

**Minutes of the Regular Meeting of the
STATEWIDE VIRTUAL CHARTER SCHOOL BOARD
OLIVER HODGE EDUCATION BUILDING
2500 NORTH LINCOLN BOULEVARD, ROOM 1-20
OKLAHOMA CITY, OKLAHOMA**

June 11, 2013

The Statewide Virtual Charter School Board met in regular session at 1:04 p.m. on Tuesday, June 11, 2013, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 12:55 p.m. on Monday, June 10, 2013.

The following were present:

Ms. Terrie Cheadle, State Board of Education

Members of the Statewide Virtual Charter School Board present:

Mr. John Harrington, Edmond
Ms. Debbie Long, Claremore
Mr. Jaared Scott, Stillwater
Ms. Pamela Vreeland, Jenks

Members of the Statewide Virtual Charter School Board not present:

Dr. Janet Barresi, State Superintendent of Public Instruction, ex-officio nonvoting member

Others in attendance are shown as an attachment.

**CALL TO ORDER
AND
ROLL CALL**

John Harrington called the Statewide Virtual Charter School Board regular meeting to order at 1:04 p.m. and welcomed everyone to the meeting. Ms. Cheadle called the roll and ascertained there was a quorum.

**PLEDGE OF ALLEGIANCE, OKLAHOMA
FLAG SALUTE, AND MOMENT OF SILENCE**

John Harrington led Board Members and all present in the Pledge of Allegiance to the American Flag, a salute to the Oklahoma Flag, and a moment of silence.

**May 14, 2013 Statewide Virtual Charter School
Board Regular Meeting Minutes Approved**

Pamela Vreeland made a motion to approve the minutes of the May 14, 2013, regular Statewide Virtual Charter School Board meeting. Jaared Scott seconded the motion. The motion carried with the following votes: John Harrington, yes; Debbie Long, yes; Jaared Scott, yes; and Pamela Vreeland, yes.

OPENING COMMENTS

John Harrington said Superintendent Barresi in a recent interview talked about the impact on education relating to the multiple tornadoes in Oklahoma the past month. Anytime there is an experience like that it brings the true priorities back into focus. Hearing her talk about education and the education impact renewed and encouraged me about the significance of the opportunity that we have here.

ADMINISTRATION

**Overview of Charter School Sponsor
Procedures from other organizations**

Derrel Fincher, Director of Learning Technologies, presented an overview of other charter school board policies and not those previously forwarded to members. He reviewed board duties per Senate Bill 267, state of Maine, Indiana and Illinois charter commissions/boards, K-12 on line learning organizations, and Cooperative Organizations.

Stephanie Moser Goins, Assistant General Counsel, presented a timeline review for policy rulemaking. The administrative rules process is accomplished in accordance with the *Administrative Procedures Act*. Several keys are needed to promulgate a permanent rule including publication of a Notice of Rulemaking Intent (NRI) which is published in the Oklahoma Register. The NRI constitutes formal notice to the public of the board's intent to promulgate a rule. It provides information when the 30-day public comment period begins, and the public hearing schedule. When building the rulemaking timeline it

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is important to get the rules in for consideration prior to the yearly April 1 deadline. Once they are board adopted the final stage is the Legislature and Governor approval. When working backwards from the April 1 deadline, the 30-day public comment period and public hearing, Secretary of State filing notices for the Oklahoma Register publication, and an additional 2-3 week timeline must be factored in. Typically, late January or early February is the latest to get the NRI published to allow time for public comment, as well as, board presentation/adoption. Preferably a draft of the rules should be done in August or early as possible to prevent delaying an NRI later than January or February. Having a good sense of what is needed in the rules in order to plan during the summer and ready in early fall is recommended. Available timelines and deadline documents would be provided at the July 12 meeting.

John Harrington clarified that the two parallel timelines are the rules and regulations, and a timeline for charter schools. The critical path is to get rules out for those interested in a charter school as well as for those already in motion, and to communicate there is a place for them to step to as early as possible.

Stephanie Moser Goins recommended that items appropriate for rulemaking and elements of the internal procedure are better addressed through policy and procedures, and need to be in separate columns to map out the plan ahead. Working out the charter school sponsorship timeline and setting the timeline is a big element. Members should consider the last date applicants can submit an application, allow sufficient statutory time and approval prior to the school year approximately November 1, or at the latest January 1.

John Harrington asked what rules needed to be in place? Will rules have to be approved and in place?

Stephanie Moser Goins said right now in absence of a rule you will default to the statutory framework. To clarify the purpose of the rules was not to create new law, because this is an executive branch agency, but to provide additional clarification on existing law. Without rules and defaulting to the statutory framework the public is not provided a set of rules that makes clear the boundaries of the playing field. The board should discuss a structure for what will be promulgated in rules. It is not necessary to wait on rules to start processing charter school applications. In part, once rules are in place it will save time for the board as the sponsor, and provide more clarity for the potential applicants of what is expected. This eliminates rejecting applications for failure to provide information needed to assess the application.

Derrel Fincher asked could internal procedures be adopted to guide, for example, the first set of applications until a rule is published.

Stephanie Moser Goins said yes. It would be an appropriate task to develop a policy document similar to other districts that sponsor charter school applications in order to guide potential applicants.

Derrel Fincher further overviewed charter board policies, procedures, application process and criteria.

John Harrington asked if existing virtual charter schools go through an application process.

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Richard Caram, Assistant State Superintendent, School Support, C³ Schools, said the process for one of the two virtual charter schools was very informal and consisted of a negotiation between superintendent and the charter school. The other was more of a presentation/discussion with the actual school district/board, and a formal charter school application process similar to Oklahoma City Public Schools' application. Both applications contained the Oklahoma requirements for charter schools and were geared more to the virtual format of a charter school. The State of Maine and Indiana have a good process and follow their format for a brick and mortar charter school.

Derrel Fincher clarified Maine and Indiana considers both brick and mortar schools and virtual charter schools under the same umbrella.

Jaared Scott asked if the review process was solely up to the SVCSB or would the State Department of Education (SDE) expertise be involved in vetting and making a recommendation to the SVCSB.

Richard Caram advised individual Board member(s) could meet with SDE staff to review/discuss; and attend/participate in the interview process or at a presentation for further clarification.

John Harrington asked were the two existing charter schools assigned a site code associated with a school district in which they were chartered.

Richard Caram said once the authorizer approves, then paperwork is submitted to the SDE where a county/district site code is assigned. A different site code may be used to identify virtual charter schools as non-brick and mortar LEAs. He reviewed establishing a timeline process for potential virtual charters for funding and enrollment dates and charter school start up grants; and 4200 student enrollment in current virtual charters.

Stephanie Moser Goins clarified that the law states the SVCSB assumes existing contracts and takes necessary steps to execute contracts for transferring property. An administrative period should be built into the timeline, whereby, a reporting requirement deadline for existing charter schools to provide a property list or elements set forth in the statute to be transferred over to the SVCSB.

Richard Caram said when a charter school is dissolved or contract(s) not renewed, all property returns to the specific sponsoring entity. The provision requiring property transfers to the SVCSB should also include property purchased with any state funding. Both the SVCSB and charter should maintain an inventory of all property.

John Harrington said hypothetically a criterion is developed for charter school proposals received and evaluated. As of today, an existing charter school that did not meet the required standards, but was grandfathered in, would they be excluded or be given an opportunity to meet the new requirements?

Richard Caram said existing charter schools should be given an opportunity because they are still under contract. The ongoing evaluation process is part of the duties of the SVCSB to evaluate progress, expectation, and requirements.

Debbie Long said a policy or procedure would be created for those charters coming in this first year in order to be accepted for next school year. Would they need to go

through a review process by the SVCSB? They are not just grandfathered in and good for three years by renewing their contract? A review process is required for annual accountability for everybody?

Stephanie Moser Goins said there is no provision in the statute for any sort of reapplication but specifically states “for the remainder of the term of the contract.” It is important to separate the issue of accountability from the terms of the existing charter as a sponsor. I will research if any case law exist and address today’s questions at the July meeting. The criteria for renewing an existing contract, when assuming an existing contract, does need to be set up and separate from the accountability standards to which the charter would be subjected. As yet, the statute does not allow a renegotiation of an existing contract. The standards, disciplinary action, and corrections will fall under the purview of the SDE accreditation.

Derrel Fincher said he reviewed the process, interviews, final approvals for the state of Maine and they approve contracts in November. It is his understanding the contract starts in August/September and negotiated in February but by the time this Board approves it is essentially an approved contract. It is not clear whether the contract application becomes a contract or a negotiation after the fact.

He reviewed deadlines for the letter of intent, applications and contents, sample policy/procedure/rules, and criteria.

Policy and Procedure Considerations and Deadlines

Members discussed drafting and development of policy and procedures, potential rule considerations, 6-9 month application process/approval timeline, charter school training certification requirements, letter of intent not a statutory requirement, appeal timelines, and SDE provide alternative scenarios.

Transfer Timelines for Existing Statewide Charter Schools

Derrel Fincher said one of the two existing statewide charter school contracts will renew in January 2014. All the real property is described in their existing contract therefore the SVCSB would need a copy to review.

Stephanie Moser Goins said she would provide more information regarding new school board member trainings and points at the July meeting.

ADJOURNMENT

There being no further business Debbie Long made a motion to adjourn the meeting at 2:15 p.m. Jaared Scott seconded the motion. The motion carried with the following votes: John Harrington, yes; Debbie Long, yes; Jaared Scott, yes; and Pamela Vreeland, yes.

The next meeting of the Statewide Virtual Charter School Board will be held on Friday, July 12, 2013 at 10:00 a.m. The meeting will convene at the State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

John Harrington, Chairperson of the Board

Terrie Cheadle, State Board of Education