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# High-Quality Charter Authorizing Policy Profiles: Oklahoma

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# Oklahoma: Overview of State Law and Snapshot of Quality Authorizing Practices

## Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).<sup>i</sup> NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State's authorizing policies and practices; it is intended to describe the key elements of the State's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

## Overview of State Law

The Oklahoma State Legislature enacted the State’s charter school law in 1999. Under this law, charter schools are “limited to operate in districts on the State improvement list or in districts with more than 5,000 students and 500,000 residents.”<sup>ii</sup> In 2010, the legislature passed Senate Bill 2212 which made each charter school a local educational agency (LEA) for the purposes of federal funding.<sup>iii</sup> State law permits the authorization of new start-up charter schools, virtual charter schools; and charter school conversions.

In 2015, the State’s charter law made a number of changes to charter authorizing including the following:

- (i) allow any school district to authorize a charter school;
- (ii) allow the State Board of Education to authorize a limited number of charter schools if their applications were denied by local school districts;
- (iii) non-district authorizers must prioritize opening charter schools that serve at-risk students or those that come from low-performing traditional schools;
- (iv) enable federally recognized Indian tribes to authorize charter schools; and
- (v) add a number of new accountability measures including requiring authorizers to develop authorizing standards, create a performance framework, and conduct annual performance reviews.<sup>iv</sup>

# State Authorizing Profile: Oklahoma

## Framework Snapshot<sup>1</sup>

### **Authorization**

- Does not cap charter school growth
- Provides for more than one authorizing pathway

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

*Performance-based contract includes and provides for the following:*

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

### **Performance Monitoring**

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### **Renewal/Revocation**

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### **Authorizer Accountability**

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

### **Authorizer Leadership, Student Access, and Student Services**

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### **Authorizer Funding**

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

**Source(s):** Oklahoma Statute 70-3-130-145.

<sup>1</sup> As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

## Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

### Does not cap charter school growth

As stated above, State law does not limit the number of charter schools authorized by local school districts. It does however limit the number of charter schools authorized by technology center school districts and the State Board of Education (SBE) based on population size.

### Provides for more than one authorizing pathway

In Oklahoma, the following entities can serve as authorizers: “the board of education of a school district the board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe.”<sup>v</sup>

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

### Specific application criteria

Oklahoma statute provides clear guidelines for the elements that must be included in the charter application. The State statute includes a comprehensive set of requirements for application contents, including the following elements, “a mission statement for the charter school; a description of the organizational structure and the governing body of the charter school; a financial plan for the first three 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 charter school. Such person shall have demonstrated experience in school finance or the equivalent thereof; [and] a description of the hiring policy of the charter school.”<sup>vi</sup>

### Timelines

Oklahoma statute provides a timeline for review of applications. An authorizer must either accept or reject an application within 90 days of receipt. If the authorizer rejects the application, the applicant has an opportunity to resubmit a revised application for consideration within 30 days and the authorizer must review it within 30 days of receipt. If the applicant is denied again, it may appeal the decision to the SBE and they must hear the appeal within 60 days of receipt.

### Evaluation review process

The State statute does not include evaluation and approval criteria for district authorizers. The statute does include approval criteria for applicants who are appealing district decisions to the SBE, including “a thorough and high-quality charter school application from the applicant based on the authorizing standards in subsection B of Section 3-134, a clear demonstration of community support for the charter school, and 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.”<sup>vii</sup>

## Process for denied applications

Authorizers are required to notify the applicant in writing of the reasons for denying an application. The applicant then has an opportunity to submit a revised application. If the authorizer rejects the revised application, the applicant may appeal the decision to the SBE. The SBE must hear the appeal within 60 days of receipt.

*Performance-based contract includes and provides for the following:*

- ☒ Separate post-application agreement
- ☒ Rights and responsibilities of authorizer and school
- ☒ Academic, financial, and operational performance expectations for schools
- ☒ Initial term of not more than five years
- ☒ Fiscal, legal, and programmatic autonomy for schools
- ☒ Independent charter school governing boards

## Separate post-application agreement

Oklahoma statute requires a separate post-application contract that incorporates the provisions of the charter. It also outlines other provisions that it must contain, including a description of the school’s program, admissions policies and procedures, management and administration of the charter school, and requirements for program and financial audits.

## Rights and responsibilities of authorizer and school

Oklahoma statute specifies responsibilities of the authorizer and school. The contract must provide “a description of how the charter school will comply with the charter requirements set forth in the Oklahoma Charter Schools Act.”<sup>viii</sup> The contract must also specify “assumption of liability by the charter school” and include requirements and procedures for program and financial audits.<sup>ix</sup> Finally, the charter must include a description of the “method of school governance, and the specific role and duties of the sponsor of the charter school.”<sup>x</sup>

## Academic, financial, and operational performance expectations for schools

The contract must include performance provisions based on a performance framework including academic proficiency, student growth, achievement gaps, student attendance, recurrent enrollment, financial performance and sustainability, and other measures. The contract must also include “requirements and procedures for program and financial audits.”<sup>xi</sup>

## Initial term of not more than five years

Initial charter contracts are established for five years.

## Fiscal, legal, and programmatic autonomy for schools

The statute clearly provides for autonomy, stating that “except as provided for in the Oklahoma Charter Schools Act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts.”<sup>xii</sup> Charter schools are also able to “offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts, or foreign language,” enter into contracts, and sue and be sued.<sup>xiii</sup>

## Independent charter school governing boards

The statute provides for independent governing boards, stating that “the sponsor of a charter school shall enter into a written contract with the governing body of the charter school”<sup>xiv</sup> and that the governing body of the school is “responsible for the policies and operational decisions of the charter school.”<sup>xv</sup> The contract also must specify “assumption of liability by the charter school.”<sup>xvi</sup>

## Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools’ administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

The statute requires that charter schools submit an annual report to the Office of Accountability that includes information about “enrollment, testing, curriculum, finances, and employees”<sup>xvii</sup> as well as other information requested by the Office of Accountability.

### Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

Oklahoma statute requires that the charter contract is based on a performance framework that “clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the evaluations of the charter school by the sponsor.”<sup>xviii</sup> The statute outlines minimum required elements of the performance framework, including: “student academic proficiency; student academic growth; achievement gaps in both proficiency and growth between major student subgroups; student attendance; and recurrent enrollment from year to year as determined by the methodology used for public schools in Oklahoma.”<sup>xix</sup>

### Minimizes schools’ administrative and reporting burden

The statute requires that charter schools submit data “in the identical format that is required by the State Department of Education of all public schools in order to avoid duplicative administrative efforts.”<sup>xx</sup> The statute also states that the authorizer “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 a charter school.”<sup>xxi</sup>

### Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

The statute does not provide for authorizer interventions for schools that fail to meet performance expectations.

## Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### Establishes a clear renewal process and decision-making criteria

The statute outlines clear renewal procedures. The authorizer is required to issue a performance report for each school that is due for renewal in its fourth year of operation in which it states any weaknesses or concerns. The school has 45 days to respond to the report. Schools must also submit a renewal application that provides an opportunity for the school to submit additional evidence and describe improvements the school is undertaking. The authorizer is required to explicitly state the renewal criteria in the renewal application guidance. The statute also specifies that renewal decisions must be based on evidence of performance, based on the performance framework. The authorizer must also provide a public report that summarizes the evidence used for the renewal decision.

### Requires that decisions to renew/revoke be based on student academic achievement

As mentioned in the prior section, the statute specifies that renewal decisions must be based on evidence of performance, based on the performance framework. A charter may also be revoked if the charter school's performance, based on a three-year average, is among the bottom five percent of public schools in the State. The statute includes other criteria to consider in making a closure decision, including enrollment of students with special needs such as addition or prior incarceration, high student mobility, and annual improvement in the performance of students enrolled.

### Requires clear school closure procedures

Oklahoma statute articulates clear closure procedures. The authorizer has to meet with the governing board and school leadership within two weeks of the closure decision to establish a transition team and the authorizer and transition team are required to communicate regularly with students' families and charter school staff. The statute also outlines several responsibilities for the authorizer and transition team such as ensuring that instruction continues through the school year and that "all necessary and prudent notifications are issued to agencies, employees, insurers, contractors, creditors, debtors and management organization."<sup>xxii</sup>

## Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

### Provides for a registration process for eligible authorizing entities

State statute does not require a registration process for new authorizers.

### **Requires the State entity to review authorizers' performance**

The statute specifies that the SBE has the authority to suspend an authorizer if the SBE has closed or transferred authorization of at least 25 percent of its schools.<sup>xxiii</sup> If the SBE suspends the authorizer, it should identify the deficiencies that the authorizer needs to correct to operate again. However, the State entity is not required to review the authorizers' performance.<sup>ow</sup>

### **Requires authorizers to adhere to standards for high-quality authorizing**

State statute requires that authorizers “develop and maintain chartering policies and practices consistent with recognized principles and standards for quality charter authorizing as established by the State Department of Education in all major areas of authorizing responsibility, including organizational capacity and infrastructure, soliciting and evaluating charter applications, performance contracting, ongoing charter school oversight and evaluation and charter renewal decision-making.”<sup>xxiv</sup>

## **Authorizer Leadership, Student Access, and Student Services**

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### **Requires a mission or strategic vision for authorizing**

State statute does not require that authorizers develop a mission and strategic vision.

### **Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants**

State statute requires the Department of Education (Department) to provide technical assistance to charter school applicants. Specifically, applicants are required to participate in ten hours of training “provided by the State Department of Education on the process and requirements for establishing a charter school. The Department shall develop and implement the training by January 1, 2008. The Department may provide the training in any format and manner that the Department determines to be efficient and effective including, but not limited to, web-based training.”<sup>xxv</sup>

### **Ensures equitable access to all students**

State statute does require that all students who live within the boundaries of the school district in which the charter school is located and submit a timely application should be enrolled. If demand exceeds capacity, the school must select students through a lottery. Charter schools may not limit admission “based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement, aptitude, or athletic ability.”<sup>xxvi</sup>

## **Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)**

State statute requires that applications include plans “for identifying and successfully serving students with disabilities, students who are English language learners and students who are academically behind.”<sup>xxvii</sup> State statute also requires that charter schools “comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.”<sup>xxviii</sup>

## **Authorizer Funding**

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

### **Provides a mechanism for guaranteed access to authorizer funding**

State statute provides for funding for authorizing activities. Specifically, “a charter school shall receive from the sponsoring school district, the State Aid allocation and any other state-appropriated revenue generated by its students for the applicable year, less up to five percent of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered.”

### **Includes a process for holding authorizers accountable for how funding is used**

Recent legislation provides a process for reporting on how administrative funds for authorizing are used. The law now specifies that the charter school sponsor shall provide to the State Department of Education financial records documenting any state funds retained by the sponsor for administrative services rendered for the previous year.”<sup>xxix</sup>

## Endnotes

- <sup>i</sup> Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>
- <sup>ii</sup> Hunt Institute, *School Choice State Summary: Oklahoma* (April 2015). Retrieved from [http://www.hunt-institute.org/wp-content/uploads/2015/04/ChoiceSummary\\_Oklahoma.pdf](http://www.hunt-institute.org/wp-content/uploads/2015/04/ChoiceSummary_Oklahoma.pdf)
- <sup>iii</sup> Senate Bill 2212. Retrieved from [http://webserver1.lsb.state.ok.us/cf\\_pdf/2009-10%20ENR/SB/SB2212%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2009-10%20ENR/SB/SB2212%20ENR.PDF)
- <sup>iv</sup> NACSA, *On the Road to Better Accessibility, Autonomy, & Accountability: State Policy Analysis 2015*. Retrieved from [http://www.qualitycharters.org/wp-content/uploads/2015/12/NACSA\\_State\\_Policy\\_Analysis\\_2015.pdf](http://www.qualitycharters.org/wp-content/uploads/2015/12/NACSA_State_Policy_Analysis_2015.pdf), p. 100; Research Division, *Oklahoma House of Representatives, 2015 Session in Review*. Retrieved from <https://www.okhouse.gov/Documents/SIR%202015%20web.pdf>, p. 15.
- <sup>v</sup> Okla. Stat. § 70-3-134(D).
- <sup>vi</sup> Okla. Stat. § 70-3-134(B)(1)-(6).
- <sup>vii</sup> Okla. Stat. § 70-3-132(9)(a)-(c).
- <sup>viii</sup> Okla. Stat. § 70-3-135(A)(5).
- <sup>ix</sup> Okla. Stat. § 70-3-135(A)(6).
- <sup>x</sup> Okla. Stat. § 70-3-136(B).
- <sup>xi</sup> Okla. Stat. § 70-3-135(4).
- <sup>xii</sup> Okla. Stat. § 70-3-136(5).
- <sup>xiii</sup> Okla. Stat. § 70-3-136(A)(3).
- <sup>xiv</sup> Okla. Stat. § 70-3-135(A).
- <sup>xv</sup> Okla. Stat. § 70-3-136(8).
- <sup>xvi</sup> Okla. Stat. § 70-3-135(A)(6).
- <sup>xvii</sup> Okla. Stat. § 70-3-143.
- <sup>xviii</sup> Okla. Stat. § 70-3-135.
- <sup>xix</sup> Okla. Stat. § 70-3-135(C).
- <sup>xx</sup> Okla. Stat. § 70-3-135(C).
- <sup>xxi</sup> *Id.*
- <sup>xxii</sup> Okla. Stat. § 70-3-137(H)(4).
- <sup>xxiii</sup> Okla. Stat. § 70-3-137(8).
- <sup>xxiv</sup> Okla. Stat. § 70-3-134(K).

<sup>xxv</sup> Okla. Stat. § 70-3-134(A).

<sup>xxvi</sup> Okla. Stat. § 70-3-140(D).

<sup>xxvii</sup> Okla. Stat. § 70-3-134.

<sup>xxviii</sup> Okla. Stat. § 70-3-136.

<sup>xxix</sup> Enrolled House Bill No. 3369. Retrieved from [http://webserver1.lsb.state.ok.us/cf\\_pdf/2019-20%20ENR/hB/HB3369%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2019-20%20ENR/hB/HB3369%20ENR.PDF)