

## **State Board of Education Charter School Sponsorship Policy**

### **I. Purpose**

The purpose of this policy is to establish guidelines for submission, review, and consideration of applications submitted to the Oklahoma State Board of Education for sponsorship of a charter school in accordance with the provisions of the Oklahoma Charter Schools Act.

### **II. Applications for Charter School Sponsorship by the State Board of Education**

#### **A. Eligible Applicants.**

1. The State Board of Education may consider applications for sponsorship of a charter school submitted by the Office of Juvenile Affairs, or an entity who has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service, for the purpose of providing education services to youth in the custody or supervision of the state. The Board may not sponsor more than two charter schools through July 1, 2016. [70 O.S. § 3-132(A)(8)]
2. An application for sponsorship of a charter school may not be submitted to the State Board until the applicant has completed the charter school training required by the Oklahoma Charter School Act at 70 O.S. § 3-134.

#### **B. Content of Application and Accompanying Documentation**

1. A written application for sponsorship of a charter school must meet the requirements of the Oklahoma Charter School Act at 70 O.S. § 3-134(B), including:
  - (a) A mission statement for the proposed charter school;
  - (b) A description of the organizational structure and the governing body of the proposed charter school;
  - (c) A financial plan for the first three (3) years of operation of the charter school and a description of the treasurer or other officers or persons who shall have primary responsibility for the finances of the proposed charter school. Such person shall have demonstrated experience in school finance or the equivalent thereof;
  - (d) A description of the hiring policy for the proposed charter school;
  - (e) The name of the applicant or applicants and requested sponsor;
  - (f) A description of the facility and location of the proposed charter school;
  - (g) A description of the grades being served by the proposed charter school;
  - (h) An outline of criteria designed to measure the proposed effectiveness of the proposed charter school;
  - (i) For proposed charter schools (other than the statewide virtual charter school proposed by the Statewide Virtual Charter School Board as an applicant), documentation of a demonstration of support for the charter school from residents of the school district which may include, but is not limited to, a survey of the school district residents or a petition signed by residents of the school district;
  - (j) Documentation that the applicants of the proposed charter school have completed charter school training required by the Oklahoma Charter School Act at 70 O.S. § 3-134(A);
  - (k) A proposed contract for sponsorship with the State Board of Education which complies with the requirements of the Oklahoma Charter School Act at 70 O.S. § 3-135; and
  - (l) A proposed charter which complies with the requirements of the Oklahoma Charter School Act at 70 O.S. § 3-136.
2. In addition, the charter school shall submit the following supporting statements with its application containing the following information for the Board:

- (a) A description of the proposed equipment, software, or services, and/or identification of any proposed vendors with which the charter school intends to contract to provide equipment, software, or services necessary to comply with the reporting requirements of the Oklahoma Cost Accounting System under 70 O.S. § 5-135.2.
  - (b) (a) A description of the proposed equipment, software, or services, and/or identification of any proposed vendors with which the charter school intends to contract to provide equipment, software, or services necessary to implement the student record system required by 70 O.S. § 18-200.1;
  - (c) A plan of compliance with the requirements for federal and state laws governing education of students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (“IDEA”);
3. At any point prior to approval of the application, the State Board of Education or the State Department of Education may request additional documentation from the applicant deemed necessary to review, consider and/or recommend approval or denial of an application. Examples of required documentation include, but are not limited to:
- (a) Copies of provisions required to be incorporated into the charter by 70 O.S. § 3-135:
    - (1) A description of the program to be offered by the school which complies with the purposes outlined in 70 O.S. § 3-136;
    - (2) Admission policies and procedures to be incorporated into the charter;
    - (3) Management and administration of the charter school;
    - (4) Requirements and procedures for program and financial audits;
    - (5) A description of how the charter school will comply with the charter requirements set forth in the Oklahoma Charter Schools Act;
    - (6) Assumption of liability by the charter school;
    - (7) The term of the contract; and
    - (8) Charter school personnel policies required for inclusion in an employment contract by the Oklahoma Charter School Act at 70 O.S. § 3-135(B).
  - (b) Documentation of compliance or plans for compliance with applicable federal, state, or local statutes, regulations and/or rules;
  - (c) Copies of proposed agreements with third party contractors of the charter school.

**C. Submission and Review of Applications for Charter School Sponsorship**

**1. Submission of an Initial Application for Sponsorship**

- (a) All applications for sponsorship shall be submitted to the Secretary of the State Board of Education.
- (b) Applicant shall submit an original and two (2) copies of its application for sponsorship.
- (c) To permit sufficient time for review of a charter school application and to ensure compliance with applicable statutes and regulations and execution of appropriate collateral contracts necessary to establish a new charter school, applications for charter school sponsorship must be submitted to the State Board of Education by **November 1 of the year** prior to the charter school’s proposed first year of operation.

**2. Initial Presentation of Application to State Board of Education**

- (a) The Oklahoma Charter Schools Act at 70 O.S. § 3-134(E) provides the State Board of Education with ninety (90) calendar days from receipt of an application to accept or reject an application. In order to facilitate an effective exchange of information between the State Board of Education and the applicant in an open forum, applicants for

sponsorship of a charter school will be provided the opportunity to make an initial presentation of an application for sponsorship to the State Board of Education during a regular or special meeting of the Board. The purpose of the initial presentation is to provide information to the State Board about the application, provide the applicant with an opportunity to address any questions from members of the Board, and provide the applicant with an opportunity to refine its application and/or supplement an application with additional information requested by the Board within the ninety (90) day statutory review period.

(b) Upon receipt of an application, the Secretary of the State Board of Education will immediately forward a copy of the application to the State Department of Education Director of C3 Schools for review, and schedule the applicant for an initial presentation to the State Board at a regular or special meeting within forty-five (45) calendar days of receipt of the application.

(c) Regularly scheduled meetings of the State Board of Education are usually held on the last Thursday of every month, except during November and December, when the regular meeting schedule is adjusted to avoid conflicts with Thanksgiving and Christmas holidays. Because regular meetings of the State Board of Education are only held once per month, and typically scheduled by December 15 of the previous year, applicants are advised to check the Board meeting schedule prior to submission of an application to ensure they are available to make initial presentations.

### **3. Review and Consideration of Sponsorship Applications by the State Board of Education**

(a) Upon receipt of the initial application, the State Department of Education shall conduct an initial review of the application to ensure the application is complete and fulfills the requirements of the Oklahoma Charter School Act.

(b) At any time after submission of the application, the State Department of Education or the Board of Education may request the applicant to provide any additional information it deems necessary to consider the application.

(c) The State Department of Education will review the application package and present a recommendation to the State Board of Education for approval or denial of the application at a regular or special meeting of the State Board of Education.

Recommendations for approval or denial will be based upon the following criteria:

- (1) Whether the applicant has timely provided a materially complete application and all accompanying documents;
- (2) Whether the proposed charter school is eligible for sponsorship under the provisions of the Oklahoma Charter Schools Act set forth at 70 O.S. § 3-132;
- (3) Whether the application complies with the requirements of the Oklahoma Charter School Act set forth at 70 O.S. § 3-134;
- (4) The extent to which the proposed charter school fulfills the stated purpose of the Oklahoma Charter Schools Act set forth in 70 O.S. § 3-131 to provide a public schools of choice and to achieve the following goals:
  - (i) To improve student learning;
  - (ii) To increase learning opportunities for students;
  - (iii) To encourage the use of different and innovative teaching methods;
  - (iv) To provide additional academic choices for parents and students;
  - (v) To require the measurement of student learning and create different and innovative forms of measuring student learning;

(vi) To establish new forms of accountability for schools; and  
(vii) To create new professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site.

- (5) Whether the applicant has developed a set of policies and procedures for incorporation into its charter which are necessary to fulfill the requirements of the Oklahoma Charter Schools Act at 70 O.S. § 3-135;
- (6) Whether the applicant has developed policies and procedures to be incorporated into the charter as required by the Oklahoma Charter Schools Act at 70 O.S. § 3-136;
- (7) Whether the proposed charter school has an adequate plan in place for compliance with all federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance in accordance with the requirements of the Oklahoma Charter Schools Act at 70 O.S. § 3-136(A)(1); and
- (8) Whether the proposed charter school is adequately prepared to offer a program of instruction which complies with the Oklahoma Charter Schools Act at 70 O.S. § 3-136(A)(3).

#### **D. Board Sponsorship Decisions**

1. The State Board of Education shall have ninety (90) calendar days from the date of receipt of the application to accept or reject an application for sponsorship of a charter school.

##### **2. Acceptance of a Sponsorship Application**

(a) An approved contract for a charter school shall be effective for no longer than five (5) years from the first day of the charter school's operation. [70 O.S. § 3-137(A)] The Board may determine, upon review of the application, that a contract for a time period of less than five (5) years is appropriate.

(b) The State Board of Education may declare acceptance of a sponsorship application contingent upon successful negotiation and agreement of terms of the contract for sponsorship.

##### **3. Denial of a Sponsorship Application**

(a) Grounds for denial of a sponsorship application may include, but are not limited to:

- (1) Failure or refusal to correct deficiencies in an application or timely provide documentation requested to evaluate the application;
- (2) Failure or refusal to negotiate or agree to terms of a charter school contract;
- (3) Failure to meet the requirements of the Oklahoma Charter School Act.

(b) Within thirty (30) calendar days of receipt of written notification of denial of an application for sponsorship, an applicant may submit a revised application for reconsideration to the State Board of Education by delivery of the revised application to the Secretary of the State Board of Education shall accept or reject the revised application within thirty (30) calendar days of receipt of the revised application in accordance with the provisions of 70 O.S. §3-134(E).

(c) If the State Board of Education rejects the revised application from the applicant, the governing board of the charter school may elect to proceed to mediation or binding arbitration or both in accordance with the provisions of 70 O.S. § 3-134(G).

#### **III. Applications for Renewal of Charter School Sponsorship**

A. At least (1) year prior to expiration of the term of the charter school contract with the State Board of Education, the governing board of the charter school may submit an application to the State Board of Education for renewal of the charter school contract.

- B. All applications for renewal must include the following documents:
  - 1. A written report by the governing body of the charter school assessing the effectiveness of the charter school in fulfilling the proposed goals of the charter school set forth in 70 O.S. § 3-131;
  - 2. A written report by the governing body of the charter school describing the progress the charter school has made in achieving student achievement and performance goals;
  - 3. A written report by the governing body of the charter school documenting the charter school's record of compliance with all applicable federal, state and local statutes, rules, and/or regulations required under the Oklahoma Charter School Act;
  - 4. Copies of all financial statements for the period of operation of the charter school;
  - 5. Copies of all annual financial audits;
- C. The State Board of Education shall give written notice of its intent to deny the request for renewal at least eight (8) months prior to the expiration of the contract. The State Board of Education may deny a request for renewal if it determines that:
  - 1. The charter school has failed to complete the obligations of the contract; or
  - 2. The charter school has failed to comply with the provisions of the Oklahoma Charter Schools Act. [70 O.S. § 3-137(A)]
- D. In the event the State Board of Education denies the charter school's application for renewal, the governing board of the charter school may proceed to mediation or binding arbitration or both in accordance with the provisions of 70 O.S. § 3-134(G).

**IV. Termination of a Charter School Contract**

- A. The State Board of Education may terminate a charter school contract during the term of the contract if it determines that:
  - 1. The charter school fails to meet the requirements for student performance contained in the contract;
  - 2. The charter school fails to meet the standards of fiscal management;
  - 3. The charter school fails to complete the obligations of the contract;
  - 4. The charter school has failed to comply with or has violated federal, state or local statutes, rules, or regulations. [70 O.S. § 3-137(C)]
- B. The State Board of Education shall provide at least ninety (90) days' written notice of its intent to terminate the contract to the governing board of the charter school prior to terminating the contract.
  - 1. Within fourteen (14) calendar days of receipt of notice of the State Board of Education's intent to terminate the charter school contract, the governing board of the charter school may request an informal hearing before the State Board of Education by delivering a written request for a hearing to the Secretary of the State Board of Education. [70 O.S. § 3-137]
  - 2. In the event the State Board of Education decides to terminate a contract, the governing board of the charter school may proceed to mediation, binding arbitration, or both in accordance with the provisions of 70 O.S. § 3-134(G).

**V. Open Records Act Notice**

- A. Applicants should be advised that any and all applications for sponsorship and related communications which are sent to or received from the State Board of Education or the State Department of Education may be subject to the Open Records Act. Accordingly, applicants should be advised that in the event any applications or related communications are responsive to an Open Records Act request and not subject to any privilege, they may be turned over to a third party in accordance with the provisions of state law. This notice does not waive any right

or privilege that may be claimed by the State Board of Education or the State Department of Education in response to Open Records Act requests.