

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID
SUBCHAPTER 87. RULES FOR PAYMENTS TO CHARTER SCHOOLS**

210:40-87-5. Charter school application

(a) **Training.** Prior to submission of any additional applications to a proposed sponsor to establish a charter school, the prospective charter school applicant shall complete training as provided by the State Department of Education. The training shall include but not be limited to the following:

- (1) Process and requirements for establishing a charter school
- (2) Relevant Rules and Statutes pertaining to Charter Schools
- (3) Child Nutrition/Free and Reduced Lunch
- (4) Audits/State Aid/OCAS Reporting
- (5) School Personnel/Transportation
- (6) Curriculum/Gifted and Talented/Student Assessment
- (7) The WAVE Requirements
- (8) Open Meeting/Open Records/Ethics
- (9) Special Education

(b) **Establishment of a new charter school.** A new charter school will be considered established when a charter school application complies with 70 O.S. § 3-134 and is approved by the governing board of a sponsoring entity set forth in 70 O.S. § 3-132, or by the State Board of Education following a successful appeal under the procedure established pursuant to state law.

(c) **Processing the receipt of approved charter school applications.** All charter schools established pursuant to 70 O.S. Supp 2007 § 3-132(3)(4) must file charter documents with the State Department of Education; Office of Accreditation ~~Legal Services Section~~. The following documents must be filed:

- (1) a copy of the sponsor's board minutes approving the charter school application; ~~and~~
- (2) a copy of the completed charter school application;
- (3) A copy of the approved contract for the new charter school; ~~and~~
- (4) A letter addressed to the Office of Accreditation that includes the following:
 - (A) A request for the school to be assigned a county code, district code, and site code;
 - (B) The physical and mailing addresses of the charter school;
 - (C) Contact information for the school administrator or a designee;
 - (D) Grades served; and
 - (E) The month and year the charter school will begin operation.

~~(d) **Determining the number of new charter schools.** Determinations regarding the statutory maximum number of new charter schools established annually shall be made by the Oklahoma State Department of Education based upon the order of receipt of the documents referenced in section c of this rule. Funding for a new charter school shall not be allocated if the establishment of a new charter school exceeds the statutory limit referenced in 70 O.S. § 3-142.~~

(d) **Application requirements.** An applicant seeking to establish a charter school shall submit a written application to the proposed sponsor. The application must include all statutorily required items listed in 70 O.S. § 3-134(B).

(e) **School district sponsors.** A school district may sponsor a charter school located within the geographic boundaries of the sponsoring district, subject to the virtual education restrictions of 70 O.S. § 3-145.6. Pursuant to 70 O.S. § 3-132(A)(8), an applicant that has been denied a charter by the local school district in which it seeks to operate shall be eligible to appeal to the

State Board of Education under the provisions of 210:40-87-8.

(f) Other sponsors. A 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 making this assessment, a sponsor must consider the statutory factors listed in 70 O.S. § 3-132(C).

(g) Arbitration available if non-school-district sponsor denies application. If a non-school-district sponsor rejects an application which has been revised and re-submitted pursuant to 70 O.S. § 3-134(E), the applicant may proceed to binding arbitration under the commercial rules of the American Arbitration Association. The costs of arbitration will be borne by the proposed sponsor. Arbitration is not available to applicants for charter schools proposed to be sponsored by school district boards of education, which may appeal to the State Board under the provisions of 210:40-87-8 if the proposed district sponsor rejects an application which has been revised pursuant to 70 O.S. § 3-134(E).

210:40-87-7. Charter school contracts [NEW]

(a) Contract requirement. The sponsor of a charter school must enter into a written contract with the governing body of the charter school. The initial contract for sponsorship shall be for a period of five (5) years. The contract must meet all statutory requirements listed in 70 O.S. § 3-135(A). A charter contract may provide for one or more schools by the same applicant, to the extent approved by the sponsor and consistent with applicable law. An applicant or the governing board of an applicant may hold one or more charter contracts. Each charter school that is part of a charter contract shall be separate and distinct from any other charter school under the same charter contract, and the sponsor shall evaluate each charter school's performance separately.

(b) Written procedure for consideration, approval, and disapproval. Sponsors shall establish a written procedure and criteria for accepting, approving, and disapproving charter school applications in accordance with 70 O.S. § 3-134(E). A copy of this procedure and criteria shall be made available on request to charter school applicants, potential applicants, and members of the public.

(c) Performance provisions. Each charter contract shall contain performance provisions based on a performance framework that sets forth the academic and operational performance indicators, measures, and metrics that will guide the sponsor's evaluations of the charter school. The sponsor shall not request any metric or data from a charter school that it does not produce or publish for all school sites in the district or under its sponsorship, unless the metric or data is unique to the charter school. To avoid duplication of administrative efforts, the sponsor shall require that data submitted under the performance provisions must be submitted by the charter school in the exact format required for submission of data to the Oklahoma State Department of Education (OSDE). Alternately, a sponsor may allow a charter school to provide permission to OSDE to share data required by the performance framework with the sponsor of the school. The performance framework must include measures that indicate, at a minimum:

- (1) Student academic proficiency;
- (2) Student academic growth;
- (3) Achievement gaps in both proficiency and growth among major student subgroups;
- (4) Student attendance;
- (5) Recurrent enrollment from year to year as determined by the methodology used for

- public schools in Oklahoma;
- (6) In the case of high schools, graduation rates as determined by the methodology used for public schools in Oklahoma;
- (7) In the case of high schools, postsecondary readiness;
- (8) Financial performance and sustainability; and
- (9) Governing board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.
- (d) Copies of all modified contracts to be sent to State Department of Education.** A charter school must provide the OSDE Office of Accreditation with a copy of any modified contract within thirty (30) calendar days of execution. The requirement to send a copy of any modified charter contract to the OSDE Office of Accreditation applies to any change in terms, not only to changes that could potentially affect state funding.

210:40-87-8. Appeals for sponsorship to the State Board of Education [NEW]

- (a) Circumstances permitting appeal.** When an applicant has been denied a charter by the local school district in which it seeks to operate following submission of a revised application, the applicant may apply to the State Board of Education for sponsorship, subject to the limitations on number of State Board sponsored charter schools under 70 O.S. § 3-132(A)(8).
- (b) Submission of an appeal to the State Board.** A charter school applicant that has been denied a charter by a school district and wishes to appeal to the State Board for sponsorship must submit a request in writing to the Executive Secretary of the Board within thirty (30) days of the denial. In considering whether the conditions for State Board sponsorship have been met, the Board will not conduct a de novo consideration of the application, but will review the record on appeal. The written request submitted by the applicant must therefore include, at a minimum:
- (1) The original charter application, the revised application submitted pursuant to 70 O.S. § 3-134(E), and all supporting documentation submitted by the applicant to the sponsor; and
- (2) The written record of the local board of education's decision.
- (c) Timeframe for hearing appeal.** The State Board of Education shall hear the appeal no later than sixty (60) calendar days from the date received by the Executive Secretary. Appeals may be considered at any regular or special meeting of the Board.
- (d) Determination of the number of new charter schools sponsored by the State Board.** The county code assigned to the school district by the Oklahoma State Department of Education (OSDE) Office of Accreditation shall be the basis for determining whether the district is located in a county with a population of fewer than five hundred thousand (500,000). The State Board is authorized to sponsor no more than five (5) charter schools per year in counties with a population of fewer than five hundred thousand (500,000), with no more than one (1) new charter school sponsored in a single school district per year. Requests for appeal that meet the requirements in subsection (b) shall be scheduled for hearing in the order in which they are received by the Executive Secretary of the State Board. There is no annual limitation on the number of charter schools the State Board is authorized to sponsor in counties with a population greater than five hundred thousand (500,000).
- (e) Conditions required for State Board sponsorship.** In order to authorize a charter school that has been denied a charter by the local district, the State Board must find evidence of the following:
- (1) A thorough and high-quality charter school application from the applicant, based on the authorizing standards in 70 O.S. § 3-134(B);

- (2) A clear demonstration of community support for the charter school; and
- (3) The grounds and basis of objection by the school district for denying the operation of the charter are not supported by the greater weight of evidence and the strength of the application.

210:40-87-9. Applications for renewal of charter school contracts [NEW]

(a) General requirements. All applications for renewal of a charter contract must meet the requirements of 70 O.S. § 3-137. Every charter contract renewed after August 20, 2015, must incorporate the requirements of 70 O.S. § 3-135 as amended by Senate Bill 782 (2015), even if the original contract was entered prior to August 20, 2015. Prior to the beginning of the next-to-last year of operation of a charter school under its existing contract, the sponsor shall issue a charter school performance report and renewal application guidance to the school and the charter school board. Prior to the beginning of the last year of operation under its existing contract, the charter school may apply for renewal of the contract with the sponsor.

(b) Duration of renewed charter contract. A charter contract may be renewed for successive five (5) year terms of duration. The sponsor may also vary the renewal term to a period other than five (5) years based on the performance, demonstrated capacities, and particular circumstances of each charter school. If the sponsor determines that a duration other than five (5) years is appropriate for a renewal contract, the renewal contract shall state the reason(s) for the varied term.

(c) Renewal with conditions. A sponsor may grant renewal with specific conditions for necessary improvements to a charter school. If a sponsor grants a renewal under which specific conditions must be met, the conditions shall be explicitly stated in the renewal contract.

(d) Performance report requirements. A charter school shall have forty-five (45) calendar days to respond to the performance report and submit any corrections or clarifications to the sponsor. The charter school performance report issued by the sponsor prior to the next-to-last year of operation shall provide to the charter school:

(1) A summary of the performance record of the charter school to date, based on the data required by the Oklahoma Charter Schools Act and the charter contract, and taking into consideration the percentage of at-risk students enrolled in the school; and

(2) Notice of any weaknesses or concerns perceived by the sponsor that may jeopardize the charter school's position in seeking renewal if not timely rectified.

(e) Renewal application guidance requirements. The renewal application guidance issued by the sponsor to the charter school prior to the next-to-last year of operation shall include or explicitly refer 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. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

(1) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) Describe improvements undertaken or planned for the school; and

(3) Detail the plan for the next charter term for the school.

(f) Guidelines for renewal decisions. A sponsor which does not intend to renew a charter contract must give written notice of its intent to deny a request for renewal at least eight (8) months prior to the expiration of the contract. In making renewal decisions, a sponsor shall:

(1) Ground decisions on evidence of the school's performance over the term of the charter

contract, evaluated in accordance with the performance framework set forth in the contract, and taking into consideration the school's percentage of at-risk students;

(2) Grant renewal to schools that have achieved the standards and performance expectations set forth in the contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and all applicable laws and administrative rules;

(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 the decision.

(g) **Binding arbitration upon request of charter school denied renewal.** If a sponsor other than a school district has denied a charter school's request for renewal, the school may request that the governing board of the sponsor proceed to binding arbitration as provided for in 70 O.S. § 3-134(G). If a school district sponsor has denied a charter school's request for renewal, the school may appeal to the State Board of Education under the procedure set forth in 210:40-87-8.