The percentage of students in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or

- (i) The percentage of students achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.
- (O) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):
 - (i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.
- (P) Are students in the special education subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the special education subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the special education subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.
- (Q) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in reading/English language arts? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the economically disadvantaged subgroup achieving growth at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.
- (R) Are students in the economically disadvantaged subgroup achieving growth on research-based nationally-normed internal assessments in mathematics? Meets standard accountability indicator(s):
 - (i) The percentage of students in the economically disadvantaged subgroup in state-mandated assessment grade levels achieving proficiency or greater as determined by the assessment on the end-of-year assessment given in May each year as compared to the initial assessment given on or before September 15th of each year; or
 - (ii) The percentage of students in the economically disadvantaged subgroup achieving growth or above at each grade level on research-based nationally-normed internal assessment is improved by five percent (5%) or greater compared to the prior school year.
- (S) Based on state expectations for student graduation within four years, does the school meet the expectations for student graduation? Meets standard accountability indicator(s):
 - (i) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for the State of Oklahoma; or
 - (ii) The school's most recent graduation rate is equal to or greater than the most recent graduation rate for Oklahoma alternative schools;
 - (iii) The school's most recent graduation rate as reported by the State Department of Education, increased twenty percent (20%) or more from the baseline year; or
 - (iv) The school's most recent graduation rate increased five percent 5% or greater compared to the prior school year.

(T) Based on the extended-year adjusted graduation rate, does the school meet the expectations for student graduation? Meets standard accountability indicator(s): Evidence supports a majority of extended-year students graduating.

(U) Did the school meet the expectation for graduating eligible seniors (students within six (6) credits of graduation) during the most recent year? Meets standard accountability indicator(s):

- (i) The percent of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for the State of Oklahoma; or
- (ii) The percentage of eligible seniors, students within six (6) credits of graduation, enrolled on the first day of the school year and graduating in the current school year is equal to or greater than the current graduation rate for alternative schools in Oklahoma.

(V) Do the school's students demonstrate College and Career Readiness? Meets standard accountability indicator(s):

- (i) College: Achieved minimum required test score for entry without taking remediation:
 - (I) High School Transcript of a 2.0 (C average) or higher; or
 - (II) American College Testing (ACT); or
 - (III) Scholastic Aptitude Test (SAT); or
 - (IV) Other recognized college entrance exams such as Accuplacer or the Classical Learning Test; and
 - (V) College Board Advanced Placement exam score(s) of 3 or greater; and
- (ii) Acceptance to a college or university or successful completion and submission of a college FAFSA form; and
- (iii) Career:
 - (I) Accepted to the Military; or
 - (II) Evidence of sustainable employment; or
 - (III) Completed an authorizer or state approved Career and Technical Education Certificate.

(W) Are students completing courses required for grade advancement each year? Meets standard accountability indicator(s): The percentage of students earning at least six (6) credits per year is equal to or greater than forty percent (40%).

(X) Are students benefiting from postsecondary and workforce readiness activities, testing, and enrollment? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in one or more postsecondary and/or workforce readiness activity, testing, and/or enrollment is equal to or greater than forty percent (40%).

(Y) Are students demonstrating growth on nationally recognized social emotional standards? Meets standard accountability indicator(s): Evidence supports that the percentage of students demonstrating growth on nationally recognized social emotional standards is equal to or greater than forty percent (40%).

(Z) Are students attending individual, small group, and/or guidance counseling sessions? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in counseling session is equal to or greater than forty percent (40%).

(AA) Are students participating in displaying, creating, and/or publishing art opportunities? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating, creating, and/or publishing art opportunities is equal to or greater than forty percent (40%).

(BB) Are students participating in extracurricular activities, work study, and/or service learning? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in extracurricular activities, work study, and/or service learning is equal to or greater than forty percent (40%).

(CC) Are students completing required individual career academic plan activities? Meets standard accountability indicator(s): Evidence supports that the percentage of students completing required individual career academic plan ICAP activities is equal to or greater than forty percent (40%).

(DD) Are students participating in life skill activities that extend beyond the curriculum, put relevant life skills into practice, and promote healthy living? Meets standard accountability indicator(s): Evidence supports that the percentage of students participating in life skills activities is equal to or greater than forty percent (40%).

(2) Oklahoma performance measures will be used to assess the school's fiscal viability. Financial performance accountability indicators and measurements in each category are listed below.

(A) Did the school's most recent annual financial statement audit have findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's most recent independent financial audit.

(B) Was the auditor's opinion on the school's annual financial statement audit modified or qualified? Meets standard accountability indicator(s): The audit opinion on the school's annual financial statement audit was unmodified/unqualified.

(C) Did the auditor's opinion letter contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit? Meets standard accountability indicator(s): The auditor's opinion letter did not contain a paragraph indicating any exception to the financial statements being presented fairly on the annual financial statement audit.

(D) Did the annual financial auditor issue a disclaimer of opinion on the annual financial statement audit? Meets standard accountability indicators: The auditor did not issue a disclaimer of opinion on the annual financial statement audit.

(E) Did the annual report on internal control over financial reporting disclose any material weakness(es) or significant deficiencies? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material weaknesses or noncompliance on the annual report on internal control over financial reporting.

(F) Did the school consistently submit appropriate quarterly financial reports to the Board? Meets standard accountability indicator(s): Appropriate reports were submitted in the Oklahoma Cost Accounting System (OCAS) format, verified by the school treasurer, on time, and indicating financial stability of the school.

(G) Was the school subject to an audit by the State Auditor and Inspector and, if so, were there any findings? Meets standard accountability indicator(s): There were no findings of significant deficiencies, material noncompliance, or known fraud on the school's most recent audit by the State Auditor and Inspector.

(H) Did the school consistently meet financial reporting expectations as required by the State Department of Education and confirmed by the Office of Financial Accounting, Oklahoma Cost Accounting System (OCAS), and/or Single-Sign-On? Meets standard accountability indicator(s): Evidence confirms financial reporting expectations were fulfilled.

(I) Was the school's most recent fiscal year OCAS data submitted to the State Department of Education, properly certified by the school leader, and accepted by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms the school submitted OCAS to the State Department of Education, certified by the school leader, and accepted by the State Department of Education.

(J) Did the school submit timely the annual financial statement audit to the State Department of Education? Meets standard accountability indicator(s): The school submitted timely the annual financial statement audit to the State Department of Education.

(K) Did the State Department of Education require a corrective action plan as part of their follow-up to the annual financial statement audit submission? Meets standard accountability indicator(s): No corrective action plan was required by the State Department of Education in the response to the school.

(L) If a corrective action plan was required by the State Department of Education, did the plan sufficiently address the issues and was the plan accepted? Meets standard accountability indicator(s): The corrective action plan required by the State Department of Education sufficiently addressed the issues and was accepted.

(M) If a corrective action plan was required by the State Department of Education for the prior fiscal year, can it be confirmed that the corrective action measures were followed? Meets

standard accountability indicator(s): The corrective action plan required by the State Department of Education for the prior fiscal year was followed by the school.

(N) Did the school have a negative fund balance at the end of the fiscal year? Meets standard accountability indicator(s): The school did not have a negative general fund balance as of the end of the fiscal year.

(O) Did the Days Cash on Hand ratio fall below thirty (30) days during the fiscal year? Meets standard accountability indicator(s): Evidence supports that the school maintained a Days Cash on Hand ratio of thirty (30) days or more at the end of each fiscal quarter.

(P) Did the school fail to pay any commitments, warrants, or debts? Meets standard accountability indicator(s): Evidence supports the school paid all commitments, warrants, and debts.

(Q) Did the school maintain a fund balance of greater than ten percent (10%) of the prior fiscal year's total expenditures? Meets standard accountability indicator(s): Evidence supports that the school maintained a fund balance greater than ten percent (10%) of the prior fiscal year's total expenditures measured at the end of each fiscal quarter.

(R) Did the school maintain positive fund balances in all other fund types? Meets standard accountability indicator(s): Evidence supports that the school maintained a positive fund balance in all fund types.

(S) Is the school's enrollment (average daily membership) for the first nine (9) weeks greater than or equal to eighty-five percent (85%) of last year's enrollment? Meets standard accountability indicator(s): The first quarter statistical report indicates enrollment did not decline by more than fifteen percent (15%) in comparison to the end of year enrollment documented by the annual statistical report.

(T) Does the school's governing board review periodic financial statements including a statement of financial position (balance sheet), statement of activities (income statement), and statement of cash flows? Meets standard accountability indicator(s): Evidence supports that the governing board reviews the school's periodic financial statements at the public governing board meetings.

(U) Does the school's governing board review and approve changes to the budget as significant changes to revenues and expenditures occur? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews and approves changes to the budget at the public governing board meetings throughout the year as revenues and expenditures change significantly.

(V) Does the school's governing board review financial forecasting models prior to annual budget adoption? Meets standard accountability indicator(s): Evidence supports that the school's governing board participates in annual review of financial forecasting prior to budget adoption during a public governing board meeting.

(W) Does the school's governing board review the audited financial statements and address all findings? Meets standard accountability indicator(s): Evidence supports that the school's governing board reviews the audited financial statements and addresses all findings in a public governing board meeting.

(X) Does the school properly report its facilities' carrying values and applicable depreciation on its annual financial statements? Meets standard accountability indicator(s): The annual financial statements indicate proper values for facilities are represented.

(Y) Does the school maintain documentation of property and facilities leases and purchases at fair market value? Meets standard accountability indicator(s): The school maintains documentation of leases and purchases at fair market value.

(3) Oklahoma performance measures will be used to assess the school's organizational performance including organizational structure, governance, record of compliance, attendance, recurrent enrollment, accreditation, and student support. Organizational performance accountability indicators and measurements in each category are listed below.

(A) Do the school's decisions align with its vision and mission? Meets standard accountability indicator(s): Evidence supports the school's decisions align with its vision and mission.

(B) Does the school follow appropriate procedures to ensure all students have equitable access to services and opportunities for success? Meets standard accountability indicator(s): Data confirms

appropriate procedures to ensure student access and equity.

(C) Does the school have approved and appropriate policies and procedures that ensure student and staff safety and success, and does the school communicate those policies and procedures to students/families and staff? Meets standard accountability indicator(s): Evidence supports approved and appropriate policies and procedures are implemented and communicated.

(D) Does the school adhere to applicable state and federal laws and regulations? Meets standard accountability indicator(s): Evidence supports the school adheres to state and federal laws and regulations.

(E) Does the school adhere to the terms of the charter contract? Meets standard accountability indicator(s): Evidence supports the school adheres to the charter contract.

(F) Does a stable governing board exist? Meets standard accountability indicator(s): Evidence supports history of board stability exists.

(G) Does the governing board recruit, select, orient, and train members with skills and expertise to enable them to govern the school appropriately? Meets standard accountability indicator(s): Board agendas, minutes, training records, and other documents support board member activities.

(H) Does the charter school comply with the Open Meeting Act and Open Records Act? Meets standard accountability indicator(s): Evidence supports the charter school consistently complies with requirements of the Open Meeting Act and Open Records Act.

(I) Does the charter school provide transparency through SCSB access to school records? Meets standard accountability indicator(s): The charter school has provided the Board with all requested school records.

(J) Does the educational management organization provide transparency through SCSB access to school records? Meets standard accountability indicator(s): The educational management organization has provided Board with all requested school records.

(K) Did the school consistently meet the reporting expectations as required by the State Department of Education? Meets standard accountability indicator(s): Evidence confirms reporting expectations were fulfilled.

(L) Did the school consistently meet the reporting expectations as required by the Statewide Charter School Board? Meets standard accountability indicator(s): The school reported and submitted documentation on time and accurately.

(M) Did the school receive accreditation from the State Department of Education? Meets standard accountability indicator(s): The school received accreditation with no unresolved deficiencies following Tiered School Oversight Tier II Investigation (777:10-3-4. Oversight and evaluation of charter schools and virtual charter schools noted from the Statewide Charter School Board).

(N) Does the school meet the expectations for student attendance? Meets standard accountability indicator(s):

(i) For charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate of the local school district in which the charter school is located; or

(ii) For virtual charter schools, the attendance rate reported by the State Department of Education is equal or greater than the attendance rate reported by the attendance rate for the state of Oklahoma; or

(iii) The school's attendance rate reported by the State Department of Education increased five percent (5%) or greater compared to the prior school year.

(O) Does recurrent enrollment of students meet expectations? Meets standard accountability indicator(s): The school's student recurrent enrollment rate meets the expectations indicated by the methodology used for public schools in Oklahoma.

(P) Does the school provide support structures for students, such as teacher support, individualized learning plans, individualized career academic planning, guidance/counseling program, online tutoring, and technical support? Meets standard accountability indicator(s): Students have access to multiple support structures.

(Q) Does the school and governing board engage in strategic planning that results in establishment of school goals and verifiable school improvement? Meets standard accountability

indicator(s): Evidence supports that the school and governing board engage in strategic planning resulting in establishment of school goals and verifiable school improvement.

(4) A Performance Framework Index will be calculated based on the following categories:

(A) Academic (A) Calculation - (Score) * (Weight) = A with a weight of 60%.

(B) Financial (F) Calculation - (Score) * (Weight) = F with a weight of 20%.

(C) Organizational (O) Calculation - (Score) * (Weight) = O with a weight of 20%.

(D) According to title 70, section 3-137 of the Oklahoma Statutes, Performance Framework scores will guide reauthorization procedures.

(i) A Performance Framework Index (PFI) score of 75% or higher calculated over the course of the charter contract term will result in renewal of authorization for a five (5) year term should the governing board of the charter school choose to submit a letter requesting reauthorization.

(ii) A Performance Framework Index (PFI) score of 60-74% or higher calculated over the course of the charter contract term is expected. However, an application for renewal of authorization is required for consideration by the Statewide Charter School Board.

(iii) A Performance Framework Index (PFI) score of less than 60% calculated over the course of the charter contract term places the charter school at risk of non- approval of the renewal for authorization. An application for reauthorization is required for consideration by the Statewide Charter School Board.

(E) In the event data is not available, the Statewide Charter School Board will designate corresponding score with "Not Available." In the event data is not applicable, the Statewide Charter School Board will designate corresponding score with "Not Applicable."

(F) Schools with a score that does not meet or exceed the academic standards of the Performance Framework or present the Board substantial financial or legal concerns shall develop, implement, and complete a plan for improvement comprised of action items that reflect clear progress benchmarks to track performance over time with phased indicators to guide development.

(i) The plan for improvement shall include, but is not limited to a needs assessment, measurable goals, evidence-based practices and interventions, an implementation plan that includes task(s), person(s) responsible, and timeline(s), and the regular collection and analysis of data to track progress toward the set goals;

(ii) If the school cannot provide evidence of improvement or shows a multi-year decline in academic performance, financial or organizational stability, then it shall be subject to a continuous plan of improvement subject to escalation through the tiered school oversight process; and

(iii) In the event a school does not comply with a required plan of improvement, the Board reserves the right to pursue school closure according to the provisions of this chapter when the Board's judgement concludes the school has not met progress goals.

(e) Submission of school data. The Board will obtain documentation and evidence to assess whether the schools are meeting the expectations of the performance framework. In addition to site visits and read-only access to reporting systems, schools are required to submit annual school data to the Board through an online data collection system.

(1) Schools must submit the requested documentation according to the instructions for the submission by the due date indicated in the online data collection system:

(A) Educational Management contracts and amendments;

(B) Lease/purchase agreements;

(C) Annual budget;

(D) Audit documents (audit, response, corrective action);

(E) Annual evaluation of educational management organization(s) contracted with the governing body or school;

(F) Current inventory report;

(G) Quarterly financial statements;

(H) School calendar;

(I) Internal assessment plan;

(J) Current governing board rosters, including personal contact information;

- (K) Enrollment counts;
- (L) Accreditation documents including application, checklist, responses, and status letter;
- (M) Annual and First Quarter Statistical Report summaries;
- (N) Board meeting calendar;
- (O) Board meeting agendas and all supporting board meeting documents submitted prior to the board meeting;
- (P) Four (4) year cohort and extended-year graduation rate documents;
- (Q) Estimate of Needs and Supplemental Estimate of Needs (if applicable);
- (R) School, governing board, and/or educational management organization litigation documents;
- (S) School organizational chart;
- (T) School District Budgeting Act (SDBA) Budget Summary, public hearing documentation, published notice, and Budget Message (if applicable);
- (U) Shared Services Agreements (if applicable);
- (V) School governing board meeting recordings; and
- (W) Other school documents as needed for effective school oversight.

(2) In the event submission through the online system is not possible, the school must hand-deliver documentation to the Board by the due date.

(3) Failure to submit the documentation is grounds for termination of the contract if not cured within thirty (30) calendar days of the deadline.

(4) Receipt of document submissions does not necessarily indicate approval of the content of the data.

(f) School website compliance. In order to aid in transparency, charter schools and virtual charter schools sponsored by the Statewide Charter School Board will be subject to website compliance checks at any time. Each school shall maintain a website in compliance with 70 O.S. § 5-135.4 and 74 O.S. § 24-3106.2 with the following information available:

- (1) Governing board members (board member information, and office held if any);
- (2) Schedule of governing board meetings as submitted to the school district's County Clerk;
- (3) Board meeting agendas;
- (4) Board meeting approved minutes;
- (5) School accountability reports;
- (6) Financial documents or a link to the Oklahoma Cost Accounting System (OCAS), in compliance with Oklahoma statute;
- (7) Total compensation package of the superintendent;
- (8) Attendance Policy, in compliance with Oklahoma law;
- (9) Most recent audit in compliance with Oklahoma law; and
- (10) Enrollment capacity.

(g) School orientation. Each charter school or virtual charter school shall develop a student orientation program that must be completed by each student prior to final enrollment in the school. The school shall maintain a record of completion of orientation by each student. The orientation shall contain, at a minimum, the following components:

- (1) Enrollment requirements;
- (2) Daily schedule and work expectations;
- (3) School policies, including student engagement and attendance requirements;
- (4) Student and Family Handbooks;
- (5) Communication streams (website, school and teacher connection, school administration and governing board contact);
- (6) Academic expectations;
- (7) Assessment requirements;
- (8) Social expectations;
- (9) Technology management;
- (10) Academic program management;
- (11) Student support programs and services; and
- (12) Programs specific to the school.

(h) Annual audits. Charter schools and virtual charter schools shall change audit firms, at a minimum, every five (5) years.

(i) **Compliance audits.** In addition to the annual financial audits, the charter schools and virtual charter schools authorized by the Board shall be subject to compliance audits conducted by the Board at any time during the charter contract term.

[Source: Added at 34 Ok Reg 2134, eff 9-11-17; Amended at 35 Ok Reg 2171, eff 9-14-18;
Amended at 36 Ok Reg 1272, eff 8-11-19; Amended at 39 Ok Reg 2400, eff 9-11-22;
Amended at 40 Ok Reg 2401, eff 9-11-23; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25; Amended at 43 Ok Reg, Number 21, effective 7-25-26]

777:10-3-5. Full-time charter schools - succession of contractual rights and reversion of property to Statewide Charter School Board

(a) **School Closure Process.** Final school closure determination may be made as the result of voluntary or involuntary school closure decisions. This includes a decision of the charter school governing board to close the school, nonrenewal of a charter contract, or termination of a charter contract. In the event of a voluntary closure by the school, the final closure determination occurs as of the date the charter school governing board votes to close the school. In the event of an involuntary closure of the school, the final closure determination occurs as of the date the final order is issued by the Board. Once a final closure determination is made the Board will appoint a Closing Officer to provide oversight of school closure. Oversight responsibilities include management of the operational process of charter school closure and ensured continuation of appropriate educational services and transfer process for students and families, and ensure the governing board of the charter school continues to meet as necessary to take actions needed to wind down school operations, manage school finances, allocate resources and facilitate all aspects of closure. Under the oversight and with the support of the Closing Officer, the charter school is responsible for completing the tasks required for the closing of the school in a legal and orderly manner while continuing to operate the school and provide academic and other services to students and families. With the exception of the cost of the Closing Officer, all expenses of school closure will be provided for through charter school funds. These include, but are not limited to, the expense of contracted expertise such as accountants and auditor, general supplies and postage, and auction costs. The following School Closure Protocol will be implemented ten (10) business days after the final order is issued, and may be stayed by the Board in the event of a request for reconsideration or rehearing:

(1) Within fourteen (14) calendar days:

- (A) The Closing Officer meets with the school's Chief Administrative officer and the Governing Board President to provide information regarding the school closure process and expectations.
- (B) A special meeting of the charter school governing board will be called for to establish a Transition Team composed of school staff, applicant staff, and others designated by the applicant who will attend to the tasks and responsibilities of school closure on behalf of the school.
- (C) The Board issues a media release appropriate for public notification of charter school closure.
- (D) A temporary hold will be placed on all state and federal funding.
- (E) Notification of school closure determination is submitted to the Oklahoma State Department of Education (OSDE) including name of school, date of action, effective date of closure, criteria for closure determination, closure process information, and location of student and personnel records. Request name and contact information for OSDE representative for communication purposes and for assistance with closure. Similar notification also sent to the Oklahoma Teachers Retirement System (if applicable), State Treasurer, and State Auditor.
- (F) Notification is made to parents of enrolled students regarding school closure determination including name of school, date of action, effective date of closure, and expected future communication to parents.
- (G) Notification to school staff regarding school closure determination including name of school, date of action, effective date of closure, and expected future communication to school staff.

(2) Once a Transition Team is established, the following should occur within thirty (30) days:

- (A) The Closing Officer and Transition Team will establish a written student transfer plan including the steps required for the transfer of students and student records and the security of those records.
- (B) The Closing Officer and Transition Team will contact Oklahoma school districts regarding charter school closure.

(C) The Closing Officer and Transition Team will establish a written plan for ongoing communication with families. This plan will include communication through closure process and a final report of school closure to charter school families. A list of all students/families will be generated and maintained to include student name, parent name, address, telephone, email, grade level, and school district of residence.

(D) The Closing Officer and Transition Team will establish a written plan for ongoing communication with staff. This plan will include the initial communication of school closure, follow-up communication as needed, and a final report of school closure to charter school staff. A list of all staff will be created to include name, position, address, telephone, email. Notification includes information regarding closure determination, closure date, personnel records, and benefits.

(E) The Closing Officer and Transition Team will secure all financial and personnel records. In addition, Closing Officer and Transition Team will identify all agencies, employees, insurers, contractors, creditors, debtors, grantors, and management organizations. The charter school or virtual charter school shall provide the Board with executed copies of all of the following documents:

(i) A detailed list of all real and/or personal property and other assets procured by the charter school during the term of the contract that includes identification of all sources of funds used to procure the property. All items procured all or in part with state, local or federal funds shall be clearly identified.

(ii) Title documents, deeds, and/or leases for all real or personal property or other assets procured all or in part with state or federal funds.

(iii) Copies of all executory contracts to which the charter school or its governing body is a party.

(iv) All documentation relating to debt, liabilities, encumbrances, or other obligations incurred by the charter school and/or the governing body of the charter school during the term of the sponsorship contract.

(v) The Closing Officer and Transition Team Chair will ensure a complete financial accounting. A financial plan for school closure will be established. The Closing Officer may include other financial experts on behalf of the Board to assist with the process. Financial Plan must ensure only essential invoices and regular salaries paid, all vendor refunds received, and the immediate collection of all credit cards and closing of accounts.

(vi) All assets will be inventoried. Inventory shall include name of asset, quantity, estimated value, and location of property. Assets include, but are not limited to, property, furnishings, technology, books, supplies, and equipment.

(vii) All assets will be confirmed by the Closing Officer and Transition Team. Within forty-five (45) business days of a final closure determination date, the charter school assets may be liquidated and funds used to satisfy remaining school debt. Otherwise the sponsor may dispose of remaining school property as deemed appropriate and retaining any remaining funds.

(3) Prior to final closeout, the charter school shall complete all federal, state, and local obligations on behalf of school employees as governed by Federal and State Statute and regulations; including, but not limited to, the following:

(A) File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.

(B) File the Federal Notice of Discontinuance with the Department of Treasury.

(C) Make final federal tax payments.

(D) File the final withholding tax return.

(E) File the final return with the IRS.

(F) Complete all tax requirements of the State of Oklahoma.

(G) Provide employees with notices and pamphlets required under applicable state and federal law.

(4) Within thirty (30) business days of school closure, all school records, including, but not limited to, student, personnel and financial records are received and secured by the Board or the State Department

of Education (SDE).

(5) Within forty-five (45) business days of school closure, a final school closure audit will be conducted and provided to the Board. A copy of the audit will be presented to the State Superintendent of Public Instruction, and all fiscal balances of the charter school will be retained by the charter school authorizer.

(6) The Board shall have forty-five (45) calendar days after the date of delivery of all of the documents set forth in (3) of this subsection to request any additional documentation from the charter school the Board deems necessary to determine the assets and liabilities of the charter school.

(7) The Closing Officer will report school closure progress to the Board at each regular meeting through the school closing transition period.

(8) Upon completion of school closure, a final report from the Closing Officer will be presented to the Board.

(9) All personal property of the charter school reverting to the Board in accordance with the provisions of 70 O.S. 3-136 and this Section shall be delivered to the Board no later than sixty (60) calendar days after the School Closure Date in the manner and to the location(s) directed by the Board.

(10) The Chairman of the Board is authorized to execute conveyances and documents on behalf of the Board as necessary to fulfill the requirements of this subsection.

(b) School district contracts for sponsorship of full-time virtual charter schools. In accordance with the provisions of 70 O.S. 3-145.5, the following provisions shall apply to school district contracts for sponsorship of charter schools who provide full-time virtual education: Contracts for sponsorship of a full-time virtual charter school. Beginning July 1, 2014, no school district shall:

(1) Offer full-time virtual education to any student whose legal residence, as determined in accordance with the provisions of 70 O.S. § 1-113, is located outside of the boundaries of the school district; or

(2) Enter a contract to provide full-time virtual education to any student whose legal residence, as determined in accordance with the provisions of 70 O.S. § 1-113, is located outside of the boundaries of the school district.

(c) Termination or nonrenewal for good cause. Failure by any charter school to comply with the provisions of this Section shall constitute good cause for:

(1) Termination or nonrenewal of a contract for sponsorship with the Board; and/or

(2) Denial of any application for sponsorship subsequently submitted by the charter school and/or authorized representatives of the charter school, including, but not limited to, the governing body of a charter school.

[Source: Added at 31 Ok Reg 670, eff 7-1-14 (emergency); Added at 32 Ok Reg 1440, eff 8-27-15;
Amended at 33 Ok Reg 1902, eff 9-11-16; Amended at 34 Ok Reg 2134, eff 9-11-17;
Amended at 35 Ok Reg 2171, eff 9-14-18; Amended at 39 Ok Reg 2400, eff 9-11-22;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

SUBCHAPTER 5. STATEWIDE VIRTUAL CHARTER SCHOOL FACILITIES

777:10-5-3. Statewide virtual charter school sites

Face-to-face instruction. No statewide virtual charter school or employee of the statewide virtual charter school shall provide face-to-face instruction to any student unless the instruction occurs at:

(1) The legal residence of a student or the parent/legal guardian of a student;

(2) A site as defined in 777:10-1-2; or

(3) A public facility that complies with all federal and state statutes and regulations governing health and safety that are applicable to public school facilities.

[Source: Added at 31 Ok Reg 672, eff 7-1-14 (emergency); Added at 32 Ok Reg 1442, eff 8-27-15;
Amended at 36 Ok Reg 1272, eff 8-11-19; Amended at 39 Ok Reg 2400, eff 9-11-22;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

CHAPTER 15. HORIZON: DIGITALLY ENHANCED CAMPUS

[**Authority:** 70 O.S., §§ 3-145 et seq.,]

[**Source:** Codified 9-11-17; Amended at 42 Ok Reg, Number 7, effective 11-26-24 (emergency)]

SUBCHAPTER 1. OKLAHOMA SUPPLEMENTAL ONLINE COURSE CERTIFICATION

[**Source:** Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency)]

777:15-1-1. Purpose

The Statewide Charter School Board (SCSB) makes publicly available a list of supplemental online courses which it has reviewed and/or certified to ensure that the courses are high quality options and are aligned with the subject matter standards approved by the State of Oklahoma. In conjunction with the Office of Management and Enterprise Services (OMES), the SCSB negotiates with online course providers to offer a state rate price to school districts for supplemental online courses. These rules have been adopted for the purpose of implementing policy and procedures pursuant to Oklahoma Statute Title 70, Section 3-145.3.

[**Source:** Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17; Amended at 39 Ok Reg 2427, eff 9-11-22; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency); Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Course provider" means an entity that meets eligibility requirements and provides an online course to Oklahoma school districts.

"Course review" means the process conducted by content and pedagogical experts to ensure courses recommended for certification by the SCSB meet the established standards.

"Oklahoma Online Course Catalog" means a publicly available listing of courses certified (or pending review) by the SCSB available through approved Course Providers.

"Online course" means an educational course in which instruction and content are delivered primarily over the Internet. A student and teacher are in different locations for a majority of the student's instructional period, most instructional activities take place in an online environment, the online instructional activities are integral to the academic program, consistent communication between a student and a teacher and among students is emphasized, and a student is not required to be located on the physical premises of a public school district. An online course is the equivalent of what would typically be taught in one semester.

"Receiver district" means an Oklahoma public school district that has students enrolled in the district who take one or more online courses.

"Receiver district ally" means an individual(s) in the receiving district who monitors student progress in the Horizon Online Platform and serves as a liaison between Horizon faculty and staff, the student, and other stakeholders, including parents.

[**Source:** Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17; Amended at 40 Ok Reg 2422, eff 9-11-23; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency); Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-3. Application for course certification

(a) To have a course(s) listed in the Oklahoma Online Course Catalog (O OCC), Course Providers must first be approved as vendors through the Oklahoma Management and Enterprise System (OMES) and enter into a contract with the state.

(b) Once the online provider is registered as a state vendor, OMES and the SCSB will negotiate and enter into a contract with the approved vendor to provide online courses at a state rate.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17;
Amended at 39 Ok Reg 2427, eff 9-11-22; Amended at 40 Ok Reg 2422, eff 9-11-23;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-4. Pricing

Each course offered through the Oklahoma Online Course Catalog must be offered at a price that does not exceed the lowest price at which the course is offered for use or sale to any state, public school, or school district in the United States. The price of any course or item or service for the course must automatically be reduced to the extent that, and at the same time as, the price is reduced or offered for a lesser fee elsewhere in the United States. A course or item or service for the course must be provided free of charge or at a price discount to the same extent that it is provided to any state, public school, or school district anywhere in the United States.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17]

777:15-1-5. Course review requirements

(a) Online Course Providers must supply the following to have courses listed in the OCCC:

- (1) The name of the institution or organization providing the online content;
- (2) Course title and subject code (using appropriate course title and subject code as established by the Oklahoma State Department of Education's approved Subject Codes for the appropriate academic year);
- (3) Brief course description;
- (4) Grade level(s);
- (5) Subject area;
- (6) Unit(s) of credit;
- (7) Course cost;
- (8) Course designations (e.g., dual-credit, AP, NCAA-eligible, Quality Matters certified);
- (9) Course prerequisites; and
- (10) Instructor credential and qualifications.

(b) At the time of the course review, guest access to the course will be required for the reviewers. If substantive changes are made to a course since its last certification, it must be submitted for review regardless of its current status in the review cycle. Substantive changes would include altering the intended course outcomes, significantly changing instructional strategies or assessment protocols used in the course as a whole, or any revision that impacts standards alignment. Only courses certified (or pending review) by the Statewide Charter School Board will be accepted into the Oklahoma Online Course Catalog.

(c) Course Providers whose courses have undergone review and approval by a recognized third-party entity must provide the results of those reviews. Depending on the results of the external review, a course may be recommended for state certification with no additional review or with a modified review process (e.g., review only for alignment to state standards).

(d) Course Providers of Advanced Placement (AP) courses must provide the results of their College Board AP Course Audit and Authorization. No other course evaluation will be conducted for AP Courses. If a course is authorized by the College Board as an AP course, it is automatically listed as "state-certified" in the Oklahoma Online Course Catalog. Online Providers must provide evidence annually of AP Authorization Renewal.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17;
Amended at 39 Ok Reg 2427, eff 9-11-22; Amended at 40 Ok Reg 2422, eff 9-11-23;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-6. Course review and certification process

(a) All approved vendors will have the online courses they submitted published in the Oklahoma Online Course Catalog and reviewed according to the schedule adopted by the SCSB.

(b) Course reviews will be conducted by content experts and pedagogical experts selected by the SCSB. Courses will be evaluated using rubrics to determine alignment with the current academic standards approved by the State of Oklahoma (or nationally/ internationally accepted content standards set for courses whose content is not

included in state standards) and national standards for quality in online course design. Course Providers whose courses have undergone review and approval by a recognized third-party entity must provide the results of those reviews. Depending on the results of the external review, a course may be recommended for state certification with no additional review or with a modified review process (e.g., review only for alignment to state standards). Online Course Providers of Advanced Placement (AP) courses must provide the results of the AP Course Audit and Authorization. No other course evaluation will be conducted for AP Courses. Online Providers must provide evidence annually of AP Authorization Renewal.

(c) If results of the initial review suggest that a course will not be recommended for certification, the Course Provider will be contacted with the review results and will have fifteen (15) calendar days to revise material or provide additional information pertinent to the review. These revisions will be examined by the course reviewers and, if appropriate, the rubric scores will be modified. Once the course review is complete, results of the evaluation will be presented to the Statewide Charter School Board (SCSB). The SCSB will consider the evidence and vote whether to certify or not certify the course. The decision will be made on a simple majority vote. If the SCSB votes to not certify a course, the course will be removed from the Oklahoma Online Course Catalog and the Course Provider will be notified of the reasons the course was not certified. The Course Provider may revise the course and resubmit for additional Course Review and certification consideration. Resubmitted courses will be reviewed after all submitted courses have undergone an initial review. Courses approved will be certified for a five-year period. After which, Course Providers must apply for renewal. Certified courses will be identified as such and have their course review ratings published in the Oklahoma Online Course Catalog. Courses pending review will be identified as such in the Oklahoma Online Course Catalog.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17;
Amended at 39 Ok Reg 2427, eff 9-11-22; Amended at 40 Ok Reg 2422, eff 9-11-23;
Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-7. Certified courses remaining in good standing

(a) To remain in good standing and have a course(s) continuously listed in the Oklahoma Online Course Catalog through the entirety of the approval period, Course Providers agree to:

- (1) Maintain their vendor status.
- (2) Notify the SCSB of any additions, deletions or changes to certified courses.
- (3) Serve all enrolled students, regardless of number enrolled in a section so that Receiver Districts have reliable course options for students.
- (4) Provide online instructors who are 1) certified in Oklahoma or another state to teach in the content area of the course offered; or 2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. Additionally, the Course Provider shall supply certification or applicable credentialing documentation to the SCSB as part of the course review process and within ten (10) working days upon the hire of any new instructors for any certified course. The Course Provider shall be responsible for such obligation regardless of whether instructors are employees of the Course Provider, independent contractors, or employees of a third-party course vendor. Course Providers shall take all steps necessary to verify the qualifications of non-employee instructors.
- (5) Notify SCSB in writing within ten (10) working days if for any reason an online instructor no longer meets the requirements to teach a course offered. The name and credentials of the replacement instructor must also be provided at that time.
- (6) Refer only to courses currently certified and listed in the Oklahoma Online Course Catalog as "Statewide Charter School Board approved."
- (7) Own, secure, and/or maintain licensure and copyright for all courses offered in the Oklahoma Online Course Catalog.
- (8) Course Providers of Advanced Placement (AP) courses must provide evidence annually of AP Authorization Renewal.
- (9) Refrain from significantly modifying or changing courses without prior notice and approval from the SCSB. Course Providers shall provide written notice of any planned modification in sufficient detail for SCSB Course Reviewers to determine whether the course continues to satisfy all requirements. Failure to obtain written approval may result in removal of the course from the approved catalog.

(10) Ensure that each certified course is maintained throughout the duration that the course is offered and continues to meet the current academic standards approved by the State of Oklahoma; national standards for quality in online course design; and Oklahoma's Information Technology Accessibility Standards.

(11) Employ the appropriate course title and subject code as established by the Oklahoma State Department of Education's approved Subject Codes for the appropriate academic year for the purpose of data collection.

(12) Report aggregate student success data to the SCSB in the requested format and by the timeline set. The SCSB does not collect individual student information. By August 1 of each year, the Course Provider will report the following aggregate student success data to the SCSB:

(A) Total number of unique Oklahoma students;

(B) Total number of courses taken by Oklahoma students;

(C) Number of students in each course (both overall number and Oklahoma students); and

(D) Successful completion rate (number and percent) of each course (i.e., X#/60% of students enrolled in X successfully completed the course). Include both overall rates and Oklahoma-specific rates.

(b) Course providers will be notified if a course(s) is found to be noncompliant and will have fifteen (15) business days after notification to bring the course(s) into compliance. If the course(s) is still noncompliant at the end of this period, the course certification will be revoked and the course will be removed from the Oklahoma Online Course Catalog.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17; Amended at 39 Ok Reg 2427, eff 9-11-22; Amended at 40 Ok Reg 2422, eff 9-11-23; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency); Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-8. Process for course certification renewal

Courses that remain in good standing are certified for a period of five years. Course Providers may apply for renewal of their course certification six months prior to the completion of the course approval period. Course Providers will notify the SCSB of their intent to apply for renewal by submitting all documents listed in the Course Review Requirements. Course Providers who have maintained their "good standing" status throughout the course approval period will have their courses reviewed and considered for certification following a similar procedure as their initial Course Review and Certification Process. Aggregate student success data will be considered in renewal decisions. Additionally, the SCSB may survey districts to collect satisfaction data and those data may also be considered in renewal decisions. Course Providers who have not maintained a "good standing" status must provide documentation explaining the lapse in "good standing" status and the protocols that are in place to prevent such a lapse in the future.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency); Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-1-9. SVCSB responsibilities

The SCSB shall:

(1) Ensure that all courses listed in the Oklahoma Online Course Catalog are reviewed according to the stated requirements.

(2) Notify the Course Providers of changes in current academic standards approved by the State of Oklahoma; national standards for quality in online course design; and Oklahoma's Information Technology Accessibility Standards, or other standards that prompt the need for course revisions. Such notification is a courtesy and does not negate the responsibility of the Course Providers to maintain currency with regard to these standards.

(3) Maintain accurate information in the Oklahoma Online Course Catalog.

[Source: Added at 33 Ok Reg 517, eff 3-28-16 (emergency); Added at 34 Ok Reg 2151, eff 9-11-17;
Amended at 39 Ok Reg 2427, eff 9-11-22; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

SUBCHAPTER 3. HORIZON ONLINE LEARNING PLATFORM AND COURSES

777:15-3-1. Purpose

The Statewide Charter School Board shall manage the Horizon: Digitally Enhanced Campus (Horizon) online learning platform to provide high quality online learning opportunities for Oklahoma students that are aligned with the subject matter standards adopted by the State Board of Education pursuant to Section 11-103.6 of Title 70 of the Oklahoma Statutes. The Board shall implement online courses, with an emphasis on science, technology, engineering, and (STEM) courses, foreign language courses and advanced placement courses. The online platform shall be available to all Oklahoma school districts.

[Source: Added at 40 Ok Reg 2422, eff 9-11-23; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-3-2. Online courses

(a) Courses made available through the Horizon online learning platform may include, but not be limited to the following:

- (1) Online courses developed by the Statewide Charter School Board;
- (2) Online courses developed by Oklahoma public school districts;
- (3) Courses provided by online vendors; and
- (4) Concurrent enrollment courses provided through partnerships with Oklahoma institutions of higher education.

(b) Courses made available through Horizon: Digitally Enhanced Campus have the following criteria:

- (1) Courses made available through Horizon: Digitally Enhanced Campus shall be published in the Oklahoma Online Course Catalog (OOC) as defined in 70 O.S. § 3-145.3;
- (2) Courses made available through Horizon: Digitally Enhanced Campus shall be reviewed to ensure quality and alignment to adopted state standards as defined in 70 O.S. § 3-145.3;
- (3) Unless otherwise noted at the time of enrollment, all curricular materials (i.e., textbooks are embedded within the online course; and
- (4) Courses will explicitly state communication protocols to include:
 - (A) How to contact the instructor via phone, email, or online messaging tools;
 - (B) How to contact technical support via email, or online messaging tools;
 - (C) How to contact Horizon administration via phone or email;
 - (D) Expectations for student communication beyond asynchronous participation (e.g., periodic video sessions, attendance at virtual office hours).

[Source: Added at 40 Ok Reg 2422, eff 9-11-23; Amended at 42 Ok Reg, Number 7, effective 10-10-24 (emergency);
Amended at 42 Ok Reg, Number 20, effective 7-11-25]

777:15-3-3. Receiver district roles and responsibilities

(a) **Student Transcripts.** Students who participate in online courses through the Horizon platform remain full-time students in the receiving district. Horizon provides the instruction and communicates student progress and final grades to the receiving district, which is solely responsible for transcribing the course to the student's transcript.

(b) **Enrollment Protocols.** Districts will follow the established Horizon protocols to enroll students in Horizon online courses. Contact information for district allies, parents, and students must be verified through the Horizon online learning platform by the third week of the school year to prevent students from being dropped from their Horizon courses. Information to be provided at the time of enrollment includes, but it is not limited to:

- (1) Student legal name;
- (2) Student e-mail;
- (3) Student grade level;

- (4) IEP/504 status;
- (5) Parent contact information; and
- (6) Receiving district ally(ies).

(c) **Advanced Placement (AP) Courses.** Horizon provides teachers-of-record for Advanced Placement courses but does not administer the AP exams. Districts are responsible for AP exam registration and test site provision. Additionally, districts are required to link their school to the designated Horizon AP course within the College Board portal. This must be completed by the third week of the school year for students to remain enrolled in the Horizon AP course.

(d) **Payment.** Districts may drop students within the first 15 days of instruction without incurring any fees. Horizon will invoice districts after the 15-day grace period. Payment shall be made within 45 days of invoice.

(e) **Academic Calendar.** Courses with Horizon teachers-of-record will follow the Horizon: Digitally Enhanced Campus academic calendar.

(f) **Policies and Procedures.** Districts agree to abide by guidelines set forth in the Horizon: Digitally Enhanced Campus Guidelines for Districts document and direct students to adhere to the policies in the Horizon: Digitally Enhanced Campus Student Handbook, including the student Code of Conduct.

[Source: Added at 40 Ok Reg 2422, eff 9-11-23]

777:15-3-4. Online instructor responsibilities

(a) **Qualifications.** Teachers-of-record for instructor-embedded courses shall be:

- (1) certified in Oklahoma or another state to teach in the content area of the course offered; or
- (2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course.

(b) **Professional Development in Online Instruction.** Horizon faculty will undergo annual training to develop and maintain instructional effectiveness in an online environment. Horizon: Digitally Enhanced Campus will provide this training to Horizon faculty and those who serve as teachers-of-record within the Receiving District.

(c) **Communication.** Horizon faculty will communicate directly with parents and school allies through the communication tools embedded within the Horizon online learning platform. At a minimum, faculty will reach out to these constituents monthly. Should concerns arise, these will be conveyed immediately and consistently. On dates school is in session, Horizon faculty will respond within 24 hours to all messages received.

(d) **Virtual Office Hours and Synchronous Video Sessions.** Horizon faculty will maintain at least one virtual office hour each week. A minimum of one synchronous video learning session each quarter with learner participation is also expected.

(e) **Progress Monitoring.** Horizon faculty will monitor activity in the online course platform daily and provide detailed and meaningful feedback to students on a timely basis. Progress reports will be prepared and submitted each nine weeks and upon request by Horizon or by the receiving district. Faculty will submit formal grades at end-of-semester and end-of-year for each student for transcription purposes.

(f) **Confidentiality.** Horizon faculty shall maintain strict security of all student data and records, in accordance with applicable federal and State laws, rules, regulations and policies.

(g) **Policies and Procedures.** Horizon faculty agree to adhere to the policies stated in the Horizon: Digitally Enhanced Campus Faculty Handbook.

[Source: Added at 40 Ok Reg 2422, eff 9-11-23]

SUBCHAPTER 5. HORIZON CONSORTIUM

777:15-5-1. Purpose

The Horizon Consortium is a network of school districts who provide access to online content and professional development through license agreements sponsored by Horizon. Title 70, Section 1210.704 of the Oklahoma Statutes mandates the provision of a statewide online learning platform to provide high quality online learning opportunities for Oklahoma students that are aligned with the subject matter standards adopted by the State Board of Education. Additionally, Title 70, Section 3-145.3 of the Oklahoma Statutes mandates state negotiation with online vendors to provide a state rate price to school districts for supplemental online courses. Further, Oklahoma Administrative Code 777:15-1-4 requires that the price offered does not exceed the lowest

price at which the course is offered by use or sale to any state, public school, or school district in the United States.

[Source: Added at 40 Ok Reg 2422, eff 9-11-23]

777:15-5-2. Horizon responsibilities

- (a) **Contract Negotiation.** Horizon will negotiate contracts with online vendors and purchase for consortium member districts all licenses. Horizon will invoice member districts the negotiated consortium state rate according to the License Commitment Form submitted by the member district.
- (b) **Consortium Discounts.** Horizon may deduct an additional percentage for each license purchased by consortium member districts.
- (c) **Professional Development.** Horizon will collaborate with member districts to coordinate professional development opportunities provided by Horizon and the online vendors. The accompanying professional development fees will be paid by Horizon.
- (d) **Data Access.** Horizon maintains the right to access district and student usage and success reporting data including the following: course access, student usage, course completion rates, student course disabled data, and progress by time. This data will only be used for comparative analysis and to validate modifications made throughout the school year. Individual student names will not be used in any reporting.

[Source: Added at 40 Ok Reg 2422, eff 9-11-23]

777:15-5-3. District responsibilities

- (a) **Access to Curriculum.** Student access to curriculum content will be provided to all consortium member schools through a licensing agreement with contracted vendors or through Horizon-owned courses. Member districts will determine the individual students, their ages, and curriculum needs in providing access to virtual online content.
- (b) **Compliance.** Compliance with all state/federal mandates will be the responsibility of member districts.
- (c) **Technology Provisions.** Member districts must provide, at their expense, any required servers, equipment, and computers to be used by students when accessing content on-site.
- (d) **Software Access and Training.** Horizon assumes no responsibility for the use of software access as applied by member districts. Professional Development and training are provided to member districts by Horizon and online vendors. Member districts will ensure participation by appropriate personnel.
- (e) **Student Transcripts.** Member districts are responsible for transcription of online course credits for its students. Horizon is not responsible for awarding credits.
- (f) **Communication.** Member districts will provide a primary and secondary point-of-contact for all communications with Horizon.
- (g) **Payment.** Member districts will place initial orders by June 30. Horizon will invoice member districts by July 15. Payment shall be made within 45 days of the invoice date. Additional licenses can be purchased throughout the contract period upon written request of member districts via submission of an additional License Commitment Form. Payment for additional licenses shall be made within 45 days of invoice date.

[Source: Added at 40 Ok Reg 2422, eff 9-11-23]