

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID**

SUBCHAPTER 87. RULES FOR PAYMENT TO CHARTER SCHOOLS

210:40-87-6. Charter school insurance and surety bonding.

(a) Liability insurance. Each charter school shall be required to furnish and maintain liability insurance coverage and fidelity bonding of the same terms, conditions, types and amounts required of public schools under Oklahoma law. The provisions of this subsection shall not be interpreted to preclude any charter school from obtaining liability insurance coverage or fidelity bonds in addition to or in excess of the requirements of this section.

(b) Surety bonds. Charter school officers and/or employees shall be required to furnish and maintain surety bonds with the same terms, conditions, penalty, types and amounts required of public school officers and/or employees under Oklahoma law.

(1) All surety bonds shall comply with the requirements set forth in 70 O.S. § 5-116a, provided that in the case of a charter school established in accordance with the provisions of the Oklahoma Charter Schools Act, at the surety bond shall be made payable to the charter school instead of the school district.

(2) The provisions of this subsection shall not be interpreted to preclude any charter school officer and/or employee from furnishing and maintaining a surety bond in excess of the requirements of this section.

(3) Further, the provisions of this subsection shall not be interpreted to preclude a school board, school district, or charter school sponsor from requiring a charter school officer and/or employee charged with custody of public funds from furnishing a surety bond as a prerequisite of employment unless otherwise prohibited by law.

210:40-87-7. Statewide Virtual Charter School Board

(a) Authority of Statewide Virtual Charter School Board. As the governing body of the full-time statewide virtual charter school sponsored by the State Board of Education in accordance with the provisions of the Oklahoma Charter School Act, the Statewide Virtual Charter School Board shall be charged with establishing all operating policies and procedures necessary to ensure that safe, consistent, effective, and appropriate services are provided to full-time virtual charter school students enrolled in the Statewide Virtual Charter School. Each statewide virtual charter school provider shall assume the role expected of a charter school site as set forth in the charter of the statewide virtual charter school and the provisions incorporated into provider contracts with the Statewide Virtual Charter School Board.

(b) Applications to sponsor a statewide virtual charter school. Applications to the State Board of Education to sponsor a statewide virtual charter school may only be submitted by the Statewide Virtual Charter School Board. In addition to the requirements of 70 O.S. § 3-134, the application must comply with the following requirements:

(1) An entity shall not be eligible to enter into a contract as a statewide virtual charter school provider if it is currently operating a charter school under separate contract with a sponsor under the provisions of the Oklahoma Charter Schools Act.

(2) For initial consideration for sponsorship, the Statewide Virtual Charter School Board shall develop and submit to the State Board of Education for review and approval a set of policies and procedures governing administration and operation of the statewide virtual charter school and a set of policies and procedures governing operation of virtual charter

school providers. The policies and procedures governing administration and operation of the statewide virtual charter school shall be incorporated into the terms of the application of the virtual charter school and into the terms of the contract between the State Board of Education and the Statewide Virtual Charter School Board along with the provisions required by 70 O.S. § 3-135.

(3) The policies and procedures governing operation of the statewide virtual charter school providers shall be incorporated into each contract the Statewide Virtual Charter School Board executes with a virtual charter school provider under (4) of this subsection, and the Statewide Virtual Charter School Board shall ensure that the virtual charter school provider is able to meet each of the following requirements specific to the virtual delivery of education services:

(A) That each virtual charter school provider is adequately prepared to deliver services to all enrolled students on the school's first day of operation and for all required instructional hours for every school year through a stable virtual platform;

(B) That each virtual charter school provider has consistent procedures in place governing admission, transfers, enrollment, and withdrawal of students by each virtual charter school provider;

(C) That each virtual charter school provider has consistent procedures in place governing the evaluation, identification, applicable procedural safeguards, and provision of appropriate online and other services and technical support in the least restrictive environment to students with disabilities and/or other special needs by each virtual charter school provider, including:

(i) Students who require or may require individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA);

(ii) Students who require accommodations under a plan developed in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973;

(iii) Students who are English Language Learners; and

(iv) Students who are gifted and talented;

(D) That each virtual charter school provider complies with state and federal law in protection and handling of student records and data;

(E) That each virtual charter school provider has consistent procedures and technology in place necessary to monitor and report student attendance and participation in online school activities and any necessary instruction in accordance with the requirements set forth under state law;

(F) That each virtual charter school provider has fair and consistent procedures in place to implement necessary and appropriate practices to promote student discipline and includes sufficient due process protections necessary for students facing accusations of conduct which may result in suspension and/or expulsion of a student;

(G) That the online courses offered by each virtual charter school provider are approved by the Statewide Virtual Charter School Board;

(H) That each virtual charter school provider has provided a full description and explanation of all equipment, services, training, technical support, software, and textbooks that will be provided to statewide virtual online education students meeting requirements established by the Statewide Virtual Charter School Board;

(I) That each virtual charter school provider has consistent procedures and technology in place to ensure delivery of services and that each virtual charter school provider has an adequate plan in place for communicating emergency procedures to students in the event

of technical failures of equipment and/or loss of connectivity as a result of weather conditions; and

(J) That each virtual charter school provider has consistent procedures and technology in place to ensure consistent and adequate communication with parents/guardians of students and provide student progress and academic reports to parents/guardians of students; and

(K) That each virtual charter school provider has provided a full description and explanation of the grade levels in which the provider intends to provide instruction and has agreed to use Oklahoma curriculum standards in each grade level served by the provider.

(4) Authority to enter contracts. Upon approval of a sponsorship application by the State Board of Education, the Statewide Virtual Charter School Board shall be authorized to contract with providers of services who meet the criteria established by the Statewide Virtual Charter School Board and the requirements set forth in (3) of this subsection.

Providers of services to statewide virtual charter school students shall be classified in two groups:

(A) “Statewide virtual charter school providers” shall be defined as any entity contracted by the Statewide Virtual Charter School Board to provide full-time, online only public school courses of instruction for Pre-K through twelfth (12th) grade students of the Statewide Virtual Charter School whose legal residence is located within the State of Oklahoma, and who have been approved for a transfer in accordance with the requirements of 70 O.S. § 3-140; and

(B) “Virtual educational student activity service providers” which shall be defined as any entity contracted by the Statewide Virtual Charter School Board to provide services, resources, or school activities to students of virtual online charter schools which are not otherwise included in an agreement with a virtual charter school provider. Examples of related service and/or resources include extra-curricular and enrichment activities such as field trips and hands-on laboratory activities, student physical activities, special education and related services, student counseling services, and transportation services.

(5) The definition set forth in (4)(a) of this subsection of a statewide virtual charter school provider as a provider of “online only” education shall not be interpreted as prohibiting the statewide virtual charter school from providing up to two hours per day of in-person, targeted one-on-one education instruction (e.g., tutoring, remediation, etc).

(c) List of approved statewide virtual charter school providers. The Statewide Virtual Charter School Board shall post and maintain on the State Department of Education website a list of the names, contact information, and links to the websites of all virtual charter school providers which have entered into contracts under the Oklahoma Charter School Act.

(d) Statewide virtual charter school contract renewal and reporting requirements. Renewal of a contract for the statewide virtual charter school sponsored by the State Board of Education shall be conducted in accordance with the requirements of the Oklahoma Charter Schools Act. At least one (1) year prior to expiration of the initial contract term, the Statewide Virtual Charter School Board shall present to the State Board of Education a proposal for renewal of the statewide virtual charter school. The recommendation by the State Board in support of or against renewal shall be based upon factors including, but not limited to:

(1) The statewide virtual charter school’s record of compliance with state and federal statutes and regulations;

(2) The statewide virtual charter school providers' record of compliance with state and federal statutes and regulations, as well as compliance with policies and procedures established by the Statewide Virtual Charter School Board;

(3) Data collected from statewide virtual charter school providers in accordance with subsection (e) of this Section;

(4) Accountability data collected from statewide virtual charter school providers in accordance with the requirements of state and federal law; and

(5) Statewide virtual charter school student performance data derived from standardized assessments and completion of student coursework.

(e) Virtual charter school provider reporting requirements. Prior to October 1 of every year, the Statewide Virtual Charter School Board shall provide the State Board of Education with a report of all full-time online education providers which have entered into contracts with either the Statewide Virtual Charter School Board or any other sponsors pursuant to the Oklahoma Charter School Act. In addition to all data required by 70 O.S. § 145.3, the report shall include all data from the previous school year necessary to assess and evaluate the effectiveness with which providers are meeting students' online education needs. Information from the previous school year provided in the report shall include, but not be limited to:

(1) Student demographic data, including age, gender, grade ethnicity, tribal affiliation, city, county and school district in which the student legally resides, languages spoken in the student's home; and household income;

(2) Data regarding the number of students served who have received special education services under an individualized education program pursuant to the Individuals with Disabilities Education Act (IDEA);

(3) Data regarding the number of students with disabilities receiving accommodations or other services under a plan developed in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act;

(4) Data regarding the number of students served who have been identified as English Language Learners, the number of students who have been placed on a Language Instruction Educational Plan (LEIP) for English Language Learners, and the number of ELL students who have been exited from an ELL program;

(5) Data regarding student retention and matriculation, including rates of annual student enrollment, withdrawal, and graduation;

(6) Data collected in accordance with annual student and parent/guardian evaluations of the online provider which include responses to questions regarding satisfaction with services provided; the basis for the choice of the provider; how the student's workload aligned with the expectations of the students and their parents/guardians, and suggestions for improvement of services to students;

(7) Data identifying and summarizing all compliance actions taken by the Statewide Virtual Charter School Board; and

(8) Data identifying with specificity all state and federal funds received by the virtual charter school provider and a statement identifying all expenses for which the funds were used to provide payment.

(f) Funding. In addition to the requirements set forth in 210:40-87-3, disbursement of state aid allocations to an online virtual charter school shall be conducted in accordance with the following procedures:

(1) Prior to disbursement of state aid allocations provided by the Oklahoma Charter School Act to the Statewide Virtual Charter School Board, the Statewide Virtual Charter School

Board shall prepare and submit to the State Board of Education a budget detailing anticipated expenditures associated with administration and governance of virtual charter school providers. Approval of the budget by the State Board of Education shall be required prior to disbursement of the state aid allocations set forth under the Oklahoma Charter School Act.

(2) Prior to receiving state aid allocations, a virtual charter school provider must, by June 30 before the initial year of operation, meet the following requirements:

(A) Submit a copy of the approved contract with the sponsor to the State Department of Education;

(B) Establish and maintain a student identification system in accordance with the requirements of 70 O.S. § 18-200.1;

(C) Establish a financial accounting system that meets the requirements of the Oklahoma Cost Accounting System (OCAS); and

(D) Have been issued a county and district identification number from the Accreditation Division of the State Department of Education.

(g) **Virtual charter school provider graduation requirements.** The Statewide Virtual Charter School Board shall not issue a standard diploma to students of the statewide virtual charter school unless they have demonstrated mastery of state academic content standards in accordance with the provisions of the Achieving Classroom Excellence Act at 70 O.S. § 1210.523 and the Act's accompanying rules and regulations established by the State Board of Education, and met all curriculum and course requirements established by the Statewide Virtual Charter School Board.

(h) **Virtual charter school accountability.** For purposes of assessing student performance levels as required under the Oklahoma School Accountability System and reporting results of the Oklahoma School Testing Program required by 70 O.S. § 1210.545, the statewide virtual charter school shall be considered a separate school district, and each statewide virtual charter school provider shall be considered a separate school site.