



OKLAHOMA

Oklahoma Charter Schools Act

§70-3-130. Short title.

Sections 6 through 18 of this act shall be known and may be cited as the "Oklahoma Charter Schools Act".
Added by Laws 1999, c. 320, § 5, eff. July 1, 1999.

§70-3-131. Purpose.

- A. The purpose of the Oklahoma Charter Schools Act is to:
1. Improve student learning;
 2. Increase learning opportunities for students;
 3. Encourage the use of different and innovative teaching methods;
 4. Provide additional academic choices for parents and students;
 5. Require the measurement of student learning and create different and innovative forms of measuring student learning;
 6. Establish new forms of accountability for schools; and

7. Create new professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site.

B. The purpose of the Oklahoma Charter Schools Act is not to provide a means by which to keep open a school that may otherwise be closed. Applicants applying for a charter for a school which is to be otherwise closed shall be required to prove that conversion to a charter school fulfills the purposes of the act independent of closing the school. Nothing in this section shall be interpreted to preclude a school designated as a "high challenge school" from becoming a charter school.

Added by Laws 1999, c. 320, § 6, eff. July 1, 1999.

§70-3-132. Application of act – Charter schools – Sponsorship – Limitation on establishment of new schools – Conversion school.

A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act.

Charter schools shall be sponsored only as follows:

1. By any school district located in this state, provided such charter school shall only be located within the geographical boundaries of the sponsoring district and subject to the restrictions of Section 3-145.6 of this title;

2. By an accredited comprehensive, regional, or two-year institution that is a member of The Oklahoma State System of Higher Education or by a private institution of higher learning located within this state that is accredited pursuant to Section 4103 of this title;

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

4. Until June 30, 2023, by the State Board of Education and beginning July 1, 2024, by the Statewide Charter School Board when the applicant of the charter school is the Office of Juvenile Affairs or the applicant has a contract with the Office of Juvenile Affairs and the charter school is for the purpose of providing education services to youth in the custody or supervision of the state;

5. By a federally recognized Indian tribe only when the charter school is located within the former reservation or treaty area boundaries of the tribe on property held in trust by the Bureau of

Indian Affairs of the United States Department of the Interior for the benefit of the tribe; or

6. By the Statewide Charter School Board. In counties with a population of fewer than five hundred thousand (500,000) , according to the latest Federal Decennial Census, the Statewide Charter School Board shall not sponsor more than five new charter schools each year. Existing charter schools sponsored by the Statewide Charter School Board shall not apply to the limits prescribed by this paragraph.

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

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

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

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

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

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

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

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

Added by Laws 1999, c. 320, § 7, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 5, eff. July 1, 2000; Laws 2001, c. 33, § 67, eff. July 1, 2001; Laws 2007, c. 257, § 1; Laws 2010, c. 290, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 34, emerg. eff. March 18, 2011; Laws 2011, c. 367, § 1; Laws 2012, c. 367, § 1, eff. July 1, 2012; Laws 2013, c. 83, § 3, eff. July 1, 2013; Laws 2013, c. 212, § 1, eff. Sept. 1, 2013; Laws 2015, c. 170, § 1; Laws 2016, c. 27, § 1, eff. July 1, 2016; Laws 2017, c. 42, § 29; Laws 2022, c. 222, § 1, emerg. eff. May 5, 2022; Laws 2023, c. 323, § 5, eff. July 1, 2024.

NOTE: Laws 2010, c. 288, § 1 repealed by Laws 2011, c. 1, § 35, emerg. eff. March 18, 2011. Laws 2015, c. 205, § 1 repealed by Laws 2016, c. 210, § 42, emerg. eff. April 26, 2016. Laws 2016, c. 210, § 41, emerg. eff. April 26, 2016 repealed by Laws 2017, c. 42, § 30.

§70-3-132.1. Creation of Statewide Charter School Board – Termination of Statewide Virtual Charter School Board – Transfer to Statewide Charter School Board.

A. There is hereby created the Statewide Charter School Board. Beginning July 1, 2024, the Board shall have the sole authority to sponsor statewide virtual charter schools in this state and may sponsor charter schools in this state. The Board shall be composed of nine (9) voting members as follows:

1. Three members appointed by the Governor;
2. Two members appointed by the President Pro Tempore of the Senate;
3. Two members appointed by the Speaker of the House of Representatives;
4. The Superintendent of Public Instruction or his or her designee; and
5. The State Auditor and Inspector or his or her designee.

B. Initial appointments shall be made by October 31, 2023. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member for one (1) year and one member for two (2) years. The Governor shall appoint one member for one (1) year and two members for two (2) years. Members shall serve until their successors are duly appointed for a term of three (3) years. Appointments shall be made by and take effect on July 31 of the year in which the appointment is made. Annually by December 30 the Board shall elect from its membership a chair and vice chair.

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

1. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;
2. Being found guilty of malfeasance, misfeasance, or nonfeasance in relation to Board duties;
3. Being found mentally incompetent by a court of competent jurisdiction; or
4. Failing to attend three successive meetings of the Board without just cause, as determined by the Board.

D. Vacancies shall be filled by the appointing authority.

E. No member of the Senate or House of Representatives may be appointed to the Board while serving as a member of the Legislature or for two (2) full years following the expiration of the term of office.

F. Members of the Statewide Charter School Board shall not receive compensation but shall be reimbursed for necessary travel

expenses pursuant to the provisions of the State Travel Reimbursement Act.

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

H. Five members of the Board shall constitute a quorum, and an affirmative vote of at least five members shall be required for the Board to take any final action.

I. Beginning July 1, 2024, statewide virtual charter schools shall be sponsored only by the Statewide Charter School Board created pursuant to this section. Effective July 1, 2024, the Statewide Virtual Charter School Board shall be abolished and the Statewide Charter School Board shall succeed to any contractual rights and responsibilities and settlement agreements incurred by the Statewide Virtual Charter School Board in a virtual charter school sponsorship contract executed prior to July 1, 2024.

1. All powers, duties, responsibilities, policies, personnel, property, equipment, supplies, records, assets, funds, current and future liabilities, encumbrances, obligations, and indebtedness of the Statewide Virtual Charter School Board or associated with a virtual charter school sponsorship contract entered into by the Statewide Virtual Charter School Board prior to July 1, 2024, shall be transferred to the Statewide Charter School Board. No items shall be expended or used for any purpose other than the performance of duties and responsibilities as directed and required in this act. Appropriate conveyances and other documents shall be executed to effectuate the transfer of property associated with a sponsorship contract. The Statewide Charter School Board may contract for additional legal and administrative services as necessary to effectuate the transfers provided in this subsection.

2. The Director of the Office of Management and Enterprise Services shall coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations and encumbrances relating to the regulation of virtual charter schools as transferred pursuant to the provisions of this act.

3. Upon succession of sponsorship contracts, the Statewide Charter School Board shall assume sponsorship of the virtual charter schools for the remainder of the term of the contracts. Prior to the end of the current term of the contract, the Statewide Charter School Board shall allow a virtual charter school to apply for renewal of the sponsorship contract in accordance with the renewal procedures established pursuant to Section 3-137 of Title 70 of the Oklahoma Statutes.

4. Effective July 1, 2024, all administrative rules promulgated by the Statewide Virtual Charter School Board relating to the implementation and enforcement of the Oklahoma Charter Schools Act shall be enforceable by the Statewide Charter School Board. The

rules shall continue in force and effect and the Statewide Charter School Board shall have authority to amend, repeal, recodify, or make additions to the rules pursuant to the Administrative Procedures Act.

J. Effective July 1, 2024, the Statewide Charter School Board shall succeed to any contractual rights and responsibilities and settlement agreements incurred by the State Board of Education in a charter school sponsorship contract executed prior to July 1, 2024. All property, equipment, supplies, records, assets, funds, current and future liabilities, encumbrances, obligations, and indebtedness associated with a charter school sponsorship contract entered into by the State Board of Education prior to July 1, 2024, shall be transferred to the Statewide Charter School Board. Appropriate conveyances and other documents shall be executed to effectuate the transfer of property associated with a sponsorship contract. Upon succession of sponsorship contracts, the Statewide Charter School Board shall assume sponsorship of the charter schools for the remainder of the term of the contracts. Prior to the end of the current term of the contract, the Statewide Charter School Board shall allow a charter school to apply for renewal of the sponsorship contract in accordance with the renewal procedures established pursuant to Section 3-137 of Title 70 of the Oklahoma Statutes.

K. Beginning July 1, 2024, at the end of the current term of a charter school sponsorship contract with a school district, an accredited comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education, a community college, or a federally recognized Indian tribe, a charter school may apply for contract renewal with the Statewide Charter School Board for sponsorship.

Added by Laws 2023, c. 323, § 1, eff. Sept. 1, 2023.

§70-3-132.2. Powers and responsibilities of Board – Accreditation and compliance – Conversion schools – Supplemental online courses.

A. Beginning July 1, 2024, and subject to the requirements of the Oklahoma Charter Schools Act, the Statewide Charter School Board shall:

1. Provide supervision, services, and oversight of the operations of statewide virtual charter schools in this state and charter schools for which the Statewide Charter School Board is the sponsor, recommend legislation pertaining to charter schools to the Legislature, and promulgate rules and policies that the Board deems necessary to accomplish the purposes prescribed in this section;
2. Ensure compliance with state laws and training requirements for all charter schools, virtual charter schools, and sponsors;
3. Establish a procedure for accepting, approving, and disapproving charter school and statewide virtual charter school applications and a process for renewal or revocation of approved

charter contracts which meet the procedures set forth in the Oklahoma Charter Schools Act;

4. Hire an Executive Director and other staff for its operation;

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

6. Comply with the requirements of the Oklahoma Open Meeting Act and Oklahoma Open Records Act; and

7. Give priority to opening charter schools and virtual charter schools that serve at-risk student populations or students from low-performing traditional public schools.

B. The State Board of Education shall be responsible for accreditation of charter schools and virtual charter schools and ensure compliance with special education laws and federal laws and programs administered by the State Board of Education.

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

- a. prior to July 1, 2024, a public school established by contract with a school district board of education, a technology center school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education, and
- b. on July 1, 2024, and after, a public school established by contract with a school district board of education, a higher education institution, an institution of higher learning accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes, a federally recognized Indian tribe, or the Statewide Charter School Board,

to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, as reauthorized by P.L. No. 114-95, also known as the Every Student Succeeds Act.

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

D. 1. For the purposes of the Oklahoma Charter Schools Act, "conversion school" means a school created by converting all or any part of a traditional public school in order to access any or all flexibilities afforded to a charter school; provided, however, all or any part of a traditional public school shall not be converted to a virtual charter school.

2. Prior to the board of education of a school district converting all or any part of a traditional public school to a conversion school, the board shall prepare a conversion plan. The conversion plan shall include documentation that demonstrates and complies with paragraphs 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,

19, 20, 21, 22, 23, 24, 34, and 35 of subsection B of Section 3-134 of Title 70 of the Oklahoma Statutes. The conversion plan and all documents shall be in writing and shall be available to the public pursuant to the requirements of the Oklahoma Open Records Act. All votes by the board of education of a school district to approve a conversion plan shall be held in an open public session. If the board of education of a school district votes to approve a conversion plan, the board shall notify the State Board of Education within sixty (60) days after the vote. The notification shall include a copy of the minutes for the board meeting at which the conversion plan was approved.

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

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

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

E. 1. Beginning July 1, 2024, the Statewide Charter School Board shall make publicly available a list of supplemental online courses which have been reviewed and certified by the Board to ensure that the courses are high-quality options and 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 Statewide Charter School Board shall give special emphasis on listing supplemental online courses in science, technology, engineering, and math (STEM), foreign language, and advanced placement courses. School districts shall not be limited to selecting supplemental online courses that have been reviewed and certified by the Statewide Charter School Board and listed as provided for in this paragraph.

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

Added by Laws 2023, c. 323, § 2, eff. Sept. 1, 2023.

§70-3-132.3. Statewide Charter School Board Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Statewide Charter School Board to be designated the "Statewide Charter School Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Statewide Charter School Board from state appropriations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Statewide Charter School Board for the purposes set forth in Section 2 of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2023, c. 323, § 3, eff. Sept. 1, 2023.

§70-3-133. Repealed by Laws 2007, c. 257, § 5.

§70-3-134. Applications - Presubmission training - Contents - Procedures.

A. For written applications filed after July 1, 2024, prior to submission of the application to a proposed sponsor seeking to establish a charter school or to the Statewide Charter School Board to establish a virtual charter school, the applicant shall be required to complete training which shall not exceed ten (10) hours provided by the Statewide Charter School Board on the process and requirements for establishing a charter school or virtual charter school. The sponsor of a charter school that enters into a new or renewed sponsorship contract on or after July 1, 2024, shall be required to complete training provided by the Statewide Charter School Board or an organization approved by the Statewide Charter School Board on the oversight duties of the sponsor. The Board shall develop and implement the training and publish a list of organizations approved to provide training by July 1, 2024. The Board and organizations approved by the Board may provide the training in any format and manner determined to be efficient and effective including, but not limited to, web-based training.

B. Except as otherwise provided for in Section 3-137 of this title, an applicant seeking to establish a virtual charter school shall submit a written application to the Statewide Charter School Board, and an applicant seeking to establish a charter school shall submit a written application to the proposed sponsor as provided for in subsection E of this section. The application shall include:

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

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

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

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

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

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

7. A description of the grades being served;

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

9. Documentation that the applicants completed training as set forth in subsection A of this section;

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

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

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

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

14. The plan for using internal and external assessments to measure and report student progress on the performance framework developed by the applicant in accordance with Section 3-136 of this title;

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

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

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

18. The student discipline policies for the charter school or virtual charter school including those for special education students;

19. An organizational chart that clearly presents the organizational structure of the charter school or virtual charter school, including lines of authority and reporting between the

governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

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

21. The leadership and teacher employment policies for the charter school or virtual charter school;

22. Proposed governing bylaws;

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

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

25. Opportunities and expectations for parental involvement;

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

27. A description of the financial plan and policies for the charter school or virtual charter school including financial controls and audit requirements;

28. A description of the insurance coverage the charter school or virtual charter school will obtain;

29. Start-up and five-year budgets with clearly stated assumptions;

30. Start-up and first-year cash-flow projections with clearly stated assumptions;

31. Evidence of anticipated fundraising contributions, if claimed in the application;

32. A sound facilities plan including backup or contingency plans if appropriate;

33. A requirement that the charter school or virtual charter school governing board meet no fewer than ten (10) months of the year in the state and that for those charter schools outside of counties with a population of five hundred thousand (500,000) or more, that a minimum of two (2) members are residents within the geographic boundary of the charter school;

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

35. A copy of any proposed contract between the governing board of a charter school or virtual charter school and an educational management organization, as defined by Section 5-200 of this title, which meets the requirements of the Oklahoma Charter Schools Act.

C. A board of education of a public school district, public body, public or private college or university, private person, or private organization may contract with a sponsor to establish a

charter school or virtual charter school. A private school shall not be eligible to contract for a charter school or virtual charter school under the provisions of the Oklahoma Charter Schools Act.

D. The sponsor of a charter school is the board of education of a school district, a higher education institution, a private institution of higher learning accredited pursuant to Section 4103 of this title, a federally recognized Indian tribe which meets the criteria established in Section 3-132 of this title, or beginning July 1, 2024, the Statewide Charter School Board. Any sponsor authorized pursuant to subsection A of Section 3-132 of this title may sponsor one or more charter schools. The physical location of a charter school sponsored by a board of education of a school district shall be within the boundaries of the sponsoring school district. The physical location of a charter school sponsored by the Statewide Charter School Board pursuant to paragraph 6 of subsection A of Section 3-132 of this title shall be in the school district in which the application originated.

E. 1. Beginning July 1, 2024, any application seeking to establish a charter school in this state shall be submitted first to the school district in which the proposed charter school is to be located. The school district board of education shall approve or deny the application within sixty (60) days of receipt of the application. If the charter school application is denied, nothing shall prohibit an applicant from submitting a revised application to the school district board of education, which shall approve or deny the revised application within sixty (60) days of receipt of the application.

2. An applicant for a charter school that has been denied pursuant to paragraph 1 of this subsection may submit an application to a proposed sponsor listed in paragraphs 2 through 6 of subsection A of Section 3-132 of this title, which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. If the proposed sponsor rejects the application, it shall notify the applicant in writing of the reasons for the rejection. The applicant may submit a revised application for reconsideration to the proposed sponsor within thirty (30) days after receiving notification of the rejection. The proposed sponsor shall accept or reject the revised application within thirty (30) days of its receipt.

3. Beginning July 1, 2024, an applicant for a virtual charter school shall submit an application to the Statewide Charter School Board, which shall either accept or reject sponsorship of the virtual charter school within ninety (90) days of receipt of the application. If the application is rejected, the Statewide Charter School Board shall notify the applicant in writing of the reasons for the rejection. The applicant may submit a revised application for reconsideration to the Statewide Charter school Board within

thirty (30) days after receiving notification of the rejection. The Statewide Charter School Board shall accept or reject the revised application within thirty (30) days of its receipt.

F. A board of education of a school district, a higher education institution, a private institution of higher learning accredited pursuant to Section 4103 of this title, or a federally recognized Indian tribe shall notify the State Board of Education and the Statewide Charter School Board when it accepts sponsorship of a charter school. The notification shall include a copy of the charter of the charter school.

G. Applicants for charter schools and virtual charter schools proposed to be sponsored by the Statewide Charter School Board may, upon rejection of a revised application, proceed to binding arbitration under the commercial rules of the American Arbitration Association with costs of the arbitration to be borne by the applicant.

H. If a board of education of a school district, a higher education institution, a private institution of higher learning accredited pursuant to Section 4103 of this title, or a federally recognized Indian tribe accepts sponsorship of a charter school, the administrative, fiscal, and oversight responsibilities of the school district, the higher education institution, the private institution of higher learning accredited pursuant to Section 4103 of this title, or the federally recognized Indian tribe shall be listed in the contract. No administrative, fiscal, or oversight responsibilities of a charter school shall be delegated to a school district unless the school district agrees to enter into a contract to assume the responsibilities.

I. A sponsor of a public charter school shall have the following powers and duties over charter schools it sponsors, and the Statewide Charter School Board shall have the following powers and duties over the charter schools and virtual charter schools it sponsors:

1. Provide services and oversight of the operations of charter schools or virtual charter schools in the state through annual performance reviews and reauthorization;
2. Solicit and evaluate charter applications;
3. Approve quality charter applications that meet identified educational needs and promote a diversity of educational choices;
4. Decline to approve weak or inadequate charter applications;
5. Negotiate and execute sound charter contracts with each approved public charter school or virtual charter school;
6. Approve or deny proposed contracts between the governing board of a charter school or virtual charter school and an educational management organization, as defined by section 5-200 of this title;

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

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

J. Sponsors shall establish a procedure for accepting, approving, and disapproving charter school applications in accordance with subsection E of this section. The Statewide Charter School Board shall post its application, application process, and application time frames on the Board's website.

K. Sponsors including the Statewide Charter School Board shall develop and maintain chartering policies and practices consistent with recognized principles and standards for quality charter sponsoring in all major areas of sponsoring responsibility including organizational capacity and infrastructure, soliciting and evaluating charter school and virtual charter school applications, performance contracting, ongoing charter school and virtual charter school oversight and evaluation, and charter contract renewal decision-making.

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

Added by Laws 1999, c. 320, § 9, eff. July 1, 1999. Amended by Laws 2001, c. 33, § 69, eff. July 1, 2001; Laws 2007, c. 257, § 2; Laws 2010, c. 288, § 2, eff. Nov. 1, 2010; Laws 2011, c. 1, § 36, emerg. eff. March 18, 2011; Laws 2011, c. 367, § 2; Laws 2015, c. 170, § 2; Laws 2022, c. 222, § 2, emerg. eff. May 5, 2022; Laws 2023, c. 323, § 6, eff. July 1, 2024.

NOTE: Laws 2010, c. 290, § 2 repealed by Laws 2011, c. 1, § 37, emerg. eff. March 18, 2011.

§70-3-135. Repealed by Laws 2023, c. 323, § 22, eff. July 1, 2024.

§70-3-136. Written charter contract requirements – Employment contracts.

A. Beginning July 1, 2024, a written contract entered into between the Statewide Charter School Board and the governing board of a charter school or statewide virtual charter school or a written contract entered into between a sponsor and the governing board of a charter school shall ensure compliance with the following:

1. Except as provided for in the Oklahoma Charter Schools Act, a charter school and virtual charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts; provided, however, a charter school or virtual charter school shall comply with all federal regulations and state and local rules and statutes relating to health, safety, civil rights, and insurance. By January 1, 2000, the State Department of

Education shall prepare a list of relevant rules and statutes which a charter school and virtual charter school must comply with as required by this paragraph and shall annually provide an update to the list;

2. A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution;

3. The charter contract shall provide a description of the educational program to be offered. A charter school or virtual charter school may provide a comprehensive program of instruction for a prekindergarten program, a kindergarten program, or any grade between grades one and twelve. Instruction may be provided to all persons between four (4) and twenty-one (21) years of age. A charter school or virtual charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts, or foreign language. The charter of a charter school or virtual charter school which offers grades nine through twelve shall specifically address whether the charter school or virtual charter school will comply with the graduation requirements established in Section 11-103.6 of this title. No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf;

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

5. A charter school or virtual charter school shall be subject to the same reporting requirements, financial audits, audit procedures, and audit requirements as a school district. The State Department of Education or State Auditor and Inspector may conduct financial, program, or compliance audits. The Statewide Charter School Board may request that the State Auditor and Inspector conduct a financial, program, or compliance audit for any charter school or virtual charter school it oversees. A charter school or virtual charter school shall use the Oklahoma Cost Accounting System to report financial transactions to the State Department of Education. The charter school or virtual charter school shall be subject to the limitations on spending, including provisions of the

Oklahoma Constitution, for any funds received from the state, either through the State Department of Education or other sources;

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

7. A charter school or virtual charter school shall provide for a governing board for the school which shall be responsible for the policies and operational decisions of the charter school or virtual charter school. All of the charter school or virtual charter school governing board members shall be residents of this state and shall meet no fewer than ten (10) months of the year in a public meeting within the boundaries of the school district in which the charter school is located or within this state if the governing board oversees multiple charter schools in this state or oversees a virtual charter school. The governing board of a charter school or virtual charter school shall be subject to the same conflict of interest requirements as a member of a school district board of education including but not limited to Sections 5-113 and 5-124 of this title. Members appointed to the governing board of a charter school or virtual charter school shall be subject to the same instruction and continuing education requirements as a member of a school district board of education and pursuant to Section 5-110 of this title shall complete twelve (12) hours of instruction within fifteen (15) months of appointment to the governing board and pursuant to Section 5-110.1 of this title shall attend continuing education;

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

9. A charter school or virtual charter school shall be as equally free and open to all students as traditional public schools and shall not charge tuition or fees;

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

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

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

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

14. A charter school or virtual charter school may participate in all health and related insurance programs available to employees of a public school district;

15. A charter school or virtual charter school and their respective governing boards shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act;

16. The governing board of a charter school or virtual charter school shall notify the sponsor within ten (10) business days in the instance of any significant adverse actions, material findings of noncompliance, or pending actions, claims, or proceedings in this state relating to the charter school, the virtual charter school, or an educational management organization with which the charter school or virtual charter school has a contract;

17. No later than September 1 each year, the governing board of each charter school or virtual charter school formed pursuant to the Oklahoma Charter Schools Act shall prepare a statement of actual income and expenditures for the charter school or virtual charter school for the fiscal year that ended on the preceding June 30, in a manner compliant with Section 5-135 of this title. The statement of expenditures shall include functional categories as defined in rules adopted by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-145 of this title. Charter schools and virtual charter schools shall not be permitted to submit estimates of expenditures or prorated amounts to fulfill the requirements of this paragraph; and

18. A charter school or virtual charter school contract shall include performance provisions based on a performance framework that clearly sets forth the academic and operational performance indicators that shall be used by charter school and virtual charter school sponsors to evaluate their respective schools. The sponsor may develop a separate performance framework to evaluate a charter school or virtual charter school that has been designated by the State Department of Education as implementing an alternative education program throughout the school. The sponsor shall require a charter school or virtual charter school to submit the data required in this subsection in the identical format that is required by the State Department of Education of all public schools in order to avoid duplicative administrative efforts or allow a charter school or virtual charter school to provide permission to the Department to share all required data with the Board. The performance framework shall serve as the minimum requirement for charter school and virtual charter school performance evaluation and shall include, but not be limited to, the following indicators:

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

- d. student attendance,
- e. recurrent enrollment from year to year as determined by the methodology used for public schools in Oklahoma,
- f. in the case of high schools, graduation rates as determined by the methodology used for public schools in Oklahoma,
- g. in the case of high schools, postsecondary readiness,
- h. financial performance and sustainability and compliance with state and Internal Revenue Service financial reporting requirements,
- i. audit findings or deficiencies,
- j. accreditation and timely reporting,
- k. governing board performance and stewardship including compliance with all applicable laws, regulations, and terms of the charter contract, and
- l. mobility of student population for the virtual charter school framework.

The sponsor including the Statewide Charter School Board shall annually evaluate its charter schools or virtual charter schools according to the performance framework. The results of the evaluation shall be presented to the governing board of the charter school or virtual charter school and the governing board of the charter school sponsor in an open meeting.

B. An applicant or the governing board of an applicant may hold one or more charter contracts. Each charter school or virtual charter school that is part of a charter contract shall be separate and distinct from any other charter school or virtual charter school. For the purposes of this subsection, "separate and distinct" shall mean that a charter school or virtual charter school governing board with oversight of more than one charter school or virtual charter school shall not combine accounting, budgeting, recordkeeping, admissions, employment, or policies and operational decisions of the charter schools or virtual charter schools it oversees.

C. The charter contract of a charter school or virtual charter school shall include a description of the personnel policies, personnel qualifications, and method of school governance. A charter school or virtual charter school shall not enter into an employment contract with any teacher or other personnel until a contract has been executed with its sponsor. The employment contract shall set forth the personnel policies of the charter school or virtual charter school including, but not limited to, policies related to certification, professional development, evaluation, suspension, dismissal and nonreemployment, sick leave, personal business leave, emergency leave, and family and medical leave. The contract shall also specifically set forth the salary,

hours, fringe benefits, and work conditions. The contract may provide for employer-employee bargaining, but the charter school or virtual charter school shall not be required to comply with the provisions of Sections 509.1 through 509.10 of this title.

Upon contracting with any teacher or other personnel, the governing board of a charter school or virtual charter school shall, in writing, disclose employment rights of the employees in the event the charter school or virtual charter school closes or the charter contract is not renewed.

No charter school or virtual charter school may begin serving students without a contract executed in accordance with the provisions of the Oklahoma Charter Schools Act and approved in an open meeting of the governing board of the sponsor or the Statewide Charter School Board. The governing board of the sponsor or the Statewide Charter School Board may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools or virtual charter schools and ensure that each brick-and-mortar school is prepared to open smoothly on the date agreed and to ensure that each school meets all building, health, safety, insurance, and other legal requirements for the opening of a school.

D. The charter of a charter school or virtual charter school may be amended at the request of the governing board of the charter school or virtual charter school and upon the approval of the sponsor.

E. A charter school or virtual charter school may enter into contracts and sue and be sued.

F. The governing board of a charter school or virtual charter school shall not levy taxes or issue bonds. A school district that proposes a bond shall include any charter school established pursuant to subsection A of Section 3-132 of this title and located within the school district in planning conversations regarding the bond.

G. The charter of a charter school or virtual charter school shall include a provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school or virtual charter school upon expiration or termination of the charter or failure of the charter school or virtual charter school to continue operations. Except as otherwise provided, any real or personal property purchased with state or local funds shall be retained by the sponsor. If a charter school that was previously sponsored by the board of education of a school district continues operation within the school district under a new charter sponsored by an entity authorized pursuant to Section 3-132 of this title, the charter school may retain any personal property purchased with state or local funds for use in the operation of the

charter school until termination of the new charter or failure of the charter school to continue operations.

Added by Laws 1999, c. 320, § 11, eff. July 1, 1999. Amended by Laws 2000, c. 232, § 7, eff. July 1, 2000; Laws 2008, c. 439, § 1, eff. July 1, 2008; Laws 2014, c. 277, § 1, eff. July 1, 2014; Laws 2023, c. 323, § 7, eff. July 1, 2024.

§70-3-137. Duration of contract - Performance report - Renewal - Termination - School closure.

A. An initial contract between a charter school or virtual charter school and its sponsor approved on or after July 1, 2024, shall be effective for five (5) years from the first day of operation. After completing an initial five-year term, a charter contract may be renewed for up to ten-year terms of duration, although the sponsor may vary the term based on the performance, demonstrated capacities, and particular circumstances of each charter school or virtual charter school. A sponsor may grant renewal with specific conditions for necessary improvements to a charter school or virtual charter school.

B. Prior to the beginning of the final year of the contract term of a charter school or virtual charter school, the sponsor shall issue a performance report and charter renewal application guidance to the charter school and its governing board or the virtual charter school and its governing board. The performance report shall summarize the performance record to date of the charter school or virtual charter school based on the data required by the Oklahoma Charter Schools Act, the annual performance framework evaluation, a review of the contract with an educational management organization if the charter school or virtual charter school contracts with an educational management organization, and the charter contract. The performance review shall take into consideration the percentage of at-risk students enrolled in the charter school or virtual charter school. The performance report shall provide notice of any weaknesses, concerns, violations, or deficiencies perceived by the sponsor concerning the charter school or virtual charter school that may jeopardize its position in seeking renewal if not timely rectified. If there are weaknesses, concerns, violations, or deficiencies the sponsor may require a charter school or virtual charter school to develop a corrective action plan and corresponding timeline to remedy any weaknesses, concerns, violations, or deficiencies. If the sponsor requires a corrective action plan, the charter school or virtual charter school shall have forty-five (45) days to respond to the performance report and submit any corrections or clarifications for the report. If the charter school or virtual charter school does not substantially complete the corrective action plan, the sponsor may choose to

revoke or not renew the charter contract pursuant to the requirements of this section.

C. 1. Prior to the beginning of the final year of a charter contract term, the charter school or virtual charter school may apply for renewal of the contract with the sponsor including the Statewide Charter School Board. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school or virtual charter school to:

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

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

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

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

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

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

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

E. If the Statewide Charter School Board denies a request for renewal, the Board may, if requested by the charter school or virtual charter school, proceed to binding arbitration as provided for in subsection G of Section 3-134 of this title.

F. A sponsor may terminate a contract during the term of the contract for failure to meet the requirements for student

performance contained in the contract and performance framework, failure to meet the standards of fiscal management, violations of the law, or other good cause. The sponsor shall give at least ninety (90) days' written notice to the governing board of the charter school or virtual charter school prior to terminating the contract. The governing board may request, in writing, an informal hearing before the sponsor within fourteen (14) days of receiving notice. The sponsor shall conduct an informal hearing before taking action.

G. Beginning July 1, 2024, and subject to the provisions of this section, a charter school sponsor authorized by subsection A of Section 3-132 of this title with a charter contract that includes more than one charter school site may terminate or not renew a charter school contract for a specific charter school site.

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

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

3. If there is a change to the calculation described in Section 1210.545 of this title that results in a charter school site or virtual charter school that was not ranked in the bottom five percent (5%) being ranked in the bottom five percent (5%), then the sponsor shall use the higher of the two rankings to calculate the ranking of the charter school site or virtual charter school.

4. a. A charter school or virtual charter school that is closed by its sponsor pursuant to this subsection shall not be granted a subsequent charter contract.

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

6. In making a charter school site or virtual charter school closure decision, the sponsor shall consider the following:

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

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

7. If at least twenty-five percent (25%) of the charter schools chartered by one sponsor are closed within a five-year period pursuant to this subsection, the authority of the sponsor to sponsor new charter schools may be suspended by the Statewide Charter School Board until the Board approves the sponsor to sponsor new charter schools. A determination made pursuant to this paragraph shall identify the deficiencies that, if corrected, will result in the approval of the sponsor to sponsor new charter schools.

1. If a sponsor terminates a contract or the charter school or virtual charter school is closed, the closure shall be conducted in accordance with the following protocol:

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

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

3. The sponsor and transition team shall ensure that current instruction of students enrolled in the charter school or virtual charter school continues per the charter contract for the remainder of the school year;

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

5. The governing board of the charter school or virtual charter school shall continue to meet as necessary to take actions needed to

wind down school operations, manage school finances, allocate resources, and facilitate all aspects of closure.

J. A sponsor including the Statewide Charter School Board shall develop revocation and nonrenewal processes that are consistent with the Oklahoma Charter Schools Act and that:

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

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

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

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

5. Permit the recording of the proceedings; and

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

K. If a sponsor revokes or does not renew a charter contract, the sponsor shall clearly state in a resolution the reasons for the revocation or nonrenewal. If a charter is revoked or nonrenewed, the charter school or virtual charter school shall disclose the revocation or nonrenewal in any subsequent application.

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

M. If a charter contract is not renewed or is terminated according to this section, a student who attended the charter school or virtual charter school may enroll in the resident school district of the student or may apply for a transfer in accordance with the Education Open Transfer Act.

Added by Laws 1999, c. 320, § 12, eff. July 1, 1999. Amended by Laws 2003, c. 434, § 6; Laws 2004, c. 472, § 1, emerg. eff. June 7, 2004; Laws 2007, c. 257, § 3; Laws 2015, c. 170, § 4; Laws 2016, c. 42, § 1, eff. July 1, 2016; Laws 2023, c. 323, § 8, eff. July 1, 2024.

§70-3-138. Reprisal against school employee seeking to establish charter school.

A board of education of a school district or an employee of the district who has control over personnel actions shall not take unlawful reprisal action against an employee of the school district for the reason that the employee is directly or indirectly involved

in an application to establish a charter school. As used in this section, "unlawful reprisal" means an action that is taken by a board of education or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to an employee or an education program. Added by Laws 1999, c. 320, § 13, eff. July 1, 1999.

§70-3-139. Status of teacher returning to public school from charter school.

A. A sponsoring school district shall determine whether a teacher who is employed by or teaching at a charter school or virtual charter school and who was previously employed as a teacher at the sponsoring public school district shall not lose any right of salary status or any other benefit provided by law due to teaching at a charter school or virtual charter school upon returning to the sponsoring public school district to teach.

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

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

2. A suitable position is available at the school district. Added by Laws 1999, c. 320, § 14, eff. July 1, 1999. Amended by Laws 2023, c. 323, § 9, eff. July 1, 2024.

§70-3-140. Student eligibility – Districts – Preferences – Transfers – Discrimination.

A. A charter school with a brick-and-mortar school site or sites shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the charter school in accordance with the Education Open Transfer Act, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. A charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site that has been identified as in need of improvement by the State Board of Education

pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the Statewide Charter School Board when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs.

B. A brick-and-mortar charter school shall admit students who reside in the attendance area of a school or in a school district that is under a court order of desegregation or that is a party to an agreement with the United States Department of Education Office for Civil Rights directed towards mediating alleged or proven racial discrimination unless notice is received from the resident school district that admission of the student would violate the court order or agreement.

C. A brick-and-mortar charter school may designate a specific geographic area within the school district in which the charter school is located as an academic enterprise zone and may limit admissions to students who reside within that area. An academic enterprise zone shall be a geographic area in which sixty percent (60%) or more of the children who reside in the area qualify for the free or reduced school lunch program.

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

E. A sponsor of a charter school shall not restrict the number of students a charter school may enroll, and the Statewide Charter School Board shall not restrict the number of students a virtual charter school or charter school may enroll. The capacity of a charter school or virtual charter school shall be determined quarterly by the governing board of the charter school or virtual charter school pursuant to the provisions of the Education Open Transfer Act.

F. Beginning July 1, 2024, each statewide virtual charter school which has been approved and sponsored by the Statewide Charter School Board or any virtual charter school for which the Board has assumed sponsorship as provided for in Section 1 of this act shall be considered a statewide virtual charter school and the geographic boundaries of each statewide virtual charter school shall be the borders of the state.

H. Beginning July 1, 2024, students enrolled full-time in a statewide virtual charter school sponsored by the Statewide Charter School Board shall not be authorized to participate in any activities administered by the Oklahoma Secondary School Activities Association. However, the students may participate in intramural

activities sponsored by a statewide virtual charter school, an online provider for the charter school, or any other outside organization.

I. 1. Beginning July 1, 2024, a public school student who wishes to enroll in a virtual charter school shall be considered a transfer student from his or her resident school district. A virtual charter school shall pre-enroll any public school student whose parent or legal guardian expresses intent to enroll in the virtual charter school. Upon pre-enrollment, the State Department of Education shall initiate a transfer on a form to be completed by the receiving virtual charter school. Upon approval of the receiving virtual charter school, the student may begin instructional activities. Upon notice that a public school student has transferred to a virtual charter school, the resident school district shall transmit the student's records within three (3) school days.

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

3. A public school student may transfer to one statewide virtual charter school at any time during a school year. For purposes of this subsection, "school year" shall mean July 1 through the following June 30. After one statewide virtual charter school transfer during a school year, no public school student shall be permitted to transfer to any other statewide virtual charter school without the concurrence of both the resident school district and the receiving virtual charter school. A student shall have a grace period of fifteen (15) school days from the first day of enrollment in a statewide virtual charter school to withdraw without academic penalty and shall continue to have the option of one virtual charter school transfer without the concurrence of both the resident school district and the receiving virtual charter school during that same school year. A statewide virtual charter school student that has utilized the allowable one transfer pursuant to this subsection shall not be permitted to transfer to another school district or another statewide virtual charter school without first notifying his or her resident district and initiating a new transfer. Upon cancellation of a transfer, the virtual charter school shall transmit the student's records to the student's new school district within three (3) school days. Students enrolled in a statewide virtual charter school shall not be required to submit a virtual charter transfer for consecutive years of enrollment. Any student enrolled in a statewide virtual charter school the year prior to the implementation of this section shall not be required to submit a transfer in order to remain enrolled.

J. 1. Beginning July 1, 2024, a student shall be eligible to enroll in a statewide virtual charter school sponsored by the Statewide Charter School Board pursuant to Section 1 of this act if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within this state while on active military duty pursuant to an official military order.

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

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

- a. a temporary on-base billeting facility,
- b. a purchased or leased home or apartment, or
- c. federal government or public-private venture off-base military housing.

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

5. For purposes of this subsection:

- a. "active military duty" means full-time military duty status in the active uniformed service of the United States including members of the National Guard and Military Reserve on active duty orders, and
- b. "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

Added by Laws 1999, c. 320, § 15, eff. July 1, 1999. Amended by Laws 2010, c. 288, § 3, eff. Nov. 1, 2010; Laws 2011, c. 185, § 1; Laws 2011, c. 367, § 3; Laws 2012, c. 367, § 2, eff. July 1, 2012; Laws 2013, c. 83, § 4, eff. July 1, 2013; Laws 2013, c. 212, § 2, eff. Sept. 1, 2013; Laws 2015, c. 170, § 5; Laws 2023, c. 323, § 10, eff. July 1, 2024.

NOTE: Laws 2010, c. 290, § 3 repealed by Laws 2011, c. 1, § 38, emerg. eff. March 18, 2011.

§70-3-141. Transportation.

A. Transportation shall be provided by the charter school in accordance with Sections 9-101 through 9-118 of this title.

B. A charter school shall provide the parent or guardian information regarding transportation at the time the student enrolls in the charter school.

Added by Laws 1999, c. 320, § 16, eff. July 1, 1999. Amended by Laws 2023, c. 177, § 1, eff. July 1, 2023.

§70-3-142. Funding - Charter School Closure Reimbursement Revolving Fund.

A. The student membership and attendance of a charter school shall be considered separate from the student membership and attendance of the sponsor for the purpose of calculating enrollment and funding including weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. A charter school shall receive the State Aid allocation, federal funds to which it is eligible and qualifies for, and any other state-appropriated revenue generated by its students for the applicable year. Not more than three percent (3%) of the State Aid allocation may be charged by the sponsor as a fee for administrative services rendered if the sponsor is a school district, a comprehensive or regional institution of higher education, a two-year college, a private institution of higher learning accredited pursuant to Section 4103 of this title, or a federally recognized Indian tribe pursuant to Section 3-132 of this title. The Statewide Charter School Board shall not charge any charter school or virtual charter school a fee for administrative or other services. The State Department of Education shall determine the policy and procedure for making payments to a charter school or virtual charter school. The fee for administrative services as authorized in this subsection shall only be assessed on the State Aid allocation amount and shall not be assessed on any other appropriated amounts. A sponsor of a charter school shall not charge any additional State Aid allocation or charge the charter school any additional fee above the amounts allowed by this subsection unless the additional fees are for additional services rendered. The charter school sponsor shall provide to the State Department of Education financial records documenting any state funds charged by the sponsor for administrative services rendered for the previous year.

B. The fee for administrative services authorized by subsection A of this section shall be used by the sponsor to provide oversight and services to the charter schools it sponsors. The State Department of Education shall develop data codes for the Oklahoma Cost Accounting System which shall be used to comply with the administrative services reporting required by this section. A charter school sponsor shall publish a detailed report on its website and present the report in a public meeting of the charter school governing board and the charter school sponsor governing board. The report shall provide sponsor performance and stewardship including compliance with all applicable laws, regulations, and terms of the charter contract and listing expenses related to

oversight and services provided by the sponsor to the charter schools it sponsors.

C. For the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title, the weighted average daily membership for the first year of operation and each year thereafter of a charter school or full-time statewide virtual charter school shall be determined by multiplying the actual enrollment of students as of August 1 by 1.333. The charter school or virtual charter school shall receive revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this paragraph. At midyear, the allocation for the charter school or virtual charter school shall be adjusted using the first quarter weighted average daily membership for the charter school or virtual charter school calculated pursuant to subsection A of this section.

D. Except as explicitly authorized by state law, a charter school or virtual charter school shall not be eligible to receive state-dedicated, local, or county revenue; provided, a charter school or virtual charter school may be eligible to receive any other aid, grants, or revenues allowed to other schools. A charter school or virtual charter school shall be considered a local education agency for purposes of funding.

E. Any unexpended funds received by a charter school or virtual charter school may be reserved and used for future purposes. The governing board of a charter school or virtual charter school shall not levy taxes or issue bonds. If otherwise allowed by law, the governing board of a charter school or virtual charter school may enter into private contracts for the purposes of borrowing money from lenders. If the governing board of the charter school or virtual charter school borrows money, the charter school or virtual charter school shall be solely responsible for repaying the debt, and the state or the sponsor shall not in any way be responsible or obligated to repay the debt.

F. Any charter school or virtual charter school which chooses to lease property shall be eligible to receive current government lease rates.

G. Except as otherwise provided in this subsection, each charter school shall pay to the Charter School Closure Reimbursement Revolving Fund created in subsection H of this section an amount equal to Five Dollars (\$5.00) per student based on average daily membership, as defined by paragraph 2 of Section 18-107 of this title, during the first nine (9) weeks of the school year. Each charter school shall complete the payment every school year within thirty (30) days after the first nine (9) weeks of the school year. If the Charter School Closure Reimbursement Revolving Fund has a

balance of One Million Dollars (\$1,000,000.00) or more on July 1, no payment shall be required the following school year.

H. There is hereby created in the State Treasury a revolving fund for the Statewide Charter School Board to be designated the "Charter School Closure Reimbursement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Statewide Charter School Board from charter schools as provided in subsection G of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Statewide Charter School Board for the purpose of paying for expenditures incurred due to the closure of a charter school. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 320, § 17, eff. July 1, 1999. Amended by Laws 2004, c. 472, § 2, emerg. eff. June 7, 2004; Laws 2006, c. 278, § 1, eff. July 1, 2006; Laws 2007, c. 257, § 4; Laws 2010, c. 204, § 1; Laws 2010, c. 288, § 4, eff. Nov. 1, 2010; Laws 2011, c. 1, § 39, emerg. eff. March 18, 2011; Laws 2011, c. 184, § 1; Laws 2013, c. 212, § 3, eff. Sept. 1, 2013; Laws 2015, c. 170, § 6; Laws 2020, c. 122, § 1, eff. Nov. 1, 2020; Laws 2021, c. 101, § 9, emerg. eff. April 20, 2021; Laws 2021, c. 563, § 7, emerg. eff. May 28, 2021; Laws 2023, c. 323, § 11, eff. July 1, 2024.

NOTE: Laws 2010, c. 290, § 4 repealed by Laws 2011, c. 1, § 40, emerg. eff. March 18, 2011. Laws 2020, c. 61, § 1 repealed by Laws 2021, c. 101, § 10, emerg. eff. April 20, 2021.

§70-3-143. Reports.

The Statewide Charter School Board shall issue an annual report to the Legislature and the Governor outlining the status of charter schools and virtual charter schools in the state. Each charter school and virtual charter school shall annually file a report with the Statewide Charter School Board that shall include such information as requested by the Board including but not limited to information on enrollment, testing, curriculum, finances, and employees.

Added by Laws 1999, c. 320, § 18, eff. July 1, 1999. Amended by Laws 2023, c. 323, § 12, eff. July 1, 2024.

§70-3-144. Charter Schools Incentive Fund.

A. There is hereby created in the State Treasury a fund to be designated the "Charter Schools Incentive Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated by the Legislature, gifts, grants, devises, and donations from any public or private source.

The Statewide Charter School Board shall administer the fund for the purpose of providing financial support to charter school and virtual charter school applicants and charter schools and virtual charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures for use by a charter school. The Statewide Charter School Board is authorized to allocate funds on a per-pupil basis for purposes of providing matching funds for the federal State Charter School Facilities Incentive Grants Program created pursuant to the No Child Left Behind Act, 20 USCA, Section 7221d.

B. The Statewide Charter School Board shall adopt rules to implement the provisions of this section including application and notification requirements.

Added by Laws 1999, c. 351, § 16, emerg. eff. June 8, 1999. Amended by Laws 2004, c. 472, § 3, emerg. eff. June 7, 2004; Laws 2023, c. 323, § 13, eff. July 1, 2024.

§70-3-145.1. Repealed by Laws 2023, c. 323, § 22, eff. July 1, 2024.

§70-3-145.2. Repealed by Laws 2023, c. 323, § 22, eff. July 1, 2024.

§70-3-145.3. Repealed by Laws 2023, c. 323, § 22, eff. July 1, 2024.

§70-3-145.4. Repealed by Laws 2023, c. 323, § 22, eff. July 1, 2024.

§70-3-145.5. Virtual education – District resident status.

Notwithstanding any other provision of law, beginning July 1, 2014, no school district shall enter into a virtual charter school contract with a provider to provide full-time virtual education to students who do not reside within the school district boundaries. Added by Laws 2012, c. 367, § 7, eff. July 1, 2012. Amended by Laws 2013, c. 212, § 7, eff. Sept. 1, 2013; Laws 2022, c. 153, § 2, eff. July 1, 2022; Laws 2023, c. 323, § 14, eff. July 1, 2024.

§70-3-145.6. Full time virtual education site - Performance data of nonresidents.

A. A virtual education provider that offers full-time virtual education to students who are not residents of the school district with which the provider is contracted shall be considered a site within each school district with which the provider contracts and subject to the accountability system established pursuant to Section 1210.545 of this title.

B. The virtual education provider and the school district with which it contracts are hereby directed to identify those students who are full-time virtual students and do not live in the physical boundaries of the district. The district and provider shall submit in electronic format as necessary to the State Department of Education detailed data on the performance of nonresident students who are receiving full-time instruction.
Added by Laws 2013, c. 108, § 1, eff. July 1, 2013. Amended by Laws 2014, c. 277, § 2, eff. July 1, 2014.

§70-3-145.7. Statewide Virtual Charter School Board Revolving Fund – Transfer of funds to Statewide Charter School Board Revolving Fund.

A. Until July 1, 2024, there is hereby created in the State Treasury a revolving fund for the Statewide Virtual Charter School Board to be designated the "Statewide Virtual Charter School Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Statewide Virtual Charter School Board from State Aid pursuant to Section 3-145.3 of this title or any other state appropriation. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Statewide Virtual Charter School Board for the purpose of supporting the mission of the Statewide Virtual Charter School Board. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. On July 1, 2024, the Statewide Virtual Charter School Board shall transfer any unencumbered funds in the Statewide Virtual Charter School Board Revolving Fund to the Statewide Charter School Board Revolving Fund created pursuant to Section 3 of this act. Any funds which are unexpended on January 1, 2025, shall be transferred to the Statewide Charter School Board Revolving Fund.
Added by Laws 2015, c. 225, § 1. Amended by Laws 2023, c. 323, § 15, eff. July 1, 2024.

§70-3-145.8. See the following versions:
OS 70-3-145.8v1 (SB 516, Laws 2023, c. 323, § 16).
OS 70-3-145.8v2 (HB 2180, Laws 2023, c. 342, § 1).

§70-3-145.8v1. Records of attendance - Orientation - Truancy.

A. It shall be the duty of each virtual charter school approved and sponsored by the Statewide Charter School Board to keep a full and complete record of the attendance of all students enrolled in the virtual charter school in one of the student information systems

approved by the State Department of Education and locally selected by the virtual school from the approved list.

B. By July 1, 2020, the governing board of each virtual charter school shall adopt an attendance policy. The policy may allow attendance to be a proportional amount of the required attendance policy provisions based upon the date of enrollment of the student. The attendance policy shall include the following provisions:

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

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

- a. completes instructional activities on no less than ninety percent (90%) of the days within the quarter,
- b. is on pace for on-time completion of the course as defined by the governing board of the virtual charter school, or
- c. completes no less than seventy-two instructional activities within the quarter of the academic year.

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

- a. the number of school days during which the student completed the instructional activities during the quarter,
- b. the number of school days proportional to the percentage of the course that has been completed, or
- c. the number of school days proportional to the percentage of the required minimum number of completed instructional activities during the quarter.

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

D. Each statewide virtual charter school approved and sponsored by the Statewide Charter School Board shall offer a student orientation, notify the parent or legal guardian and each student who enrolls in that school of the requirement to participate in the student orientation, and require all students enrolled to complete the student orientation prior to completing any other instructional activity. The Statewide Charter School Board shall promulgate rules to develop materials for orientation.

E. Any student that is behind pace and does not complete an instructional activity for a fifteen-school-day period shall be withdrawn for truancy. The virtual charter school shall submit a

notification to the parent or legal guardian of a student who has been withdrawn for truancy or is approaching truancy.

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

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

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

I. The Statewide Charter School Board may promulgate rules to implement the provisions of this section.

Added by Laws 2017, c. 247, § 1, eff. Jan. 1, 2018. Amended by Laws 2020, c. 27, § 3, eff. July 1, 2020; Laws 2023, c. 323, § 16, eff. July 1, 2024.

§70-3-145.8v2. Records of attendance - Orientation - Truancy.

A. It shall be the duty of each virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of Section 3-145.3 of this title to keep a full and complete record of the attendance of all students enrolled in the virtual charter school in one of the student information systems approved by the State Department of Education and locally selected by the virtual school from the approved list.

B. By July 1, 2020, the governing body of each virtual charter school shall adopt an attendance policy. The policy may allow attendance to be a proportional amount of the required attendance policy provisions based upon the date of enrollment of the student. The attendance policy shall include the following provisions:

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

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

- a. completes instructional activities on no less than ninety percent (90%) of the days within the quarter,
- b. is on pace for on-time completion of the course as defined by the governing board of the virtual charter school, or

- c. completes no less than seventy-two instructional activities within the quarter of the academic year.

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

- a. the number of school days during which the student completed the instructional activities during the quarter,
- b. the number of school days proportional to the percentage of the course that has been completed, or
- c. the number of school days proportional to the percentage of the required minimum number of completed instructional activities during the quarter.

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

D. A student enrolled in a virtual charter school alternative education program designated by the State Department of Education who attends a full abbreviated school day shall be counted in full attendance for purposes of computing the average daily attendance and average daily membership of the virtual charter school. For purposes of this subsection, "full abbreviated school day" shall mean one hundred eighty-nine (189) hours per quarter or seven hundred fifty-six (756) hours per school year.

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

F. Any student who is behind pace and does not complete an instructional activity for fifteen (15) consecutive days, including weekends, shall be withdrawn for truancy. The virtual charter school shall submit a notification to the parent or legal guardian of a student who has been withdrawn for truancy or is approaching truancy.

G. 1. Except as provided in paragraph 2 of this subsection, a student who is reported for truancy two times in the same school year shall be withdrawn and prohibited from enrolling in the same virtual charter school for the remainder of the school year.

2. If a student is enrolled in a virtual charter school alternative education program designated by the State Department of Education, the virtual charter school may request a waiver of the enrollment prohibition from the Department on behalf of a student enrolled at the virtual charter school who is reported for truancy two times in the same school year. The office of accreditation shall review the waiver request and determine whether the student should be allowed to continue attending the virtual charter school. The student shall continue attending the virtual charter school while the waiver is being reviewed and until a final determination is made.

H. The governing body of each statewide virtual charter school shall develop, adopt and post on the school's website a policy regarding consequences for a student's failure to attend school and complete instructional activities. The policy shall state, at a minimum, that if a student fails to consistently attend school and complete instructional activities after receiving a notification pursuant to subsection F of this section and reasonable intervention strategies have been implemented, a student shall be subject to certain consequences including withdrawal from the school for truancy.

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

J. The provisions of subsections G, H, and I of this section shall not be in effect until the implementation of subsection H of Section 3-145.3 of this title.

K. The Statewide Virtual Charter School Board may promulgate rules to implement the provisions of this section.

Added by Laws 2017, c. 247, § 1, eff. Jan. 1, 2018. Amended by Laws 2020, c. 27, § 3, eff. July 1, 2020; Laws 2023, c. 342, § 1, eff. Nov. 1, 2023.

§70-3-145.9. Annual sponsor workshop.

Beginning with the 2024-2025 school year, members of a charter school sponsor governing board shall designate a representative from the board to complete an annual sponsor workshop requirement provided by the Statewide Charter School Board. The sponsor workshop shall include, but not be limited to, information regarding the Oklahoma Charter Schools Act, charter school governance, Internal Revenue Service rules for nonprofits, and school finance laws.

Added by Laws 2023, c. 323, § 17, eff. July 1, 2024.

§70-3-145.10. Severability.

The provisions of the Oklahoma Charter Schools Act are severable and if any part or provision shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of the Oklahoma Charter Schools Act.
Added by Laws 2023, c. 323, § 21, eff. Sept. 1, 2023.

§70-3-150. Repealed by Laws 2013, c. 83, § 21, eff. July 1, 2013, without reference to amendment by Laws 2013, c. 74, § 1, eff. July 1, 2013, which read as follows:

A. The State Board of Education shall develop an Academic Performance Index (API) to be used to measure performance of schools, including the academic performance of students. The index shall consist of a variety of indicators including, but not limited to:

1. Attendance rates for students;
2. Dropout rates;
3. Results of the Oklahoma School Testing Program administered pursuant to Section 1210.508 of this title;
4. Advanced Placement participation;
5. Graduation rates for secondary school students;
6. Scores of the American College Test (ACT); and
7. College remediation rates.

B. The data collected for the API shall be disaggregated, when available, by socioeconomic status and ethnic group. Oklahoma School Testing Program results shall constitute no less than sixty percent (60%) of the value of the index.

C. Based on the API, the State Board of Education shall adopt expected annual percentage growth targets for the state level, school districts, and all school sites based on their API baseline score. The minimum percentage growth target shall be five percent (5%) annually. However, the State Board of Education may set differential growth targets based on grade level of instruction.

D. The academic performance of students who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the Academic Performance Index of the school district or charter school.

§70-3-151. Repealed by Laws 2013, c. 83, § 21, eff. July 1, 2013.

§70-3-151.1. Adjusted cohort graduation rate - Academic performance index.

A. For purposes of establishing a uniform and accurate definition of high school graduation rate for school districts and secondary schools in the state, the State Board of Education shall adopt and implement a four-year adjusted cohort graduation rate and an extended-year adjusted cohort graduation rate. The Board shall utilize and report the four-year adjusted cohort graduation rate and the extended-year adjusted cohort graduation rate at the secondary school site, the school district and the state level, and the

graduation rates shall be reported in the aggregate as well as disaggregated by subgroups as required in the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001.

B. The Board shall use the four-year adjusted cohort graduation rate for purposes of determining the high school graduation rate indicator for the academic performance data calculation beginning with state and district report cards providing results of assessments administered in the 2011-2012 school year. The Board shall use the four-year adjusted cohort graduation rate for establishing the high school graduation rate for measuring alternate year percentage growth targets as set forth in Section 3-151.2 of this title beginning with the 2012-2013 school year.

C. The four-year adjusted cohort graduation rate shall be defined as the number of students who graduate in four (4) years with a standard high school diploma divided by the number of students who entered high school four (4) years earlier, adjusted for transfers in and out of the school, émigrés and deceased students. Students who graduate in four (4) years shall include students who earn a standard high school diploma at the end of their fourth year, before the end of their fourth year, and during a summer session immediately following their fourth year. To remove a student from a cohort, a school district shall confirm in writing or by electronic means that a student has transferred out of the school site or school district, has emigrated to another country or is deceased. For a student who transfers out of a school site or school district, the written or electronic confirmation shall be official and document that the student has enrolled in another school site or school district or in an educational program that culminates in a high school diploma recognized by a state or private higher educational institution accredited or recognized by the Oklahoma State Regents for Higher Education for purposes of admission to the institution. Students not enrolled in a program which culminates in the award of a credential recognized by a state or private higher educational institution for purposes of admissions shall not be included in the graduation rate calculation as set forth in this subsection as a student who graduated in four (4) years with a standard high school diploma but shall be included in the number of students who entered high school four (4) years earlier.

D. The extended-year adjusted cohort graduation rate shall be defined as the number of students who graduate in four (4) years or five (5) years with a high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate as calculated as provided for in subsection C of this section, provided that the adjustments add to the cohort all students who transfer into the cohort by the end of the year of graduation being

considered and subtract students who transfer out, emigrate to another country or are deceased by the end of that year. The extended-year adjusted cohort graduation rate shall be reported separately from the four-year adjusted cohort graduation rate. Added by Laws 2011, c. 245, § 1. Amended by Laws 2013, c. 83, § 5, eff. July 1, 2013; Laws 2014, c. 311, § 2, eff. July 1, 2014.

§70-3-151.2. Graduation rate growth targets - Failing schools.

A. The State Board of Education shall adopt expected alternate year percentage growth targets, for all public secondary schools and school districts, based on high school graduation rates, using the four-year adjusted cohort graduation rate calculated as provided for in Section 1 of this act. The minimum percentage growth targets shall be twenty percent (20%) of the difference between the graduation rate of the baseline year and the goal of one hundred percent (100%). The baseline year shall be established in the 2012-2013 school year. In alternating years new growth targets shall be established until all secondary schools and school districts have met the goal of one hundred percent (100%).

B. Public secondary schools and school districts meeting or exceeding expected growth targets at the end of the initial two (2) years or in the alternate years as provided for in subsection A of this section shall be recognized by the state as notable schools and school districts. Recognition may include, but not be limited to, citations of congratulations from the State Superintendent of Public Instruction as the designee of the State Board of Education, the Governor or designee, the Representative and Senator representing the school and or school district, and banners for each school or school district achieving notable status.

C. Public secondary schools and school districts failing to meet the expected growth targets at the end of the initial two (2) years or in the alternate years as provided for in subsection A of this section shall:

1. Submit a high school graduation improvement plan to their district board of education at a regularly scheduled meeting prior to December 31st of the same year; and

2. Contingent upon the availability of funding, participate in technical assistance and training provided by the State Department of Education for the purpose of reducing drop-out rates and improving high school graduation rates. The technical assistance and training shall include identifying and implementing best practices, identifying actions the school district and schools should take to meet target high school graduation goals, and providing ongoing monitoring to assess school district and school progress in implementing recommended actions.

Added by Laws 2011, c. 245, § 2.

§70-3-152. Repealed by Laws 2005, c. 466, § 2, eff. July 1, 2005.

§70-3-152.1. Repealed by Laws 2018, c. 25, § 1, eff. Nov. 1, 2018.

§70-3-153. Reporting of plans to State Board - Exemptions.

A. School districts with one or more school sites that have been identified as in need of improvement by the State Board of Education pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110, shall be required to electronically submit the following plans to the State Board of Education:

1. The school improvement plan as required in Section 5-117.4 of this title; and

2. The capital improvement plan as required in Section 18-153 of this title.

B. School districts that do not have any school sites which have been identified as in need of improvement by the State Board of Education, pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110, shall not be required to submit the plans as set forth in subsection A of this section.

Added by Laws 2001, c. 242, § 1, eff. July 1, 2001. Amended by Laws 2005, c. 431, § 1, eff. Sept. 1, 2005; Laws 2006, c. 227, § 2, eff. July 1, 2006; Laws 2012, c. 354, § 2; Laws 2013, c. 83, § 7, eff. July 1, 2013.

§70-3-154. Review of plans by regional accreditation officer.

Each plan listed in Section 3-153 of this title and which is not required to be submitted to the State Department of Education shall be reviewed by a regional accreditation officer at the time of the visit to the school district by an officer in accordance with the evaluation schedule set forth in Section 3-104.4 of this title.

Added by Laws 2001, c. 242, § 2, eff. July 1, 2001. Amended by Laws 2019, c. 373, § 2, eff. Nov. 1, 2019.

§70-3-155. Study and assessment of information and reports - Collection techniques.

A. The State Board of Education shall study and assess ways to eliminate, reduce, consolidate, and simplify the number, type, and length of reports, data, statistics, and other information required of any school district or school district personnel by the Board or State Department of Education. Subject to the availability of funding, the Board is hereby authorized to retain a consultant or expert as may be necessary to complete the study. The study shall include the feasibility of coordinating reporting dates and shall identify all requirements for maintaining, completing and filing records and reports mandated by law or rule and make recommendations for any amendments that may be necessary to the law or rules to implement the recommendations reported in the study. In conducting

research for the study, the Board shall provide for the input and participation of school districts, school district personnel, and other educational organizations. By December 31, 2010, the Board shall issue a preliminary report of any findings and recommendations collected prior to that date. The Board shall complete the findings and recommendations of the study and shall file a final report with the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate by December 31, 2012.

B. In conducting the study as required in this section, the Board may:

1. Survey a sample of classroom teachers from elementary, middle, and high school grades in the public schools in the state to determine the quantity and types of paperwork required from teachers on a daily, weekly, monthly, semester, or annual basis as mandated by state law or rule;

2. Review efforts being made at the school district level to reduce the requirements for extraneous paperwork placed on teachers;

3. Collaborate with the United States Department of Education to standardize all compliance requirements of the federal Individuals with Disabilities Education Act (IDEA) and review and simplify the paperwork established by the United States Department of Education to verify compliance with IDEA; and

4. Study the amount of state and local funds expended to meet the compliance and paperwork requirements of IDEA.

Added by Laws 2005, c. 290, § 2, emerg. eff. June 6, 2005. Amended by Laws 2010, c. 150, § 1, eff. July 1, 2010.

§70-3-156. Local school district assessment - Report submission.

Each local school district may study and assess ways to eliminate, reduce, consolidate, and simplify the number, type, and length of reports, data, statistics, and other information required of any school district personnel by federal or state law. In conducting research for the study, the school district shall provide for the input and participation of school district personnel.

Each local school district may also study and assess ways to eliminate, reduce, consolidate, and simplify the number of tests required by students enrolled in school.

Findings and recommendations of both studies shall be forwarded to the State Department of Education.

Added by Laws 2010, c. 150, § 2, eff. July 1, 2010. Amended by Laws 2012, c. 354, § 3.

§70-3-160. State student record system - Development and implementation in compliance with federal requirements.

A. In developing and implementing a state student record system, as required in Subsection E of Section 18-200.1 of this title, and as needed to comply with the tracking and reporting

requirements of the Elementary and Secondary Education Act of 1965 (ESEA), P.L. No. 114-95, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015, the State Department of Education shall construct the system to contain the following elements and comply with the following standards and compliance capabilities:

1. Extensible Markup Language (XML), which defines common data formats used during communication between disparate systems;

2. Web services protocol developed by the World Wide Web Consortium, which enables systems that are physically separated but connected to the Internet to be combined to permit complex operations;

3. Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications, which enable school district software management systems to communicate with each other. The student record system shall include, but not be limited to, the specifications for course identifiers, state standard formatting, content formatting, and assessment formatting specification;

4. United States Department of Education ED Facts data exchange guidelines with data elements capable of providing reporting on federal educational programs; and

5. Defined state data codes to ensure consistent reporting from school districts including, but not limited to, data codes for course identifiers, entries, gains, and losses. Current data codes for teacher certification and the Oklahoma Cost Accounting System shall be extended to match other defined data codes.

B. Any student information system and any instructional management system used by school districts in the state shall comply with the Extensible Markup Language (XML) standards and the Schools Interoperability Framework (SIF) version 1.5 specifications, or any updated versions of the specifications.

C. The State Department of Education shall have the authority to define requirements for the submission of data elements in compliance with the Schools Interoperability Framework (SIF) version 1.5 for the student information systems and instructional management systems used by school districts statewide in compliance with state and federal statutes.

Added by Laws 2003, c. 430, § 2, eff. July 1, 2003. Amended by Laws 2019, c. 486, § 1, eff. July 1, 2019.

§70-3-161. Repealed by Laws 2014, c. 72, § 1.

§70-3-162. Enrollment - Collection of information regarding participation in certain programs.

A. Beginning with the 2007-2008 school year, upon initial enrollment in a public school district, the school shall request the

parent or guardian of a student to provide information to the school district regarding participation in the following:

1. A childcare program that is licensed pursuant to the tiered licensing system established by the Department of Human Services;

2. The SoonerStart program operated by the State Department of Education;

3. The program of parent education operated by the State Department of Education pursuant to Section 10-105.3 of this title;

4. The Children First program operated by the State Department of Health;

5. Any child abuse prevention program operated by the State Department of Health;

6. Any federally funded Head Start program; and

7. Any other early childhood program funded by state or federal monies as determined by the State Board of Education.

B. The State Department of Education shall verify the accuracy of the information provided by the parents or guardians pursuant to subsection A of this section with the appropriate agency. Each agency shall cooperate and provide verifying data to the Department.

C. The State Department of Education shall develop state data elements and codes for each program identified pursuant to subsection A of this section for use in the statewide student record system program, which shall be used to provide effective reporting and research on the identified programs. The codes shall be entered into the statewide student record system program upon initial enrollment of a student.

D. The State Board of Education shall adopt rules to implement the provisions of this section.

Added by Laws 2005, c. 420, § 1, eff. July 1, 2005. Amended by Laws 2015, c. 217, § 1, eff. Nov. 1, 2015.

NOTE: Editorially renumbered from § 3-161 to avoid a duplication in numbering.

§70-3-163. Repealed by Laws 2017, c. 3, § 1, eff. Nov. 1, 2017.

§70-3-164. Repealed by Laws 2017, c. 3, § 2, eff. Nov. 1, 2017.

§70-3-165. Repealed by Laws 2017, c. 3, § 3, eff. Nov. 1, 2017.

§70-3-166. Repealed by Laws 2017, c. 3, § 4, eff. Nov. 1, 2017.

§70-3-167. Exemption from participation in advisory council or committee.

A. 1. The State Board of Education shall exempt all school districts from or waive any policy, rule or law which requires school districts to form, convene, or participate in any advisory

council or committee, including but not limited to the requirement to convene an advisory council when preparing the school improvement plan as set forth in Section 5-117.4 of this title.

2. The provisions of paragraph 1 of this subsection shall cease to be effective during the fiscal year which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.

B. School districts shall not be exempted from forming, convening or participating in an advisory council or committee if required by federal law or regulation.

Added by Laws 2010, c. 457, § 2. Amended by Laws 2012, c. 236, § 2, eff. July 1, 2012; Laws 2014, c. 311, § 3, eff. July 1, 2014; Laws 2016, c. 253, § 2, eff. July 1, 2016; Laws 2019, c. 488, § 2, eff. July 1, 2019.