



OKLAHOMA CHARTER SCHOOLS ACT

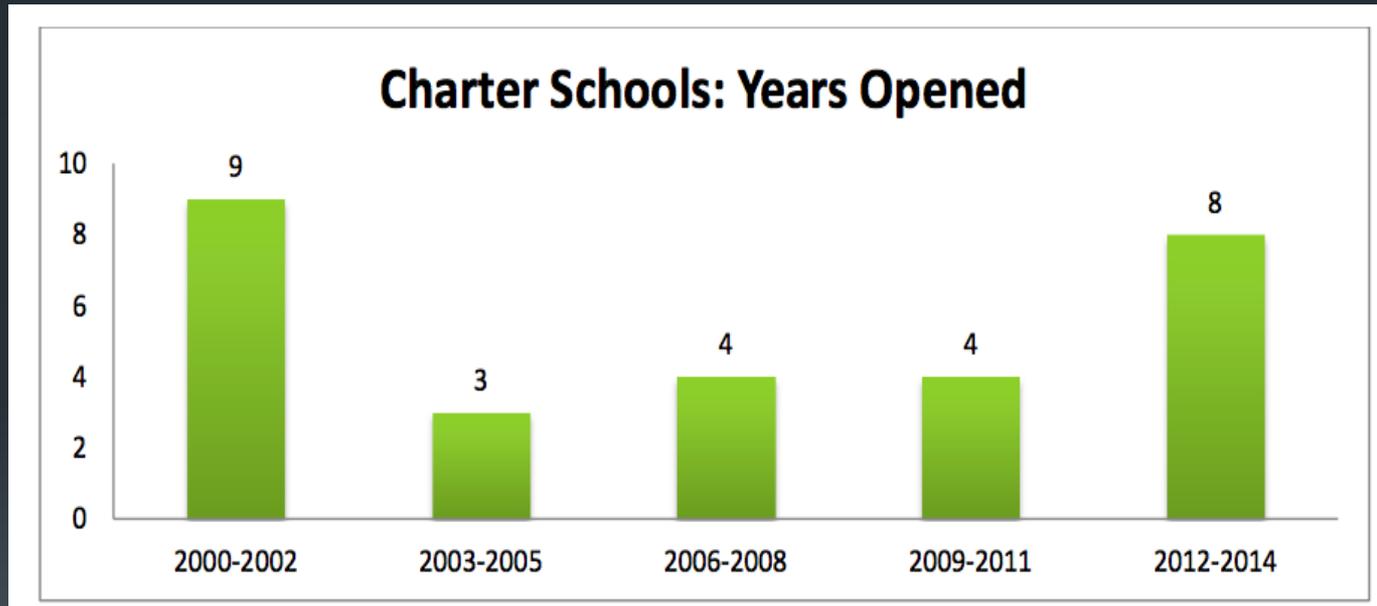
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History/Background

1999 – Original enactment



2015 – Senate Bill 782



What is a Charter School?

- Public School
- Contract
- Specific curriculum?
- Exempt from certain regulations
 - Teacher Due Process; TLE; collective bargaining; credentialing
- Conversion charter school?
- Flexibility in exchange for accountability

What is a Charter School?

Charter Sponsor (Authorizer): Allows the school to exist. Receives up to 5% of all state aid from the school in return for services.

Governing Board: Typically incorporated as a 501(c)3, this body is the applicant to the sponsor and manages the school's function like a school board. They are subject to Open Meetings/Records Act.

School Leadership: This person or team runs the day-to-day operations of the school and is hired and fired by the "Board of Governance."



Purpose – 70 O.S. § 3-131

- Improve student learning
- Increase learning opportunities for students
- Encourage use of different and innovative teaching
- Provide additional choices
- Require measurement of student learning and create innovative forms of measuring student learning
- Establish new forms of accountability; and
- Create new professional development opportunities

Sponsors – 70 O.S. § 3-132

- ANY school district
- Technology center school district (29)
- Accredited institution of higher education, so long as...
- Federally-recognized Indian tribe
 - Former reservation or treaty area on property held in trust
- State Board of Education
 - Office of Juvenile Affairs (2)
 - On appeal (5 per year)
 - High quality application
 - Clear demonstration of community support
 - Decision not supported by greater weight of the evidence
- Statewide Virtual Charter School Board



Establishment

- Charter school training
- Application
- Contract
 - 5 year initial term

Lawyers...



Application Process – 70 O.S. § 3-134

- Submission: time limitations?
- Sponsor has 90 days
 - Must accept or reject
 - 30 days to submit revised application
 - 30 additional days
- Upon approval/rejection
 - Approval: negotiate 5 year contract
 - Rejection: appeal to the State Board of Education (school district only)
 - Non-school district: proceed to mediation or binding arbitration

Application – 70 O.S. § 3-134

- 10 to 35
- Application to a sponsor must include 35 elements such as:
 - Financial plans, financial controls and audit requirements
 - Start-up and 5-year budget including cash flow projections
 - Facilities plan, including contingency plan
 - Example
 - Description of minimum and maximum enrollment (caveat)
 - Description of academic program aligned with state standards
 - Instructional framework (class size and structure, teaching methods, etc)
 - Plan for assessments
 - Plan for serving students with disabilities, ELL, and struggling students
 - Demonstration of community support

Application...70 O.S. § 3-134

- Application to a sponsor must include 35 elements such as:
 - Plan for student recruitment
 - Discipline policies
 - Organizational structure and responsibilities
 - Plans for transportation and food service
 - Governing board must meet at least quarterly within the state
 - For counties with 500,000- people, a majority of board members must be residents within the geographic boundary of the sponsor
 - Requirement that the school follow Open Meeting and Open Records Acts



Sponsorship – 70 O.S. § 3-134

- Sponsor to provide notice upon approval
 - Charter
 - Charter contract
- Powers and duties
 - Oversight through performance reviews
 - Decline weak or inadequate applications
 - Monitor performance and legal compliance
 - Renewal/non-renewal
 - Develop policies



Contract – 70 O.S. §3-135

- Charter incorporation
- Admission policies and procedures
 - “Equally free and open”
- Management & Administration
- Audit procedures
- Compliance with Act
- Term
- Funding



Startup - 70 O.S. §3-135

- No hiring or operations until contract is signed
- Sponsor “reasonable” preopening requirements
- Employment Agreement
 - Professional development
 - Certification
 - Leave policy
 - Suspension/dismissal
 - Rights if closed/terminated



Performance - 70 O.S. §3-135

- Annual review
- Academic proficiency
- Academic growth
- Attendance
- Graduation rate
- Governing board performance

Renewal - 70 O.S. §3-137

- 4th year of operation
 - Summary of performance to date
 - Consideration of at-risk population
 - Opportunity to respond
- 5th year of operation
 - Renewal application
 - Improvements planned and/or undertaken
 - Plan for next term
- Intent to not renew— 8 months prior to expiration
- Decisions are transparent based on:
 - Performance evidence
 - Achievement of standards and targets
 - Public report
- Binding arbitration



Termination - 70 O.S. §3-137

- Failure to meet performance targets
- Fiscal management
- Violation of law, other good cause
- 90 days written notice
- Informal hearing
 - 14 days
- Binding arbitration?

Compliance - 70 O.S. §3-136

- Except as provided for in the Charter Schools Act...exempt from statutes, rules, and regulations
- Federal regulations, state law, rules relating to health, safety, civil rights and insurance
- Nonsectarian
- Oklahoma School Testing Program
- Financial audits, audit procedures, reporting requirements
- Use Oklahoma Cost Account System (OCAS) to report financial transactions
- Individuals with Disabilities Education Act (IDEA)



Compliance - 70 O.S. §3-136

- Board member conflict of interest statutes
- No tuition or fees
- No home school generation of revenue
- Days of instruction (180 days/1080 hours)
- Student suspension
- School district for Governmental Tort Claims Act
- Teachers retirement?
- No taxes or issuing bonds, but...
- Quarterly board meetings
- Open Meetings Act
- Open Records Act



Open Meetings Act - - 25O.S. §301

- Encourage and facilitate informed citizenry
- Meetings of public bodies at place, time and location convenient and open to public
 - Does not include informal gatherings
- Advance notice of meeting
- Executive session – do not do unless specifically authorized by 25 O.S. 307(b)
- Penalties

Open Records - 51O.S. §24A.1

- Front page of the paper theory
- Things created by or in the custody of public body
- E-mail?
- Confidential
 - Student records
 - Attorney-client
 - Executive session
 - Personnel records?
- Violations?





Accountability - 70 O.S. §3-137

- Senate Bill 782
- Bottom 5% at time of renewal
 - Average of current year and two prior years
- What if A-F changes?
- What if the Sponsor does not close the school?

Refusal to Close Shop





Accountability - 70 O.S. §3-137

- If not closed, sponsor appears before State Board of Education
- State Board may:
 - Transfer sponsorship
 - Order closure
 - Reduce administrative fee
- Due Process?
- Other Factors?



Enrollment - 70 O.S. §3-140

- Students who reside within the boundaries or who transfer
- Capacity insufficient?
- Enrollment preference – reside in district and attend a needs improvement school
- Academic Enterprise Zone – 60% free and reduced
- Nondiscrimination
- Enrollment caps?



Charter School Incentive Fund

- Eligible for start-up funding from the State Department of Education
- State Board of Education rules
 - 210:40-85-1 through 4
 - 210:40-95-3
- Money used only for specific expenditures
- Plan for funding must be submitted with application
- Charter schools required to report to the State Department of Education

Disclaimer

- General Counsel to the State Board of Education represents the Oklahoma State Board of Education
- This document provides general information regarding the Oklahoma Charter Schools Act and should not be construed as professional advice or opinion on specific facts or circumstances
- Charter school applicants should consult with their own independent legal counsel for advice in matters regarding the Oklahoma Charter Schools Act.

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