

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

May 14, 2013

The Statewide Virtual Charter School Board met in regular session at 1:00 p.m. on Tuesday, May 14, 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, May 13, 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
Dr. Phyllis Hudecki, Secretary of Education, 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 1:00 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.

ADMINISTRATION

**April 19, 2013 Statewide Virtual Charter School
Board Special Meeting Minutes Approved**

Pamela Vreeland made a motion to approve the minutes of the April 19, 2013 special Statewide Virtual Charter School Board meeting. Jaared Scott seconded the motion. The motion carried with the following votes: Pamela Vreeland, yes; Jaared Scott, yes; Debbie Long, yes; and John Harrington, yes.

OPENING COMMENTS

John Harrington said the basic outline for the meeting is to give an orientation on what the new norm is and hopefully the norm we will now live with.

**Report on Statement of Financial Interest Filing
Required by the Oklahoma Ethics Commission**

Ms. Kim Richey, General Counsel, said she spoke with board members in regards to her correspondence pertaining to the Ethics Commission's Statement of Financial Interest. As individuals appointed to this board you are state officers under Oklahoma Ethics laws and as such required to file an ethics report. The Statement of Financial Interest asks particular questions regarding certain investments and relationships related to your business and the filings are due May 15. The purpose is to assure you have no financial interest in either schools you regulate or policies you will make. The notification was delayed due to confusion relating to who was to serve as the board's ethic liaison since under current law you were not fully operational as an operating school. After discussions with the Ethics Commission all the questions were worked through, confirmation was received last Monday requiring you to file the reports which I forwarded to you on Tuesday.

Ms. Richey said she would provide Ms. Long the information as Ms. Long reported had not received the correspondence.

**Changes in Role of Board due to Senate Bill 267
and Changes to 70 O.S. § 3-132, 3-140, and 3-142**

Ms. Stephanie Moser Goins, Assistant General Counsel, said the emergency provision of Senate Bill 267 failed and will now be effective September 2013. The amendments to the *Oklahoma Charter School Act* pertaining to the structure of the Statewide Virtual Charter School System sponsorship of statewide virtual charter schools now goes from the State Board of Education directly to the Statewide Virtual Charter School Board (SVCSB). The changes streamline the structure whereas before the law required setting up a separate charter school who would in turn contract with individual providers. This step was eliminated and the SVCSB becomes the sponsor of each virtual provider who under the new law is considered as a separate school site or Local Education Agency (LEA).

The SVCSB now has oversight authority of the operations of the statewide virtual charter schools, and will establish policies and procedures for considering sponsorship applications in accordance with the provisions of the *Oklahoma Charter School Act*. All virtual providers will now be a separate LEA. A provision in the new bill incorporates existing fulltime statewide charter schools under the umbrella of the SVCSB effective July 1, 2014. One change in Section 3-145.5, pg.13 requires the SVCSB on July 1, 2014 to secede any contractual right and responsibilities incurred by a school district contracted with a full time charter school that serves students outside of the school district's boundaries.

Ms. Goins said Senate Bill 267 makes the SVCSB the only entity that sponsors an online virtual charter school statewide. It requires the SVCSB to promulgate rules/implementation; allows 5 percent state aid allocation; has a formula to calculate weighted average daily membership (ADM); requires the SBE to consider appeals of any decisions of the SVCSB and establish procedures for hearing appeals; and the SDE to provide staff support until December 31, 2014 and thereafter office space for the SVCSB.

John Harrington said because it was not an emergency act, in essence it does not take effect until September. Is that correct?

Ms. Goins said yes the 90 day provision puts it at September before it goes into effect.

John Harrington said technically we are still on the books as what we were several months ago. We are still a board but the new role is not officially effective until 90 days later, the September time frame, correct? What is the general time frame for developing rules governing the board, development of policies and procedures for receiving applications, and an appeals process? The Act itself did not specify in detail when these had to be in place. Do we need to have a board manual in place in September?

Ms. Goins reviewed the *Administrative Procedures Act* (ARA) rulemaking procedures, process, and timelines required for permanent and emergency rules, deadlines, public hearing/comment, board rule adoption, and Governor and Legislature approvals.

John Harrington asked speaking in generalities, would you see a circumstance like this that perhaps the draft rules would be assembled and process start in an October

Minutes of the Regular Meeting of
the Statewide Virtual Charter School Board
May 14, 2013

timeframe and in essence live by those under the emergency provision until the actual rules were adopted later?

Ms. Goins said you would adopt policies and procedures and rules. There may not be many things to rise underneath the threshold for an emergency rule therefore getting the internal policies and procedures adopted and work under those adopted procedures and policies until it can go through the rulemaking procedures required under the APA.

John Harrington asked what type of details needs to be approved by the legislature or Governor? What is the level of granularity that is submitted and reviewed?

Stephanie Moser Goins said first off decide whether are not something has to be a rule and there is a definition of rule provided in the APA. You will want to consider basically anything that has some sort of affect outside the agency. In other words any sort of rule that goes beyond internal policies and procedures would be considered something subject to rule making. The rulemaking policy does not need to be used for internal governance policies and procedures. Once you look at adopting policies and procedures that are in affect or applicable or enforceable to those citizens outside the agency is when you start looking at the rule making process.

Jaared Scott asked what things should the board be working on since the change does not take effect until September 1? Is it okay for to start work on the rules, procedures and policies even though it has not taken effect?

Stephanie Moser Goins said absolutely, start thinking about rules, procedures and policies in the next few board meetings and begin deliberating on organizing the governing body. This board serves as the governing body to exercise oversight over the statewide charter schools. Things to think over in the coming months are what will it look like, application process requirements, as well as, SDE internal governances and structures. The SBE is also working on establishing policies and procedures for accepting charter school applications of which no formal policy is in place and something they are considering. We have done brain storming on what it looks like and how it works, and will be happy to provide what has been worked out so far.

John Harrington said he was interested in more information regarding the sponsorship. As a sponsor for the various virtual charter schools, what is our role as sponsor of a virtual charter?

Stephanie Moser Goins said basically the board is approving a contract. The SVCSB enters into a contract with a particular school in which will incorporate their charter agreeing as the sponsor to be the entity that vouches for the school. The SVCSB role is to get the school started and rolling, the charter will be in effect for a number of years, and renewal in a required time period. Board members may consider comparing other sponsoring entities established policies and procedures for sponsorship. Your role as a sponsorship initially is going to take a look at the charter school's underlying policies and procedures in their charter and assure they conform to the *Oklahoma Charter School Act* provisions. Some provision requirements include charters schools being subjected to the same provisions of state and federal laws and compliances which should be addressed in charter school proposal.

Jaared Smith asked for clarification on the SBEs work, the similarities between both boards, and exchange of information.

Minutes of the Regular Meeting of
the Statewide Virtual Charter School Board
May 14, 2013

Stephanie Moser Goins said whatever policies and procedure the SBE approves and considers in sponsorship applications models can be looked as a guide. She suggested not being limited by other models.

Jaared Smith said the July 1, 2014, effective date refers to the existing virtual charter schools that come into the SVCSB purview next summer but request for sponsorship applications could be taken this fall prior to that?

Stephanie Moser Goins said that is one of the things the board should carefully consider what the effective timeline date will be. There is a statutory provision for in the *Oklahoma Charter School Act* for reconsideration of a charter school application which should be factored into the timeline also.

Jaared Smith said with everything we need to do, we are not anticipating accepting any applications for sponsorship for this coming school year. Is that correct?

John Harrington said no. Adequate time is needed.

Stephanie Moser Goins said Senate Bill 267 requires the SVCSB to assume the contracts for any existing, providing any existing statewide virtual charter schools providing services to students that are outside the sponsoring schools.

Board Members discussed developing policies and procedures outlines throughout summer, timeline to receive applicants and renewals, rulemaking planning, SDE staff availability and advisory, continue monthly meeting schedule, and appointment of fifth board member.

ADJOURNMENT

There being no further business Debbie Long made a motion to adjourn the meeting at 1:47 p.m. Jaared Scott seconded the motion. The motion unanimously carried.

The next meeting of the Statewide Virtual Charter School Board will be held on Tuesday, June 11, 2013 at 1 p.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