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ABOUT THE AUTHORS

Lobeck Taylor Community Advocacy Clinic (CAC) students Casey Edwards, Keith Flinn, and Gabby Mandeville (the Project Team), developed this report for Phoenix Rising (Phoenix) in the fall of 2015. The Project Team’s findings and recommendations are based on legal and policy research, literature reviews, and conversations with leadership at Phoenix, the Juvenile Bureau, and Tulsa Public Schools, as well as education and juvenile justice law and policy experts at the local, state, and federal levels. The Project Team conducted research between August and December of 2015.

THE COMMUNITY ADVOCACY CLINIC

The Lobeck Taylor Community Advocacy Clinic (CAC) at The University of Tulsa College of Law offers student attorneys the opportunity to explore the ethical, strategic, and theoretical dimensions of legal practice by solving real-life legal problems in a structured learning environment. CAC students serve the community by providing representation that increases access to justice for low-income individuals and families, as well as advocacy, capacity-building, and systemic reform on behalf of non-profit organizations and community groups.

PHOENIX RISING

Phoenix is a partnership between the Juvenile Bureau and Tulsa Public Schools, and serves youth at risk of not graduating high school—many are or have been involved in the juvenile justice system. Phoenix provides both academic educational programs as well as life skills and behavioral development services to its students. Phoenix offers an individualized approach to education and development that empowers the students to succeed. Phoenix actively seeks community partners willing to support its mission by providing services and support to students.
INTRODUCTION

The leadership of Phoenix Rising came to the Community Advocacy Clinic (CAC) seeking help in making strategic choices about Phoenix’s future. Through initial conversations with David Richardson, Director of Phoenix Rising, the Project Team learned that Phoenix was concerned primarily with the long-term stability and clarity of its current classification as a school. Accordingly, the Project Team narrowed the focus of its research to identifying and analyzing potential school classifications that would enable Phoenix to better serve its students.

The Project Team’s research began with an investigation of Phoenix’s current objectives, student population, and school classification. The Project Team made observations during site visits to Phoenix, and had conversations with Phoenix’s students and staff. The Project Team had discussions with leadership at the Tulsa County Juvenile Bureau and Tulsa Public Schools (TPS). Additionally, the Project Team had conversations with education and juvenile justice law and policy experts at the local, state, and federal levels, including representatives of the Tulsa Public Schools Board, Oklahoma State Department of Education, and the Oklahoma Technical Assistance Center.

When this project began in September 2015, Phoenix was a program that provided alternative day school opportunities to students involved in the Tulsa County juvenile system, and other at-risk youth. Phoenix existed in a regulatory “grey-area” where it was unclear as to whether it was held to traditional or alternative school regulatory policies. Midway through the project, TPS informed Phoenix that it was a State-approved Alternative Education Program and would be held to Oklahoma’s Alternative Education Program standards moving forward. Upon receiving the information about Phoenix’s new classification, the Project Team decided to stay the course on analyzing potential school classifications, including Alternative Education Programs. However, the Project Team placed a new emphasis on analyzing the alternative education classification and what it meant for Phoenix.

GOAL OF THE PROJECT

The Project Team’s goal is to support Phoenix in developing a strategy for long-term stability and clarity of its classification as a school. This report offers findings, analysis, and recommendations that provide a framework to support Phoenix’s objectives moving forward. The Project Team gathered a wealth of information and resources pertaining to federal, state, and local education law and policies—especially as these laws and policies might apply to Phoenix. Through this report, the Project Team aims to share this information with Phoenix and identify some of the nuance and complexities of education policy in Tulsa. The Project Team also aims to provide Phoenix an analysis of this information and highlight some potential implications of school classifications.
PART I: PHOENIX RISING’S STRENGTHS—SERVING STUDENTS OTHERWISE LEFT BEHIND

Phoenix Rising is a program offered through a partnership between the Juvenile Bureau and TPS. The program specifically serves both at-risk and adjudicated youth, but particularly youth who have not succeeded in traditional public schools. Many of these students have dropped out of traditional school or been suspended, and almost all have been declined a seat at another alternative program in Tulsa.¹

Adjudicated youth have been processed for misbehavior at the juvenile court in Tulsa. At-risk youth present an increased risk of not graduating from high school. The students who are in danger of not graduating are also in danger of becoming incarcerated; in fact, seventy-one percent of persons incarcerated in Oklahoma failed to graduate high school.² Generational poverty is another key feature of these students’ lives.

Phoenix is a school that offers academic instruction, as well as life skill development, behavioral therapy, and access to social services, all within a supportive environment. These offerings are reflective of the interdisciplinary approach taken by those in charge of Phoenix, including corrections, psychology, social work, and education.

Phoenix serves adjudicated youth. Students who are adjudicated are disadvantaged in their ability to get a seat at an alternative school in Tulsa. As a result, Phoenix places special attention in its enrollment practices to students who have dropped out of school.

In Oklahoma and across the United States, police involvement in the disciplinary functions at school has increased.³ As a result, the number of students referred directly from schools to juvenile courts has also increased.⁴ Phoenix offers a chance for these adjudicated youth to receive an education and therapeutic services. Tulsa needs a place like Phoenix that is equipped to serve students who have been adjudicated, are in need of counseling, and require individualized educational services. In many cases, Phoenix is the last educational opportunity for its students. Therefore, Phoenix plays an integral role in the alternative educational landscape of Tulsa.

Serving these students is challenging. Most of the students are several years behind in their education, bring with them childhood trauma, and have lacked adequate support structures in

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Program Statistics 2013-2014

<table>
<thead>
<tr>
<th>Statistic</th>
<th>2013-2014</th>
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<tbody>
<tr>
<td>Average Daily Attendance</td>
<td>74%</td>
</tr>
<tr>
<td>No New Referrals to Juvenile Bureau</td>
<td>74%</td>
</tr>
<tr>
<td>Students Obtaining Employment While at Phoenix Rising or After Leaving</td>
<td>48</td>
</tr>
<tr>
<td>Students Involved in Internships</td>
<td>22%</td>
</tr>
<tr>
<td>Students Graduating</td>
<td>4</td>
</tr>
<tr>
<td>Students Passing End of Instruction Exams</td>
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Class Profile 2013-2014

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<thead>
<tr>
<th>Statistic</th>
<th>2013-2014</th>
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</thead>
<tbody>
<tr>
<td>Students</td>
<td>112</td>
</tr>
<tr>
<td>Students Involved with Juvenile Bureau</td>
<td>54%</td>
</tr>
<tr>
<td>Students Involved with DHS</td>
<td>24%</td>
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<tr>
<td>Students Involved with OJA or DOS</td>
<td>18%</td>
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<tr>
<td>Students on Free or Reduced Lunch</td>
<td>98%</td>
</tr>
<tr>
<td>Students Homeless During School Year</td>
<td>39%</td>
</tr>
<tr>
<td>Students Homeless During Their Life</td>
<td>74%</td>
</tr>
<tr>
<td>Total Disciplinary Referrals Prior to Enrollment</td>
<td>2,489</td>
</tr>
<tr>
<td>Total Substantiated Suspensions Prior to Enrollment</td>
<td>750</td>
</tr>
<tr>
<td>Total Days Served Out of School for Suspension Prior to Enrollment</td>
<td>5,984</td>
</tr>
</tbody>
</table>
their lives. Phoenix approaches these problems by offering a range of wraparound services including an individualized curricular approach, trauma-informed social services, access to psychologists, opportunities for community involvement, extra-curricular learning experiences, and a well-trained staff particularly attuned to the needs of at-risk youth. Phoenix’s impact in these students’ lives goes far beyond the classroom.
PART II: OPPORTUNITIES AND CHALLENGES FOR PHOENIX RISING

As of this writing, Phoenix has been newly classified as a State-Approved Alternative Education Program, a change that presents an opportunity for a renewed collaboration between TPS, the Juvenile Bureau, and Phoenix Rising. Before this welcome change, Phoenix’s leaders faced a lack of clarity about the school’s official classification and as a result, a lack of clarity about the policies and procedures applicable to the school. Today, as an Alternative Education Program, Phoenix has the potential to become an even stronger collaboration between the Juvenile Bureau and TPS, one that meets the joint goals of juvenile justice professionals, social workers, and educators.

Phoenix is governed by a Memorandum of Understanding (MOU) between the Juvenile Bureau and TPS. Until recently, Phoenix existed in a grey area where it served at-risk students, offering therapeutic services and personalized education, but also educational services like a traditional public school. As a result, it was difficult to discern Phoenix’s school classification because in some ways, it looked like an “alternative” program, but in other ways, it operated as a traditional public school. This ambiguity is in part a byproduct of Phoenix being governed by a MOU between the Juvenile Bureau and TPS. As a result of this ambiguity, Phoenix was unsure what rules it needed to follow. Phoenix was not clearly a traditional public school or an Alternative Education Program.

COLLABORATION AND GOAL SETTING

Generally speaking, differences in training and perspective are common challenges facing partnerships between juvenile justice systems and schools. In addition to such professional differences, juvenile justice systems and schools have differences in purpose. The juvenile justice system strives to protect the public, hold young people accountable, and rehabilitate. Schools focus on education and helping students gain knowledge and skills. Another common challenge facing juvenile justice and school partnerships is the complexity of problems facing young people, including victimization and witnessing violence. Lastly, the juvenile justice system and schools have different approaches to a variety of issues such as addressing truancy, the value of prevention and intervention, the role of juvenile justice, student discipline policies, and how to promote a safe environment for learning.

The staff and leadership at Phoenix and TPS come from different disciplines and bring unique and valuable perspectives to the school. The present director of Phoenix comes from a social work background, and focuses upon offering therapeutic services to students, as well as increasing community engagement. The present director of the Juvenile Bureau comes from a corrections background and lends incredible insight into preventing juvenile recidivism. The Chief Judge of the Juvenile Bureau understands the administration of justice and need for structure and social-accountability in the lives of adjudicated youth. TPS’ Director of Alternative Education Programs operates as the liaison between Phoenix and TPS, and focuses upon traditional educational practices and metrics in the alternative setting, and gives more attention to the students’ pursuit of graduation.
While the leaders at Phoenix, the Juvenile Bureau, and TPS have identified similar goals for the students at Phoenix, the partners have different ideas as to which goals are highest priority. The Director of the Juvenile Bureau indicated the highest priority goal is to keep students from becoming incarcerated as adults. The Director of Phoenix indicated the highest priority goal is to provide students with a skill they can employ once they are out of school. The Chief Judge of the Juvenile Bureau indicated the highest priority goal is for the students to graduate with a high school diploma or GED. On the other hand, the Director of Alternative Education Programs at TPS indicated TPS’ highest priority goal for the students was for them to graduate with a high school diploma. The challenges to collaboration make it more difficult to identify the ultimate goal for Phoenix’s students.

**NEED FOR FLEXIBILITY IN EDUCATIONAL SERVICES**

The characteristics of the youth served at Phoenix distinguish them from their peers at other alternative education programs in Tulsa. The number of students with out-of-school suspensions before enrollment at Phoenix is proportionately higher than the number of students at other alternative schools. During the 2013-2014 school year, Phoenix’s students served 5,984 total days of out-of-school suspension before enrollment. In this example alone, it is evident that Phoenix Rising serves a unique subset of students who are not being served elsewhere.

Phoenix’s students face unique challenges compared to students in a traditional school setting. Many students at Phoenix have been involved in the juvenile justice system, are adjudicated as delinquent, have experienced significant levels of trauma, and have or are currently experiencing homelessness. These students have also been suspended from traditional schools and may feel animosity towards teachers and the educational system as a whole. Getting these students re-engaged in school requires a different approach. For example, some students choose Alternative Programs because they work at a different pace or prefer to be left alone while working. However, many students at Phoenix need and prefer extra support.

The students would benefit from TPS gaining a clearer understanding of the ways Phoenix’s students differ from other Alternative Education students, so TPS can better appreciate the services and classes necessary for Phoenix’s students to succeed.

Many students have needs that must be met before they can focus on school, such as shelter, food, counseling, and addiction rehabilitation services. Many of Phoenix’s students score high on the Adverse Childhood Experiences survey, indicating that they have experienced significant levels of childhood trauma. Phoenix Rising’s director stated that most students have experienced more trauma from childhood than most adults do their entire lives.

One way these students could be better served is by offering an abbreviated day and flexibility in daily structure. By offering an abbreviated day, Phoenix can devote more time to its services that are more than purely educational, such as behavioral development and life skills classes. As
a State-Approved Alternative Education Program, Phoenix can now offer the abbreviated day that Phoenix’s students need.
PART III: NEXT STEPS

GOAL SETTING

A shared mission and outcomes for success would provide identifiable goals, ensuring Phoenix continues to offer a high quality education.

Leaders of Phoenix, as well as representatives of the Juvenile Bureau and TPS, have yet to define a shared mission and objective outcomes for success. As discussed in Part II, defining unified outcomes may be difficult, partly because of the different professional perspectives of leaders at Phoenix, the Juvenile Bureau, and TPS. Although defining outcomes may be difficult, it would ensure all parties are working towards the same goals. The Project Team recommends that Phoenix develop a unified mission statement and some measurable outcomes for success moving forward.

1. Mission Statement

Developing a unified mission statement is one way to get all of the constituents at Phoenix on the same page and working towards the same broad goals. Independently, leaders of the Juvenile Bureau and leaders of TPS each bring a different focus, as evidenced by the mission statements of the two partners:

“The mission of the Tulsa County Juvenile Bureau and District Court is to collaboratively promote and administer prevention, justice and effective treatment in a fair, timely and appropriate manner with dignity and respect for the needs of the children, youth and families and for the safety or our community.”¹⁴

“The mission of Tulsa Public Schools is to provide a quality learning experience for every student, every day, without exception.”¹⁵

Viewed together, the Juvenile Bureau and TPS have overlapping missions—each with the potential to advance the other. Leadership at Phoenix should develop a unified mission statement that encompasses the goals of both partners. By doing so, the leadership at Phoenix, the Juvenile Bureau, and TPS can ensure they are in agreement as to the ultimate goal for Phoenix.

2. Outcomes for Success

The Project Team recognized that Phoenix has not identified priorities for its outcomes for success. Individually, leaders at TPS and leaders at Phoenix and the Juvenile Bureau have identified different outcomes for success at Phoenix. As discussed in Part II, while all partners strive to reduce recidivism and educate at-risk students, they have not identified a common, overarching goal for the school.
Based on state law, the Oklahoma Technical Assistance Center (OTAC) has its own measurable criteria it uses when evaluating State-Approved Alternative Education Programs. As a State-Approved Alternative Education Program, Phoenix must internalize the OTAC’s outcomes for success (OTAC and its criteria are discussed in detail in Part IV). However, even as a State-Approved Alternative Education Program, Phoenix should still develop its own outcomes for success. Internally developed outcomes for success will ensure both Phoenix, the Juvenile Bureau, and TPS have a clear picture of what success looks like for Phoenix.

The outcomes for success can be developed using the “S.M.A.R.T.” goal-setting method. This method involves setting goals that are specific, measurable, attainable, results-oriented/relevant, and time-bound. (See Appendix E). While the Project Team has identified a need for outcomes for success, it is beyond the scope of our project to identify precisely what those outcomes should be. The Project Team is aware that identifying outcomes for success for Phoenix is outside our expertise, and best left to the leadership at Phoenix and the Juvenile Bureau, in consultation with TPS.

Once Phoenix leadership has identified outcomes for success, it is important that Phoenix document those outcomes. It is in the best interest of Phoenix to document outcomes for success for a number of reasons.\(^{16}\) Documentation of successful outcomes could be used to secure funding, endorse the school, or enhance the school’s reputation.\(^{17}\) Documentation is especially important for OTAC evaluations of Phoenix as a State-Approved Alternative Education Program. In addition to the Evaluation Criteria OTAC will use during its evaluation, OTAC asks each Alternative Education Program to fill out an End-of-Year Program Report (See Appendix). The stronger Phoenix’s documentation of its outcomes, the more support it will have for meeting OTAC criteria.

**COMMUNICATION/COLLABORATION**

Many of the challenges that exist could be remedied by clear communication and collaboration.

The Project Team discussed methods for improving communication within alternative education programs with Jennifer Wilkinson, Director of Alternative Education at the State Department of Education. Jennifer Wilkinson suggested leaders at Phoenix, the Juvenile Bureau, and/or TPS participate in a “Professional Development Day.” The Professional Development Day would be roundtable discussion between the leaders at Phoenix and, ideally, leaders at the Juvenile Bureau and TPS about future goals for Phoenix, and strategies for improving collaboration. Additionally, Ms. Wilkinson offered to come to Phoenix and facilitate the Professional Development Day. Alternatively, the Project Team identified Kathy McKean, Director of OTAC, as a potential facilitator for conversations between Phoenix, the Juvenile Bureau, and/or TPS regarding communication and collaboration moving forward. Ideally, all leadership from all three constituents (Phoenix, the Juvenile Bureau, and TPS) would be present.
The Project Team also recommends that Phoenix continue to meet weekly with the Director of Alternative Education within TPS. In those meetings, Phoenix should aim to get a clear understanding of the accountability measures the district is applying to Phoenix. As a State-approved Alternative Education Program, those accountability measures include the 17 criteria defined by State law. In order to make those conversations most productive, Phoenix should document each time it receives a request from the Office of Accountability to change its practice to comply with district policies and the steps taken in response.

Additionally, perhaps during a weekly meeting, Phoenix could discuss its students’ needs with leadership at TPS. Phoenix might focus on the difference in its students from other students, not only at traditional schools, but at other Alternative Education Programs as well. The main characteristic of Phoenix’s student population that distinguishes them from other alternative school student populations is the proportion of students involved in the juvenile justice system, which brings an increased need for therapeutic services. This conversation can facilitate discussions as to why Phoenix needs flexibility from certain policies.

**ALTERNATIVE EDUCATION CLASSIFICATION**

**Phoenix’s new classification as a State-approved Alternative Education Program is a good opportunity for Phoenix to gain clarity as to goals and objectives.**

The Project Team has identified Jennifer Wilkinson, Director of Alternative Education at the State Department of Education, as a potentially valuable resource for Phoenix moving forward in its new classification (See Appendix D for contact information). As discussed in Part II, Ms. Wilkinson told the Project Team she is willing to visit Phoenix and hold a Professional Development Day for the leadership at Phoenix, the Juvenile Bureau, and TPS. Phoenix can contact Ms. Wilkinson with questions about the rights and responsibilities of Alternative Education Programs.

Kathy McKean, Director of OTAC, will be another valuable resource for Phoenix. OTAC contracts with the State Department of Education to evaluate State-Approved Alternative Education Programs (See Appendix D for contact information). OTAC uses a detailed rubric during its evaluations (See Appendix B). Phoenix should review the evaluation rubric carefully and identify any areas where compliance may be challenging. Additionally, Phoenix can seek OTAC’s guidance, from Kathy McKean or another representative at OTAC, with any questions it has regarding the rubric (OTAC and its criteria are discussed in detail in Part IV). OTAC also collects end-of-year data from each Alternative Education Program. Phoenix should ensure it is documenting the data necessary for the report (See Appendix C for OTAC End-of-Year Report).

It is important for Phoenix’s leadership to keep in mind that the Alternative Education Implementation Plan that TPS submits to the State Board of Education must be renewed each year. It is within TPS’s discretion as to which schools to include in its Plan each year. Additionally, it is within TPS’s discretion to distribute the funding to the Alternative Education programs identified in its Plan as it sees fit. TPS receives a set amount of funding, $1,574,972,
from the State for its State-approved Alternative Education Programs each year (discussed in more detail in Part IV).
PART IV: ANALYSIS OF SCHOOL CLASSIFICATIONS

INTRODUCTION

When this project began, the school classification of Phoenix was unclear, and leaders at Phoenix wanted to become better informed on their options for the future. The purpose of this section is to inform those leaders of school classifications available to Phoenix and the potential positive and negative implications of each. The Project Team focused on the following school classifications in its research and analysis: Alternative Education Programs, Private Schools, Charter Schools, and Deregulated Schools.

SUSPENSION POLICY

A relevant piece of law that could prove problematic for Phoenix is the student suspension requirements in Okla. Stat. tit. 70, § 24-101.3: A student who has been suspended out-of-school from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students shall not be entitled to enroll in a public school of this state, and no public school shall be required to enroll the student, until the terms of the suspension have been met or the time of suspension has expired.

This suspension policy applies to all the school classifications discussed below except for private schools. This policy is also applicable to State-Approved Alternative Education Programs. According to Jennifer Wilkinson, the Director of Alternative Education for the Oklahoma State Department of Education, a student who is suspended from a TPS school is also suspended from TPS Alternative Schools, unless the school waives the suspension with the agreement that the student will attend the Alternative Education Program. This is done on a case-by-case basis with an agreement between the Alternative Educational Program, the sending school, the student, and the parent/guardian.¹⁸

ALTERNATIVE EDUCATION PROGRAMS

The U.S. Department of Education defines an Alternative Education School as “a public elementary/secondary school that addresses needs of students that typically cannot be met in a regular school, provides nontraditional education, serves as an adjunct to a regular school, or falls outside the categories of regular, special education or vocational education.”¹⁹

Oklahoma has a set of statutes that govern Alternative Education Programs (70 O.S. § 1210.568 et seq.) The legislation, passed in 1993, was innovative for its time, and made Oklahoma a national leader in Alternative Education programming.²⁰ However, the funding for Alternative Education Programs is based on each school district’s 1994 needs assessment, specifically, the number of dropouts and juvenile arrests within the district in 1994. That formula has never
been updated; the State continues to use 1994 numbers in its funding formula.\textsuperscript{21} According to OTAC, at this point, money through the funding formula does not go to the districts with the greatest need. School districts do not receive adequate funding from the State for their Alternative Education Programs, and the districts must make up the difference with other funding.

Students served in Oklahoma’s Alternative Education programs are at risk for high school failure for a variety of reasons, including academic deficiency, behavioral difficulties, excessive absences, pregnancy or parenting, adjustment problems, or juvenile justice involvement. Alternative Education Programs are specifically tailored to meet the needs of students who may be struggling with poverty, substance abuse, family dysfunction, or psychological or physical trauma.\textsuperscript{22}

Some of the unique features of Alternative Education Programs include flexible scheduling, small class sizes, youth and family involvement in goal-setting, learning activities based upon students' interests and abilities, career skills training, service learning opportunities, innovative instructional technique, open communication and positive relationships with faculty, and assistance with entrance to college or vocational training.\textsuperscript{23}

A challenge for Alternative Education Programs is figuring out how to introduce high academic standards in Alternative Education systems without sacrificing the elements that make Alternative Programs successful, and without compromising the integrity of the high standards. The NGA Center for Best Practices recommends the following in an effort to bring high standards to Alternative Education:\textsuperscript{24}

\begin{itemize}
  \item Strengthen links between traditional and nontraditional education systems;
  \item Invest resources to support the transition to high academic standards and beyond;
  \item Improve “early warning systems” to identify lower-performing students;
  \item Support longer-term alternative education programs;
  \item Develop data-driven accountability measures for alternative education programs;
  \item Develop enhanced GED programs;
  \item Collect data
\end{itemize}

**Relevant Law Highlights**

1. Alternative Education Plan:

   Each school district shall be required to update and submit on an annual basis the student needs assessment and Alternative Education Plan. For the 2015-2016 school year, TPS submitted an Alternative Education Implementation Plan that included Phoenix Rising as one of four Alternative Education Programs within TPS. The other three programs are: Tulsa MET, Tulsa Margaret Hudson Program, and Street School. In conversations with the Director of Alternative Education at the State Department of Education, the Project Team learned that TPS did not include Phoenix in its first
Implementation Plan (the Plan), but recertified its Plan to include Phoenix after September 15, 2015. As the Project Team learned, the Department of Education generally accepts the District’s Plan. The schools included in the Plan are within TPS’ discretion.\textsuperscript{25} (See Alternative Education Implementation Plan in Appendix).

2. Funding:

Funding is based on the combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs. The Department of Education continues to use the number of dropouts from 1994 in its funding formula—numbers from when the law was passed. Currently, TPS receives $1,574,972 from the State Department of Education for alternative education programs. The distribution of alternative education funds is within TPS’ discretion.\textsuperscript{26}

3. Oklahoma Technical Assistance Center (OTAC):

The State Board of Education must contract for an Alternative Education Technical Assistance Center. The State Board of Education contracts with Oklahoma Technical Assistance Center (OTAC) to evaluate the State-Approved Alternative Education Programs. The OTAC assists Oklahoma’s alternative education programs with programming and professional development services. Once a year, the OTAC evaluates State-Approved Alternative Education Programs based on 17 criteria, defined by state law. (See Oklahoma Alternative Education Evaluation Rubric in Appendix). More information on OTAC is available at http://www.otac.info.

4. State-Approved Alternative Education Programs:

From conversations with both the Director of Alternative Education at the State Department of Education and the Director of OTAC, the Project Team learned that there is a significant difference between State-Approved Alternative Education Programs and other alternative education programs. TPS listed four Alternative Education Programs on the Plan it submitted to the State for the 2015-2016 school year: Tulsa MET, Tulsa Margaret Hudson Program, Street School, and Phoenix Rising. Additionally, TPS lists three other alternative schools on its website (Tulsa Leaning Academy, Project ACCEPT, and TRAICE Academy).\textsuperscript{27} The three schools are not State-Approved Alternative Education Programs. They are simply traditional schools focused on serving at-risk youth. The four State-Approved Alternative Education Programs are eligible to receive a piece of the State funding TPS receives for alternative education; the other three are not eligible. The State-Approved Alternative Education Programs must comply with the 17 statutory criteria and are evaluated by OTAC; the other three do not have to comply with statutory criteria and are not evaluated by OTAC. In exchange for compliance with the criteria, the State-Approved Programs receive increased flexibility (most significantly, the abbreviated day option).
OTAC Evaluation Criteria

1. The Project Team discussed OTAC’s evaluation criteria with the Director of OTAC, Dr. Kathy McKean. Dr. McKean emphasized that one of the 17 criteria, having a graduation plan for each student, is important to the OTAC’s evaluation. The OTAC will ensure each student has a plan for graduation. Additionally, the OTAC will ask students when they are graduating to ensure they have internalized their graduation plan. The OTAC is also interested in how each plan is tailored to fit a student’s individual needs.

2. The OTAC evaluates the rigor of the curriculum. If the Alternative Program includes GED curriculum, the school must submit verification that the curriculum meets the school’s standard. The students taking GED courses must also be earning credits towards graduation.

3. Dr. McKean shared that Jennifer Wilkinson, Director of Alternative Education at the State Department of Education, can assist Phoenix with setting up End-of-Instruction (EOI) Projects. A student can submit an EOI Project if they do not achieve a sufficient score on one of the required EOI exams.28

Model Similar to Phoenix

1. Street School, Inc. is one of the four Alternative Educations Programs included in TPS’ Alternative Education Implementation Plan. Street School serves students in grades 9 through 12 whose needs have not been met through traditional public schools.

2. Street School is a tuition-free, non-profit, alternative high school of choice that provides education, therapeutic counseling, and outreach programs. Street School focuses on dropout prevention, intervention, and recovery, and is accredited by TPS.29

3. According to Street School’s website, the school raises over $600,000 a year from donors, which accounts for 45% of its operating budget.30

4. Street School serves no more than 96 students at any time. The school has a continual waiting list.

Implications of this Classification

Advantages

1. Phoenix can adopt an abbreviated school day, lasting four hours and twelve minutes for the 180-day school calendar.31

2. The classification allows for a flexible curriculum tailored to students’ needs.

3. Phoenix will have a clearer picture of its rights and responsibilities.

4. Phoenix will receive additional support from OTAC (see discussion in Part III).
Disadvantages

1. **Phoenix could lose its abbreviated day** if TPS decides not to include Phoenix in its Alternative Education Implementation Plan. In that case, Phoenix would return to its original classification as an alternative education program not recognized by the State. Phoenix would then be held to TPS’ policies for traditional schools.

2. Phoenix will have to comply with 17 statutory criteria and will be subject to additional accountability from OTAC. However, this may also be an advantage because Phoenix will receive additional support from OTAC to comply with the criteria and gain outcomes for success.

3. OTAC will evaluate Phoenix based on outcomes for success defined by the State. These outcomes may not align with the highest priority outcomes for success defined by leadership at Phoenix.

**PRIVATE SCHOOLS**

Private schools are owned and governed by entities that are independent of any government—typically, religious bodies, or independent boards of trustees. Private schools also receive funding primarily from nonpublic sources: tuition payments and often other private sources, such as foundations, religious bodies, alumni, or other private donors.³²

While TPS does not provide funding to private schools, students who attend TPS and wish to switch to a private school may request a scholarship. The Lindsey Nicole Henry Scholarship allows the parent/guardian of a public school student with a disability to exercise their parental option and request to have an LNH Scholarship awarded for their child to enroll in and attend a private school. This scholarship is provided if the child is on an Individualized Education Program (IEP) before the request and has spent the previous school year in attendance at a public school in the state by being reported by a school district for funding purposes during that year. Many of Phoenix’s students are on IEPs and could apply for this voucher.³³

**Relevant Law Highlights**

3. A school day shall consist of not less than six hours devoted to school activities. Okla. Stat. tit. 70, §1-111.
Model Similar to Phoenix

Tulsa Hope Academy is a private school similar to Phoenix Rising.

1. THA serves about 50 students. Its student body is comprised mostly of students who have already failed in traditional school settings. Many of THA’s students have been expelled or suspended from other schools, while others have simply dropped out. THA’s diverse student population is typically 85% minority and includes children in foster care, teens in the juvenile justice system, and kids living in homeless shelters.

2. The majority of these students arrive at THA’s doorstep lacking basic study skills and often reading several grades below level.

3. Tulsa Hope Academy’s community extends beyond the school day with its strategic partners of Youth for Christ, Safehouse Music, and Heartdance Ministries.

4. THA provides Core Curriculum to meet graduation requirements.

5. THA partners with outside agencies to provide resources to help students struggling with issues of grief, sexual abuse, substance abuse, death or incarceration of close family members, and other issues which interfere with students’ success.

6. It is organized as a 501(c)(3).  

Implications of this Classification

Advantages

1. Phoenix would gain flexibility to better serve its students’ needs because private schools do not have to comply with district school policies.

2. There is flexibility in accreditation. A private school may be accredited by a school district, an outside accrediting agency, or the State Board of Education. There are several accreditation options:
   a. Accredited by TPS: Private and parochial schools may be accredited and classified in like manner as public schools, which means that private schools can be accredited by the district just as a public school can be accredited by the district.
   b. Outside Accrediting Agency:
      i. Phoenix may apply to Oklahoma Private School Accreditation Commission (OPSAC), which is a consortium of accrediting agencies whose primary purpose is to maintain standards among its member agencies. Schools must apply to OPSAC’s member agencies for accreditation. The Oklahoma State Board of Education recognizes the accrediting associations of OPSAC for the purpose of School Accreditation.  
      ii. Each agency has established its own criteria for accreditation. In all applicable requirements, the private school agency’s requirements are comparable to State requirements for public schools.
iii. One such accreditation agency is the North Central Association Commission on Accreditation and School Improvement (NCA-CASi), which currently accredits Tulsa Hope Academy, The Little Light House, and Cascia Hall Preparatory.

c. Accredited by the State Board of Education: private schools may apply to the State Board of Education for accreditation and classification in like manner as public schools. For accreditation, private schools must comply with the standards prescribed for public schools and members of the faculty must hold state certificates as required of teachers in public schools.

Disadvantages

1. Phoenix would need an outside funding source.
2. Phoenix would have to offer six hours devoted to school activities.
3. Phoenix would lack the infrastructure that it currently has as a partner with TPS.
4. Phoenix would need to be accredited by an accreditation agency or the State Board of Education if it were no longer accredited through TPS.
   a. In order to be accredited by the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods of rigorous academic or rigorous vocational courses each day. Okla. Stat. tit. 70, § 11-103(6)(H).

CHARTER SCHOOLS

Charter schools are public schools funded by tax dollars and managed by non-profit entities. Schools get flexibility in exchange for accountability. A charter school gains flexibility in credentialing, curriculum, scheduling, and instruction. However, a charter school is exposed to a different layer of accountability because the school must be reapproved every 5 years.

Relevant Law Highlights

1. Charter schools also have a Governing Board, which is 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.
2. Eligible sponsors include:
   a. School district
   b. Career technology center
   c. Institution of higher education
   d. Federally recognized Indian tribe
   e. State Board of Education, if the applicant is the Office of Juvenile Affairs and if the applicant has first been denied by the local school district. The State Board can sponsor no more than 5 charters/year in counties with 500,000 people, and
no more than one per district per year. The State Board must find: (1) High quality charter application (2) Clear demonstration of community support (3) Basis for denial not supported by the evidence

3. Requirements for non-district sponsorship:
   a. Must give priority to charters that:
      i. Serve at-risk students OR
      ii. Serve students from a low-performing school AND
      iii. Have demonstrated academic and operational success
   b. Must consider:
      i. Evidence of academic success based on student performance, financial and operational success
      ii. Sound, detailed, well-supported growth plan
      iii. Evidence of reproducing that success

4. All or any part of a traditional public school can be converted into a charter school.

5. Sponsorship process:
   a. Proposed charter makes application to a sponsor
   b. Sponsor must accept/reject within 90 days
   c. Option for revised application, accept/reject within 30 days
   d. Upon rejection/approval:
      i. Rejection: If proposed sponsor is a school district, the applicant may appeal to the State Board. State Board must hear appeal within 60 days
      ii. Rejection: If proposed sponsor is not a school district, may proceed to binding arbitration
      iii. Approval: 5-year contract is negotiated between sponsor and governing body
   e. Possible renewal (review begins at 4-year mark), sponsor may terminate contract with 90 days’ notice

Model Similar to Phoenix

1. KIPP Tulsa College Preparatory (KIPP) is a tuition-free public school that is independently operated. KIPP Tulsa was initially operated as a contract school in partnership with Tulsa Public Schools and is now a charter school sponsored by TPS.36
2. KIPP serves a different demographic of students than Phoenix, but a similarity exists that it was initially operated as a contract school in partnership with TPS
Implications of this Classification

Advantages

1. Except as provided in the Act, charter schools are exempt from all statutes and rules relating to schools, boards of education, and school districts.
2. Charter schools have a high degree of autonomy over budgets, curriculum, and personnel. A charter school could give Phoenix Rising the flexibility it needs.
3. Charter schools are exempt from mandated core curriculum requirements. Attorney General Opinion No. 99-64.
4. It is possible Phoenix could maintain its relationship with TPS while still receiving the flexibility it needs if TPS were to sponsor Phoenix Rising as a charter school.

Disadvantages

1. Must comply with student suspension requirements in section 24-101.3.
2. Contract with sponsor cannot be effective more than 5 years from the first day of operation (charter must apply for renewal).
3. The charter sponsor can close the school within 90 days if there is a breach of contract.
4. In order for the State Board of Education to sponsor a school, a district must first reject the opportunity to become a sponsor.
5. A disadvantage mentioned by Dr. Kathy McKean, director of Oklahoma Technical Assistance Center, is that charter schools are similar to new businesses in that most fail in their initial years of operation. Dr. McKean stated that it is usually due to a lack of funding.37
6. Charter schools are public schools. Like district public schools, they are funded according to enrollment (also called average daily attendance, or ADA), and receive funding from the district and the state according to the number of students attending. The ways and amounts at which charters are funded compared to their district counterparts differ dramatically within an individual state and even within individual communities within a state. Nationwide, charter schools are funded at approximately 64 percent of their district counterparts, averaging $7,131 per pupil compared to the average per pupil expenditure of $11,184 in traditional public schools.38
7. Unlike traditional district schools, most charter schools do not receive funding to cover the cost of securing a facility. Charter schools that are “converted” from traditional public schools begin with established capital, namely the school and its facilities, but many newly started charters struggle to come up with the necessary funds. Only a few states provide capital funding to start-up schools, and some start-up schools are able to take over available unused district space, but most rely on other, independent means. Recent federal legislation provides funding to help charters with start-up costs, but the task remains imposing.
8. In its latest rankings, the National Alliance for Public Charter Schools ranked Oklahoma’s charter school law 36th out of 43 such laws in the U.S. Although it noted that Oklahoma had 9,751 students in 25 public charter schools in 2013-14 and “provides a fair amount of autonomy to public charter schools and includes multiple authorizers,” the alliance is critical of Oklahoma for allowing charters in about 4 percent of the state’s school districts and providing “insufficient accountability and inequitable funding to charters.” In that ranking, Oklahoma received a score of zero for its lack of policy on educational service providers or education management organizations, which are nonprofit and for-profit organizations that charter school boards in several other states may turn to for outsourcing of education services.  

DEREGULATED SCHOOLS

According to the State Department of Education, the purpose of deregulation is to stimulate local innovation and creativity in all Oklahoma schools by exempting certain State Board of Education regulations which govern school operations and programs. Deregulation is based on the idea that rules, standards, and regulations cannot in and of themselves foster improvement in education. The appropriate place for developing innovations and meeting students needs is at the local district and individual school site levels—thus, a fundamental focus of Oklahoma School Regulation is to ensure that local schools have the necessary freedom and flexibility to innovate as they continue to strive toward school improvement and student results.

Relevant Law Highlights

1. An “empowerment plan” consists of ten criteria that the school must submit to its school district board of education. Phoenix would need to submit its empowerment plan to the Tulsa Public School Board. If approved, the Tulsa Public School Board would then submit the empowerment plan to the State Board of education for its approval.

2. Upon approval of an empowerment plan, the State Board of Education must waive any statutes or rules specified in the approved empowerment plan as they pertain to the empowered school; except that the State Board cannot waive requirements for the following (regardless of school classification):
   a. School district employee participation in the Teachers' Retirement System of Oklahoma;
   b. The Oklahoma School Testing Program Act;
   c. The requirement for students enrolled in the school district to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes (Achieving Classroom Excellence Act (ACE) Graduation Requirements);
   d. The accountability system as set forth in Section 1210.541 of Title 70 of the Oklahoma Statutes (Advanced, Proficient, Limited Knowledge, and
Unsatisfactory performance indicators corresponding to the Oklahoma School Testing Program Act; and
e. The federal No Child Left Behind Act of 2001.

Implications of this Classification

Advantages

1. Phoenix would be waived from complying with the specific regulation or statutory requirement it applies to be exempt from. A list of both statutory waivers and deregulations is provided in the Appendix (Statutory Waiver/Deregulation Application Instructions). For example, Phoenix could apply to be exempt from the abbreviated day requirement for alternative education programs.

Disadvantages

1. Phoenix would have to submit a deregulation application to TPS. TPS would then submit a formal application to the State Department of Education.
2. The State would conduct a performance review every three years for renewal of “empowered” status.
3. This classification provides less flexibility than other school classifications unless Phoenix applied to be deregulated for multiple statutes/regulations.
ENDNOTES

5. John Rosiak, Developing Safe Schools Partnerships: Spotlight on Juvenile Justice, NATIONAL CENTER FOR MENTAL HEALTH PROMOTION AND YOUTH VIOLENCE PREVENTION.
6. Id.
7. Interview with David Richardson, Director of Phoenix Rising (notes on file with author).
8. Interview with Justin Jones, Director of Juvenile Bureau (notes on file with author).
9. Interview with Judge Doris Fransein, Chief Judge at (notes on file with author).
10. Interview with Dr. Oliver Wallace, Director Alternative Education at TPS (notes on file with author).
12. Id.
17. Id.
21. Id.
23. Id.
26. Id.
30. Id.
34. Tulsa Hope Academy Executive Summary, TULSA HOPE ACADEMY (Feb. 28, 2014).


Interview with Kathy McKeen, Director of Oklahoma Technical Assistance Center (Nov. 6, 2015)(notes on file with the author).


APPENDIX A: STATUTES
ALTernative education

okla. admin. code 210:35-29-2.1 definitions

the following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

“alternative education” means an education process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who have not utilized their capacity to do so within traditional educational settings. alternative education programs must meet all requirements listed at 70 o.s. § 1210.568 and okla. admin. code 210: 35-29-7.

“abbreviated school day” means, for purposes of an alternative education program approved by the state board of education:
(A) a school day which consists of not less than four (4) hours and twelve (12) minutes per day devoted to academic instruction for the locally approved 180 day school calendar; or
(B) a school day which may consist of less than four (4) hours and twelve (12) minutes per day devoted to academic instruction, provided that students in alternative education programs receive at least seven hundred fifty-six (756) hours of academic instruction per school year. a school district that chooses the total instructional hours scheduling approach for its alternative education program must notify the state board of education by september 15 of each applicable school year.

“academic instruction” means, for purposes of an alternative education program approved by the state board of education:
(A) instruction in any subject offered by the school district for core or elective credit, whether part of the standard educational program or offered specifically to students in the alternative education program;
(B) instruction in any subject offered for credit through a technology center or through concurrent enrollment at a college or university; and
(C) participation in programs and activities that are part of the school district or interlocal cooperative’s approved alternative education implementation plan and are intended to fulfill the requirements for alternative education programs, including counseling, life skills instruction, concurrent enrollment, work study, and other content approved by the state board of education.

“At-risk student” means a student whose present or expected status indicates they might fail to complete their secondary education for reasons which may include academic deficiency, behavioral difficulties, excessive absences, pregnancy or parenting, family issues, substance abuse, financial issues, physical or mental health issues, juvenile justice involvement, or other such factors, not including disability status.

1 current through rules published in volume 33, number 2 of the oklahoma register dated october 1, 2015.
Okla. Admin. Code 210:35-29-6.\textsuperscript{2} Personnel: certification; criminal record searches

Special rules that pertain to alternative education academies, programs and schools are:

(1) Teachers must be certified teachers but are not restricted to grade-specific or subject-specific areas. Assignment out of regular subject area(s) or grade level(s) certification requires State Department of Education approval.

(2) Administrators must be certified school administrators but are not restricted to specific grade levels. Assignment out of grade levels certification requires State Department of Education approval.

(3) A criminal record search must be conducted on all personnel currently employed or to be employed in alternative education academies, programs, and schools.

Okla. Admin. Code 210:35-29-7.\textsuperscript{3} Abbreviated Day Schedule

Abbreviated day schedules may be adopted by alternative education schools and alternative education programs, pursuant to 70 O.S. § 1210.567. Students attending approved abbreviated day alternative education schools and alternative education programs for the full abbreviated day shall be counted in attendance for purposes of computing average daily attendance and average daily membership for the district. Abbreviated day schedules for alternative education schools and programs must conform to one of the definitions of “abbreviated school day” listed at 210:35-29-2.

Okla. Admin. Code 210:35-29-8.\textsuperscript{4} Requirements for Alternative Education Programs

**General requirements.** To qualify as an approved alternative education program, a school district’s alternative school or alternative education program must meet all requirements listed at 70 O.S. § 1210.568, including:

(1) Student-teacher ratios conducive to effective learning for at-risk students;
(2) Appropriate structure, curriculum, interaction, and reinforcement strategies for effective instruction;
(3) An intake and screening process to determine eligibility of students;
(4) Appropriately certified teaching faculty;
(5) Teaching faculty with experiences or personal traits that qualify them for successful work with at-risk students;
(6) Collaboration with state and local agencies;
(7) Courses that meet the curricular standards adopted by the State Board of Education and additional remedial courses;
(8) Individualized instruction;
(9) Clear and measurable program goals and objectives;
(10) Counseling and social service components;

\textsuperscript{2} Current through rules published in Volume 33, Number 2 of the Oklahoma Register dated October 1, 2015.
\textsuperscript{3} Current through rules published in Volume 33, Number 2 of the Oklahoma Register dated October 1, 2015.
\textsuperscript{4} Current through rules published in Volume 33, Number 2 of the Oklahoma Register dated October 1, 2015.
(11) Graduation plan for each student;
(12) Life skills instruction;
(13) Opportunities for arts education;
(14) A proposed annual budget;
(15) An evaluation component that includes an annual written self-evaluation;
(16) Service to students in grades six (6) through twelve (12) who are most at risk of not completing high school for reasons other than disability; and
(17) Opportunities for student participation in vocational programs and extra-curricular activities such as athletics, band, and clubs.

Submission of alternative education plan. Each school district shall submit and certify an Alternative Education Implementation Plan to the State Department of Education by September 15 of each year. This plan shall outline how the district will meet the criteria listed in subsection (a) to serve its at-risk students. The plan must be submitted and certified by school districts providing their own alternative education programs, as well as districts which offer alternative education through interlocal cooperative arrangements, and districts which have no alternative education program and receive no alternative education funding.

Deregulation not necessary for conforming alternative education programs. A school district need not apply to the State Board of Education for a deregulation in order to implement an alternative education program that meets all requirements listed in this subchapter and at 70 O.S. § 1210.566 through 70 O.S. § 1210.568.


A. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

B. Beginning with the first semester of the 2002-2003 school year, all school districts of this state shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:
1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;
2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;
3. Include an intake and screening process to determine eligibility of students;
4. Demonstrate that teaching faculty are appropriately certified teachers;
5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;
6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

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5 Selected portions of statute. Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;
8. Offer individualized instruction;
9. State clear and measurable program goals and objectives;
10. Include counseling and social services components with the provision that providers of services are not required to be certified as school counselors;
11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises for the school district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, for students who enter the ninth grade in or prior to the 2007-08 school year, the plan shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title;
12. Offer life skills instruction;
13. Provide opportunities for arts education to students, including Artists in Residence programs coordinated with the Oklahoma Arts Council;
14. Provide a proposed annual budget;
15. Include an evaluation component including an annual written self-evaluation;
16. Be appropriately designed to serve middle school, junior high school and secondary school students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and
17. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 15 of each school year.

D. Each alternative education program of a school district shall receive funding based on the combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs. Each alternative education program shall receive incentive funding as follows:
1. For the first year of operation, One Thousand Dollars ($1,000.00) per student;
2. For the second year of operation, Seven Hundred Fifty Dollars ($750.00) per student; and
3. For the third year of operation and each year thereafter, Seven Hundred Dollars ($700.00) per student.

Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system. No alternative education program shall receive less than a total of Ten Thousand Dollars ($10,000.00) per school year.

A. Upon application of a district board of education, the State Board of Education shall authorize an abbreviated day schedule for an alternative school or alternative education program that is or will be administered by the district pursuant to the provisions of this act or for the education provided for students in a residential or treatment facility located within the district. A student assigned to the alternative school, an alternative education program or receiving educational services in a residential or treatment facility within the district who attends for a full abbreviated day shall be counted in attendance for purposes of computing average daily attendance and average daily membership for the district.

C. A district board of education shall hire only certified teachers to teach in an alternative education program or alternative education school offered by the district or to teach students who are in a residential or treatment facility.

Okla. Stat. Ann. tit. 70 § 1210.569. Student needs assessments--Alternative education plans--Submission to Department--Implementation contingency--Verification of expenditure levels

A. Each school district shall be required to update and submit on an annual basis the student needs assessment and alternative education plan outlined in Section 1210.566 of this title. The alternative education plan of each school district shall provide for specific professional development programs for the teachers teaching in or working with an alternative education program. The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be submitted to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.

B. By July 1 of each year, each school district shall submit an expenditure report to the State Department of Education listing all of the expenditures made by the school district for the alternative education program for the previous year.

C. Upon implementation of this subsection as provided for in subsections D and E of this section, each urban school district as defined in Section 1210.568 of this title and as identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall expand the annual student needs assessment and alternative education plan as required in subsection A of this section to include a needs assessment and education plan for elementary students who are at-risk and in need of alternative education.

D. Implementation of subsection C of this section shall be contingent upon the appropriation by the Legislature of state funds for the specific purpose of implementing subsection C of this section. Nothing in this section shall prevent the State Board of Education or a school district from...

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6 Selected portions of statute. Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015)

7 Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
board of education from utilizing private, local, or federal funds to implement subsection C of this section.

E. Implementation of subsection C of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this subsection, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. Subsection C of this section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of the section.


A. Each year by December 1, every school district that serves middle school, junior high school and secondary school students shall conduct and report to the State Department of Education a needs assessment to identify those students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. Districts shall utilize data and information from juvenile justice agencies and the Office of Accountability in conducting the needs assessments. The results of the needs assessments shall be reported to the State Department of Education in a format specified by the Department.

B. By May 1, 1995, every school district as specified in subsection A of this section shall develop and submit to the State Department of Education a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection A of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps a technology center school district or districts, the plan shall be coordinated with the board of education of each overlapped technology center school district.

C. The proposed plan shall be placed on file at the office of the school district superintendent

8 Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
where it shall be made available to the public on request.

D. By September 1, 1995, the State Board of Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of alternative education to students in grades six through twelve who have been identified by school districts in their needs assessments as being at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title. The plan should include provisions for cooperative agreements to provide services for students in alternative education programs and coordination with the State Board of Career and Technology Education.


A. A certified teacher in a program funded by an Alternative Education Academy Grant shall be paid a five percent (5%) increment above the designated step for that teacher within the adopted salary schedule of the district.

B. Persons providing counseling or social services in a program funded by an Alternative Education Academy Grant shall not be required to be certified as school counselors by the State Board of Education.


Alternative Approaches grants for alternative education shall be limited to middle grade level alternative schools provided by a school district and to secondary grade level programs provided pursuant to a contract with a nonprofit organization. Notwithstanding self-identification of a program as an alternative education program, a program shall not receive state-funded grants to provide alternative education administered through the State Department of Education unless the program meets the criteria for Statewide Alternative Education programs as specified in Section 1210.568 of this title.


A. Contingent upon the provision of appropriated funds designated for Alternative Approaches grants, the State Board of Education is authorized to award one or more such competitive grants to local education agencies, nonprofit organizations, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of this title. The grant awards shall be made to school districts located in counties with a high number of dropouts for the school year preceding the year for which the grant is being sought, and a high number of referrals to the juvenile justice system. If the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program shall serve students in school districts located in

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9 Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
10 Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
11 Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
counties with a high number of dropouts and a high number of referrals to the juvenile justice system. The funds shall be awarded to programs specifically providing targeted services to high challenge children. High challenge children are those at risk of failing to complete a satisfactory education. Alternative Approaches grants shall include high challenge grants for programs serving elementary and middle grade students and grants for middle grade level and other specified alternative education programs. Competitive grants shall be of statewide significance and shall be replicable across the state. Beginning July 1, 1993, at least twenty percent (20%) of the total dollar amount of Alternative Approaches grants shall be awarded to districts replicating state-validated programs. State validation is a process carried out by the Alternative Approaches Programs Technical Assistance Center by which grant-funded programs are evaluated for effectiveness in reaching the targeted population, local and state significance, and replicability. The Technical Assistance Center shall report to the State Department of Education the name and description of any program which receives state validation.

B. To be eligible for a High Challenge grant, a program shall meet research-based criteria set by the State Department of Education. The Alternative Approaches Technical Assistance Center shall provide the Department with research and recommendations on effective programming for high challenge children.

C. The State Board of Education is further authorized to award one competitive grant for operation of an Alternative Approaches Programs Technical Assistance Center. Said programs shall not supplant programs or activities funded by the United States Government pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended. The Alternative Approaches Technical Assistance Center grant recipient shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the grant.

D. Service program grant recipients shall have priority, if recommended by the Technical Assistance Center and if funds are available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district has received grants for an at risk or high challenge program for three consecutive school years and if the program upon evaluation by the Technical Assistance Center meets the criteria set forth in subsection A of this section and satisfies criteria set forth in rules adopted by the State Board of Education pursuant to subsection E of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in the amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years; and
2. Except as otherwise provided, funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; for programs that have received funding for three (3) years prior to July 1, 1992, funding will be awarded only if the program is state-validated and the grantee documents attempts to have the program replicated; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years.

All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.
E. Rules adopted by the State Board of Education shall incorporate or provide for, but not necessarily be limited to:

1. Definition of the children deemed high challenge for whom services are sought; provided the definition shall be consistent with the description of high challenge children set forth in subsection A of this section;

2. The possibility of awards for one or more of a variety of program proposals targeted for services to limited portions of the high challenge population according to such distinctions as age groupings, rural or urban settings, other cultural characteristics, or innovative service delivery strategies;

3. Requirements that service program grant recipients have clear and measurable goals and objectives; show evidence of having given reasonable consideration to coordination with other community agencies and resources, where appropriate, in the development of their proposals; and agree to comply with all requirements of the Technical Assistance Center regarding use of assessment instruments, provision of data, and provision of information necessary for program evaluation;

4. Requirements that the recipient of the Technical Assistance Center grant show command of relevant research and demonstrate capability for: Providing technical assistance, including operation of clearinghouse functions; coordinating with agencies such as the Oklahoma Arts Council; performing assessment of high challenge children; evaluating programs for effectiveness; making program cost assessments; promoting replication of successful programs; and capability for assisting program providers in attaining national validation of their programs and qualifying for federal funding;

5. Utilization of a selection committee to review applications for program and Technical Assistance Center grants and make recommendations to the State Board of Education, said selection committee to include, to the greatest extent feasible under constraints of time and funding, nationally recognized experts in the education of high challenge children; and

6. Revocation of any high challenge or at risk grant awarded to, and ineligible for award of any future high challenge grant pursuant to this act to, any grant recipient who has employed prior to May 24, 1991, any person who served as a volunteer assisting with the initial preparation of proposed rules for high challenge (formerly designated as at risk) grant programs or any person serving as a member of a selection committee during or within two (2) years following such person's service pursuant to paragraph 5 of this subsection.
PRIVATE SCHOOLS

70 Okla. St. Ann. § 3-104. State Board of Education--Powers and duties

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;


Private and parochial schools may be accredited and classified in like manner as public schools. In addition a private accrediting association may be approved by the State Board of Education and have the authority to accredit schools within their association.

70 Okla. Stat. Ann. § 1-111. School day--Six hours— Exceptions

A. Except as otherwise provided for by law, a school day shall consist of not less than six (6) hours devoted to school activities. A district board of education may elect to extend the length of one (1) or more school days to more than six (6) hours and reduce the number of school days as long as the total amount of classroom instruction time is not less than one thousand eighty (1,080) hours per year as required pursuant to Section 1-109 of this title.

B. A school day for nursery, early childhood education, kindergarten, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period.

C. Students absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty or to participate in an online course approved by the district board of education. The State Board of Education shall adopt rules to provide for the implementation of supplemental online courses which shall include, but not be limited to, provisions addressing the following:

1. Criteria for student admissions eligibility;

2. A student admission process administered through the district of residence, which provides the ability for the student to enroll in individual courses;

3. A process by which students are not denied the opportunity to enroll in educationally appropriate courses by school districts. For the purposes of this section, “educationally appropriate” means any instruction that is not substantially a repeat of a course or portion of a course that the student has successfully completed, regardless of the grade of the student, and regardless of whether a course is similar to or identical to the instruction that is currently offered in the school district;
4. Creation of a system which provides ongoing enrollment access for students throughout the school year;
5. A grace period of fifteen (15) calendar days from the first day of an online course for student withdrawal from an online course without academic penalty;
6. Mastery of competencies for course completion rather than Carnegie units;
7. Student participation in extracurricular activities in accordance with school district eligibility rules and policies and any rules and policies of a private organization or association which provides the coordination, supervision, and regulation of the interscholastic activities and contests of schools;
8. Parent authorization for release of state test results to online course providers, on a form developed by the State Department of Education; and
9. A review process to identify and certify online course providers and a uniform payment processing system.

D. Each district board of education shall adopt policies and procedures that conform to rules for online courses as adopted by the State Board. Such policies shall include criteria for approval of the course, the appropriateness of the course for a particular student, authorization for full-time students to enroll in online courses, and establishing fees or charges. No district shall be liable for payment of any fees or charges for any online course for a student who has not complied with the district's policies and procedures. School districts shall not deny students the opportunity to enroll in educationally appropriate courses and shall provide an admissions process which includes input from the student, the parent or guardian of the student, and school faculty.

E. Districts shall require students enrolled in online courses to participate in the Oklahoma School Testing Program Act. Students participating in online courses from a remote site will be responsible for providing their own equipment and Internet access, unless the district chooses to provide the equipment. Credit may not be granted for such courses except upon approval of the State Board of Education and the district board of education.

F. The school day for kindergarten may consist of six (6) hours devoted to school activities.


A. There is hereby created the Lindsey Nicole Henry Scholarships for Students with Disabilities Program. The Lindsey Nicole Henry Scholarships for Students with Disabilities Program is established to provide a scholarship to a private school of choice for students with disabilities for whom an individualized education program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) has been developed at any time prior to notifying the State Department of Education of the intent to participate in the Program and the IEP is in effect at the time the request for a scholarship is received by the State Department of Education. Scholarships shall be awarded beginning with the 2010-2011 school year.
B. The parent or legal guardian of a public school student with a disability may exercise their parental option and request to have a Lindsey Nicole Henry Scholarship awarded for the child to enroll in and attend a private school in accordance with this section and the scholarship shall be awarded if:

1. The student has spent the prior school year in attendance at a public school in this state. For purposes of this section, “prior school year in attendance” means that the student was enrolled in and reported by a school district for funding purposes during the preceding school year regardless of whether or not the student had an IEP at the time the student was counted for funding purposes. A student who is a child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a permanent change of station orders of the parent shall be exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section. A student who has been provided services under an Individual Family Service Plan through the SoonerStart program and during transition was evaluated and determined to be eligible for school district services shall be exempt from the requirements of this paragraph but shall be required to meet all other eligibility requirements to participate as provided for in this section; and

2. The parent or legal guardian has obtained acceptance for admission of the student to a private school that is eligible for the program as provided in subsection H of this section and has notified the State Department of Education of the request for a scholarship. Requests to participate in the program made after December 1 shall be granted, but funding for scholarships requested after December 1 shall not be available until the beginning of the next school year. The request shall be through a communication directly to the Department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The Department shall notify the school district upon receipt of the request. For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school, graduates from high school or reaches the age of twenty-two (22), whichever occurs first. At any time, the parent or legal guardian of the student may remove the student from the private school and place the student in another private school that is eligible for the program as provided in subsection H of this section or place the student in a public school.

C. A student shall be eligible for a scholarship if the parent or legal guardian of the student made a request for a scholarship for the 2010-2011 school year and the student transferred to an eligible private school but was subsequently denied a scholarship because the student did not have an IEP in effect on October 1, 2009, but did meet all other eligibility requirements as set forth in the Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act.

D. A student shall not be eligible for a Lindsey Nicole Henry Scholarship if the student is not having regular and direct contact with the private school teachers at the physical location of the private school.

E. School districts shall notify the parent or legal guardian of a public school student with a disability of all options available pursuant to this section and inform the parent or legal
guardian of the availability of information about the program from the State Department of Education through the toll-free telephone number or website. The notification shall be provided with or included in the copy of the “Parents Rights in Special Education: Notice of Procedural Safeguards” document given to parents at least annually or as otherwise required by law.

F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall have the same effect as a parental revocation of consent to service pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the IDEA.

2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the parent or legal guardian shall assume full financial responsibility for the education of the student, including but not limited to transportation to and from the private school.

G. If the parent or legal guardian requests a Lindsey Nicole Henry Scholarship and the student is accepted by the private school pending the availability of a space for the student, the parent or legal guardian of the student shall notify the State Department of Education before entering the private school and before December 1 in order to be eligible for the scholarship during the school year when a space becomes available for the student in the private school. If notification is made after December 1, payment of the scholarship shall not begin until the next school year.

H. To be eligible to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities Program, a private school shall notify the State Department of Education of its intent to participate. The notice shall specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program. The State Department of Education shall approve a private school as eligible to participate in the scholarship program upon determination that the private school:

1. Meets the accreditation requirements set by the State Board of Education or another accrediting association approved by the State Board of Education;

2. Demonstrates fiscal soundness by having been in operation for one (1) school year or providing the State Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year by serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the Department;

3. Complies with the antidiscrimination provisions of 42 U.S.C., Section 2000d;

4. Meets state and local health and safety laws and codes;

5. Will be academically accountable to the parent or legal guardian for meeting the educational needs of the student;

6. Employs or contracts with teachers who hold baccalaureate or higher degrees, or have at least three (3) years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught;

7. Complies with all state laws relating to general regulation of private schools; and
8. Adheres to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.

I. 1. Lindsey Nicole Henry Scholarship Program participants shall comply with the following:
   a. the parent or legal guardian shall select the private school from the schools approved for eligibility pursuant to subsection H of this section and apply for the admission of the child,
   b. the parent or legal guardian shall request the scholarship no later than December 1 of the school year during which the scholarship is requested,
   c. any student participating in the scholarship program shall attend throughout the school year, unless excused by the school for illness or other good cause, and shall comply fully with the code of conduct for the school,
   d. the parent or legal guardian shall comply with the parental involvement requirements of the private school, unless excused by the school for illness or other good cause, and
   e. upon issuance of a scholarship warrant, the parent or legal guardian to whom the warrant is made shall restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent or legal guardian may not designate any entity or individual associated with the private school as the attorney in fact for the parent or legal guardian to endorse a warrant. A parent or legal guardian who fails to comply with this subparagraph shall forfeit the scholarship.

2. A participant who fails to comply with this subsection forfeits the scholarship.

J. Provisions governing payment of a Lindsey Nicole Henry Scholarship shall be as follows:

1. The State Department of Education shall calculate the total cost of all scholarships for all eligible students in the state. The State Department of Education shall then reserve or retain from the total amount appropriated to the State Board of Education for State Aid purposes and any other revenue available for allocation for State Aid purposes the total cost for all scholarship payments;

2. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the total State Aid factors for the applicable school year multiplied by the grade and disability weights generated by that student for the applicable school year. The disability weights used in calculating the scholarship amount shall include all disability weights which correspond to the disabilities included in the multidisciplinary evaluation and eligibility group summary for the student at the time the request for a scholarship is made by the parent or legal guardian. The maximum scholarship amount shall be calculated by the State Board of Education for each year the student is participating in the scholarship program;

3. The amount of the scholarship shall be the amount calculated in paragraph 2 of this subsection or the amount of tuition and fees for the private school, whichever is less, minus up to two and one-half percent (2 1/2%) of the scholarship amount which may be retained by the State Department of Education as a fee for administrative services rendered. The amount of any assessment fee required by the private school and the amount associated with providing services and therapies to address the disabilities of the student may be paid from the total amount of the scholarship. The amount of the scholarship shall be prorated to reflect the
number of days remaining in the current school year, if the scholarship request is granted after the beginning of the school year;

4. The State Department of Education shall notify the private school of the amount of the scholarship within ten (10) days after receiving the request for a scholarship, when the total State Aid factors have been determined for the current fiscal year. The initial payment shall be made after the Department verifies admission acceptance and enrollment. Quarterly payments shall be made upon verification of continued enrollment and attendance at the private school. Payment shall be made by the Department with an individual warrant made payable to the parent or legal guardian of the student and mailed by the Department to the private school that the parent or legal guardian chooses. The parent or legal guardian shall restrictively endorse the warrant to the private school for deposit into the account of the private school;

5. The State Department of Education shall not be responsible for any additional costs associated with special education and related services incurred by the private school for the student including the cost of teachers, equipment, material, and special costs associated with the special education class;

6. The State Department of Education shall establish a toll-free telephone number or website that provides parents or legal guardians and private schools with information about the program;

7. The State Department of Education shall require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain all records received from a participating private school; and

8. The State Department of Education shall cross-check the list of participating scholarship students with the public school enrollments prior to each scholarship payment to avoid duplication.

K. 1. The State Superintendent of Public Instruction shall deny, suspend, or revoke the participation of a private school in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, in instances in which the noncompliance is correctable within a reasonable amount of time and in which the health, safety, or welfare of the students is not threatened, the Superintendent may issue a notice of noncompliance which shall provide the private school with a time frame within which to provide evidence of compliance prior to taking action to suspend or revoke participation in the scholarship program.

2. If the Superintendent intends to deny, suspend, or revoke the participation of a private school in the scholarship program, the Department shall notify the private school of the proposed action in writing by certified mail and regular mail to the private school's address of record with the Department. The Department shall also notify any parents or legal guardians of scholarship students attending the private school. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this subsection.

3. The private school that is adversely affected by the proposed action shall have fifteen (15) days from receipt of the notice of proposed action to file with the Department a request for an administrative hearing proceeding pursuant to the Administrative Procedures Act.
4. Upon receipt of a request for a hearing, the State Board of Education shall commence a hearing within sixty (60) days after the receipt of the formal written request and enter an order within thirty (30) days after the hearing.

5. The Board may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is an imminent threat to the health, safety, or welfare of the students or fraudulent activity on the part of the private school.

L. No liability shall arise on the part of the state, the State Board of Education, the State Department of Education or a school district based on the award or use of any scholarship provided through the Lindsey Nicole Henry Scholarships for Students with Disabilities Program.

M. The inclusion of private schools within options available to public school students in Oklahoma shall not expand the regulatory authority of the state or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce the requirements expressly set forth in this section.

N. If the State Department of Education determines that a school district prior to the effective date of this act has failed to comply with the provisions of the Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act and has failed to make full or partial scholarship payments for eligible students, the Department shall have authority to reduce the amount of State Aid allocated to the school district or require the school district to make repayment to the Department of State Aid allocations in an amount equal to the amount of scholarship payments the school district failed to make. The Department shall make payment to the parent or legal guardian in the amount the school district failed to make in the manner as provided for in subsection J of this section.
CHARTER SCHOOLS

Oklahoma Charter Schools Act\textsuperscript{12}


A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall be sponsored only as follows:

1. By any school district located in the State of Oklahoma, provided such charter school shall only be located within the geographical boundaries of the sponsoring district and subject to the restrictions of Section 3-145.6 of this title;
2. By a technology center school district if the charter school is located in a school district served by the technology center school district in which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;
3. By a technology center school district if the charter school is located in a school district served by the technology center school district and the school district has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized;
4. By an accredited comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education or a community college if the charter school is located in a school district in which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;
5. By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education if the charter school is located in a school district that has a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. In addition, the institution shall have a teacher education program accredited by the Oklahoma Commission for Teacher Preparation and have a branch campus or constituent agency physically located within the school district in which the charter school is located in the State of Oklahoma;
6. By a federally recognized Indian tribe, operating a high school under the authority of the Bureau of Indian Affairs as of November 1, 2010, if the charter school is for the purpose of demonstrating native language immersion instruction, and is located within its former reservation or treaty area boundaries. For purposes of this paragraph, native language immersion instruction shall require that educational instruction and other activities conducted at the school site are primarily conducted in the native language;
7. By the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs or the applicant has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service and the charter school is for the purpose of providing education services to youth in the custody or supervision of the state. Not more than

\textsuperscript{12} Selected portions of the Oklahoma Charter Schools Act. Current through Chapter 399 (End) of the First Session of the 55th Legislature (2015).
two charter schools shall be sponsored by the Board as provided for in this paragraph during the period of time beginning July 1, 2010, through July 1, 2016; or
8. By the State Board of Education when the applicant has first been denied a charter by the local school district in which it seeks to operate. In counties with fewer than five hundred thousand (500,000) population, according to the latest Federal Decennial Census, the State Board of Education shall not sponsor more than five charter schools per year each year for the first five (5) years after the effective date of this act, with not more than one charter school sponsored in a single school district per year. In order to authorize a charter school under this section, the State Board of Education shall find evidence of all of the following:
   a. a thorough and high-quality charter school application from the applicant based on the authorizing standards in subsection B of Section 3-134 of this title,
   b. a clear demonstration of community support for the charter school, and
   c. 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.
B. An eligible non-school-district sponsor shall give priority to opening charter schools that serve at-risk student populations or students from low-performing traditional public schools. C. An eligible 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 assessing the potential for quality replication of a charter school, a sponsor shall consider the following factors before approving a new site or school:
   1. Evidence of a strong and reliable record of academic success based primarily on student performance data, as well as other viable indicators, including financial and operational success;
   2. A sound, detailed, and well-supported growth plan;
   3. Evidence of the ability to transfer successful practices to a potentially different context that includes reproducing critical cultural, organizational and instructional characteristics;
   4. Any management organization involved in a potential replication is fully vetted, and the academic, financial and operational records of the schools it operates are found to be satisfactory;
   5. Evidence the program seeking to be replicated has the capacity to do so successfully without diminishing or putting at risk its current operations; and
   6. A financial structure that ensures that funds attributable to each charter school within a network and required by law to be utilized by a school remain with and are used to benefit that school.
D. For purposes of the Oklahoma Charter Schools Act, “charter school” means a public school established by contract with a board of education of a school district, a conversion charter school, an area vocational-technical school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.
E. For the purposes of the Oklahoma Charter Schools Act, “conversion charter school” means a
charter school created by converting all or any part of a traditional public school into a charter school which may be operated by the school district board of education or by an independent operating board elected by and accountable to the school district board of education.  
F. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.


A. For written applications filed after January 1, 2008, prior to submission of the application to a proposed sponsor seeking to establish a charter school, the applicant shall be required to complete training which shall not exceed ten (10) hours 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.

B. Except as otherwise provided for in Section 3-137 of this title, an applicant seeking to establish a charter school shall submit a written application to the proposed sponsor as prescribed in subsection E of this section. The application shall include:

1. A mission statement for the charter school;
2. A description including, but not limited to, background information of the organizational structure and the governing body of the charter school;
3. A financial plan for the first five (5) 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;
4. A description of the hiring policy of the charter school;
5. The name of the applicant or applicants and requested sponsor;
6. A description of the facility and location of the charter school;
7. A description of the grades being served;
8. An outline of criteria designed to measure the effectiveness of the charter school;
9. 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;
10. Documentation that the applicants completed charter school training as set forth in subsection A of this section;
11. A description of the minimum and maximum enrollment planned per year for each term of the charter contract;
12. The proposed calendar for the charter school and sample daily schedule;
13. Unless otherwise authorized by law or regulation, a description of the academic program aligned with state standards;
14. A description of the instructional design of the charter school, including the type of learning environment, class size and structure, curriculum overview and teaching methods;
15. The plan for using internal and external assessments to measure and report student progress on the performance framework developed by the applicant in accordance with
subsection C of Section 3-135 of this title;
16. The plans for identifying and successfully serving students with disabilities, students who are English language learners and students who are academically behind;
17. A description of cocurricular or extracurricular programs and how they will be funded and delivered;
18. Plans and time lines for student recruitment and enrollment, including lottery procedures;
19. The student discipline policies for the charter school, including those for special education students;
20. An organizational chart that clearly presents the organizational structure of the charter school, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils and any external organizations that will play a role in managing the school;
21. A clear description of the roles and responsibilities for the governing board, the leadership and management team for the charter school and any other entities shown in the organizational chart;
22. The leadership and teacher employment policies for the charter school;
23. Proposed governing bylaws;
24. Explanations of any partnerships or contractual partnerships central to the operations or mission of the charter school;
25. The plans for providing transportation, food service and all other significant operational or ancillary services;
26. Opportunities and expectations for parental involvement;
27. A detailed school start-up plan that identifies tasks, time lines and responsible individuals;
28. A description of the financial plan and policies for the charter school, including financial controls and audit requirements;
29. A description of the insurance coverage the charter school will obtain;
30. Start-up and five-year budgets with clearly stated assumptions;
31. Start-up and first-year cash-flow projections with clearly stated assumptions;
32. Evidence of anticipated fundraising contributions, if claimed in the application;
33. A sound facilities plan, including backup or contingency plans if appropriate;
34. A requirement that the charter school governing board meet at a minimum quarterly in the state and that for those charter schools outside of counties with a population of five hundred thousand (500,000) or more, that a majority of members are residents within the geographic boundary of the sponsoring entity; and
35. A requirement that the charter school follow the requirements of the Oklahoma Open Meeting Act and Oklahoma Open Records Act.
C. A board of education of a public school district, public body, public or private college or university, private person, or private organization may contract with a sponsor to establish a charter school. A private school shall not be eligible to contract for a charter school under the provisions of the Oklahoma Charter Schools Act.
D. The sponsor of a charter school is 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 which meets the criteria established in Section 3-132 of this title. Any board of education of a school district in the state may sponsor
one or more charter schools. The physical location of a charter school sponsored by a board of education of a school district or a technology center school district shall be within the boundaries of the sponsoring school district. The physical location of a charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall be where an Office of Juvenile Affairs facility for youth is located. The physical location of a charter school otherwise sponsored by the State Board of Education pursuant to paragraph 8 of subsection A of Section 3-132 of this title shall be in the school district in which the application originated.

E. An applicant for a charter school may submit an application to a proposed sponsor which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. If the proposed sponsor rejects the application, it shall notify the applicant in writing of the reasons for the rejection. The applicant may submit a revised application for reconsideration to the proposed sponsor within thirty (30) days after receiving notification of the rejection. The proposed sponsor shall accept or reject the revised application within thirty (30) days of its receipt. Should the sponsor reject the application on reconsideration, the applicant may appeal the decision to the State Board of Education with the revised application for review pursuant to paragraph 8 of subsection A of Section 3-132 of this title. The State Board of Education shall hear the appeal no later than sixty (60) days from the date received by the Board.

F. A board of education of a school district, board of education of a technology center school district, higher education institution, or federally recognized Indian tribe sponsor of a charter school shall notify the State Board of Education when it accepts sponsorship of a charter school. The notification shall include a copy of the charter of the charter school.

G. Applicants for charter schools proposed to be sponsored by an entity other than a school district pursuant to paragraph 1 of subsection A of Section 3-132 of this title may, upon rejection of the revised application, proceed to binding arbitration under the commercial rules of the American Arbitration Association with costs of the arbitration to be borne by the proposed sponsor. Applicants for charter schools proposed to be sponsored by school districts pursuant to paragraph 1 of subsection A of Section 3-132 of this title may not proceed to binding arbitration but may be sponsored by the State Board of Education as provided in paragraph 8 of subsection A of Section 3-132 of this title.

H. If a board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe accepts sponsorship of a charter school, the administrative, fiscal and oversight responsibilities of the technology center school district, the higher education institution, or the federally recognized Indian tribe shall be listed in the contract. No responsibilities shall be delegated to a school district unless the local school district agrees to assume the responsibilities.

I. A sponsor of a public charter school shall have the following powers and duties:

1. Provide oversight of the operations of charter schools in the state through annual performance reviews of charter schools and reauthorization of charter schools for which it is a sponsor;
2. Solicit and evaluate charter applications;
3. Approve quality charter applications that meet identified educational needs and promote a diversity of educational choices;
4. Decline to approve weak or inadequate charter applications;
5. Negotiate and execute sound charter contracts with each approved public charter school;
6. Monitor, in accordance with charter contract terms, the performance and legal compliance of charter schools; and
7. Determine whether each charter contract merits renewal, nonrenewal or revocation.

J. Sponsors shall establish a procedure for accepting, approving and disapproving charter school applications in accordance with subsection E of this section.

K. Sponsors shall be required to 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.

L. Sponsors acting in their official capacity shall be immune from civil and criminal liability with respect to all activities related to a charter school with which they contract.


A. The sponsor of a charter school shall enter into a written contract with the governing body of the charter school. The contract shall incorporate the provisions of the charter of the charter school and contain, but shall not be limited to, the following provisions:
1. A description of the program to be offered by the school which complies with the purposes outlined in Section 3-136 of this title;
2. Admission policies and procedures;
3. Management and administration of the charter school, including that a majority of the charter governing board members are residents of the State of Oklahoma and meet no less than quarterly in a public meeting within the boundaries of the school district in which the charter school is located or within the State of Oklahoma in the instance of multiple charter school locations by the same sponsor;
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;
8. A description of the high standards of expectation and rigor for charter school plans and assurance that charter school plans adopted meet at least those standards;
9. Policies that require that the charter school be as equally free and open to all students as traditional public schools;
10. Procedures that require students enrolled in the charter school to be selected by lottery to ensure fairness if more students apply than a school has the capacity to accommodate;
11. Policies that require the charter school to be subject to the same academic standards and expectations as existing public schools; and
12. A description of the requirements and procedures for the charter school to receive funding
in accordance with statutory requirements and guidelines for existing public schools.

B. A charter school shall not enter into an employment contract with any teacher or other personnel until the charter school has a contract with a sponsoring school district. The employment contract shall set forth the personnel policies of the charter school, including, but not limited to, policies related to certification, professional development evaluation, suspension, dismissal and nonreemployment, sick leave, personal business leave, emergency leave, and family and medical leave. The contract shall also specifically set forth the salary, hours, fringe benefits, and work conditions. The contract may provide for employer-employee bargaining, but the charter school shall not be required to comply with the provisions of Sections 509.1 through 509.10 of this title. The contract shall conform to all applicable provisions set forth in Section 3-136 of this title.

Upon contracting with any teacher or other personnel, the governing body of the charter school shall, in writing, disclose employment rights of the employees in the event the charter school closes or the charter is not renewed.

No charter school may begin serving students without a charter contract executed in accordance with the provisions of the Oklahoma Charter Schools Act and approved in an open meeting of the sponsor. The sponsor may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools and ensure that each school is prepared to open smoothly on the date agreed and to ensure that each school meets all building, health, safety, insurance and other legal requirements for the opening of a school.

C. The performance provisions within the charter contract shall be 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. The sponsor shall require a charter school to submit the data required in this section in the identical format that is required by the State Department of Education of all public schools in order to avoid duplicative administrative efforts or allow a charter school to provide permission to the Department to share all required data with the sponsor of the charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

1. Student academic proficiency;
2. Student academic growth;
3. Achievement gaps in both proficiency and growth between 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. 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 a charter school.
E. A charter contract may provide for one or more schools by an 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.


A. A charter school shall adopt a charter which will ensure compliance with the following:
1. A charter school shall comply with all federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance. By January 1, 2000, the State Department of Education shall prepare a list of relevant rules and statutes which a charter school must comply with as required by this paragraph and shall annually provide an update to the list;
2. A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution;
3. The charter school may provide a comprehensive program of instruction for a prekindergarten program, a kindergarten program or any grade between grades one and twelve. Instruction may be provided to all persons between the ages of four (4) and twenty-one (21) years. A charter school may 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. The charter of a charter school which offers grades nine through twelve shall specifically address whether the charter school will comply with the graduation requirements established in Section 11-103.6 of this title. No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf;
4. A charter school shall participate in the testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district. A charter school shall also provide any necessary data to the Office of Accountability;
5. 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;
6. A charter school, to the extent possible, shall be subject to the same reporting requirements, financial audits, audit procedures, and audit requirements as a school district. The State Department of Education or State Auditor and Inspector may conduct financial, program, or compliance audits. A charter school shall use the Oklahoma Cost Accounting System to report financial transactions to the sponsoring school district;
7. A charter school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district;
8. A charter school shall provide for a governing body for the school which shall be responsible for the policies and operational decisions of the charter school;
9. A charter school shall not be used as a method of generating revenue for students who are
being home schooled and are not being educated at an organized charter school site;
10. A charter school may not charge tuition or fees;
11. A charter school shall provide instruction each year for at least the number of days required in Section 1-109 of this title;
12. A charter school shall comply with the student suspension requirements provided for in Section 24-101.3 of this title;
13. A charter school shall be considered a school district for purposes of tort liability under The Governmental Tort Claims Act;
14. Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes and rules if otherwise allowed pursuant to law;
15. A charter school may participate in all health and related insurance programs available to the employees of the sponsor of the charter school;
16. A charter school shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act;
17. The governing body of a charter school shall be subject to the same conflict of interest requirements as a member of a local school board; and
18. No later than September 1 each year, the governing board of each charter school formed pursuant to the Oklahoma Charter Schools Act shall prepare a statement of actual income and expenditures for the charter school for the fiscal year that ended on the preceding June 30, in a manner compliant with Section 5-135 of this title. The statement of expenditures shall include functional categories as defined in rules adopted by the State Board of Education to implement the Oklahoma Cost Accounting System pursuant to Section 5-145 of this title. Charter schools shall not be permitted to submit estimates of expenditures or prorated amounts to fulfill the requirements of this paragraph.
B. The charter of a charter school shall include a description of the personnel policies, personnel qualifications, and method of school governance, and the specific role and duties of the sponsor of the charter school.
C. The charter of a charter school may be amended at the request of the governing body of the charter school and upon the approval of the sponsor.
D. A charter school may enter into contracts and sue and be sued.
E. The governing body of a charter school may not levy taxes or issue bonds.
F. The charter of a charter school shall include a provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school upon expiration or termination of the charter or failure of the charter school to continue operations. Except as otherwise provided, any real or personal property purchased with state or local funds shall be retained by the sponsoring school district. If a charter school that was previously sponsored by the board of education of a school district continues operation within the school district under a new charter sponsored by an entity authorized pursuant to Section 3-132 of this title, the charter school may retain any personal property purchased with state or local funds for use in the operation of the charter school until termination of the new charter or failure of the charter school to continue operations.

A. An approved contract for a charter school shall be effective for five (5) years from the first day of operation. A charter contract may be renewed for successive five-year terms of duration, although the sponsor may vary the term based on the performance, demonstrated capacities and particular circumstances of each charter school. A sponsor may grant renewal with specific conditions for necessary improvements to a charter school.

B. Prior to the beginning of the fourth year of operation of a charter school, the sponsor shall issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the performance record to date of the charter school, 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 shall provide notice of any weaknesses or concerns perceived by the sponsor concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five (45) days to respond to the performance report and submit any corrections or clarifications for the report.

C. 1. Prior to the beginning of the fifth year of operation, the charter school may apply for renewal of the contract with the sponsor. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:
   a. present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal,
   b. describe improvements undertaken or planned for the school, and
   c. detail the plan for the next charter term for the school.
   2. The renewal application guidance shall include or refer explicitly 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.

D. The sponsor may deny the request for renewal if it determines the charter school has failed to complete the obligations of the contract or comply with the provisions of the Oklahoma Charter Schools Act. A sponsor shall give written notice of its intent to deny the request for renewal at least eight (8) months prior to expiration of the contract. In making charter renewal decisions, a sponsor shall:
   1. Ground decisions on evidence of the performance of the school over the term of the charter contract in accordance with the performance framework set forth in the charter contract and shall take into consideration the percentage of at-risk students enrolled in the school;
   2. Grant renewal to schools that have achieved the standards, targets and performance expectations as stated in the charter contract and are organizationally and fiscally viable and have been faithful to the terms of the contract and applicable law;
   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 each decision.

E. If a sponsor denies a request for renewal, the governing board of the sponsor may, if requested by the charter school, proceed to binding arbitration as provided for in subsection G of Section 3-134 of this title.
F. A sponsor may terminate a contract during the term of the contract for failure to meet the requirements for student performance contained in the contract, failure to meet the standards of fiscal management, violations of the law, or other good cause. The sponsor shall give at least ninety (90) days' written notice to the governing board prior to terminating the contract. The governing board may request, in writing, an informal hearing before the sponsor within fourteen (14) days of receiving notice. The sponsor shall conduct an informal hearing before taking action. If a sponsor decides to terminate a contract, the governing board may, if requested by the charter school, proceed to binding arbitration as provided for in subsection G of Section 3-134 of this title.

G. 1. Beginning in the 2016-2017 school year, the State Board of Education shall identify charter schools in the state that are ranked in the bottom five percent (5%) of all public schools as determined pursuant to Section 1210.545 of this title.

2. At the time of its charter renewal, based on an average of the current year and the two (2) prior operating years, a sponsor may close a charter school site identified as being among the bottom five percent (5%) of public schools in the state. The average of the current year and two (2) prior operating years shall be calculated by using the percentage ranking for each year divided by three, as determined by this subsection.

3. If there is a change to the calculation described in Section 1210.545 of this title that results in a charter school site that was not ranked in the bottom five percent (5%) being ranked in the bottom five percent (5%), then the sponsor shall use the higher of the two rankings to calculate the ranking of the charter school site.

4. In the event that a sponsor fails to close a charter school site consistent with this subsection, the sponsor shall appear before the State Board of Education to provide support for its decision. The State Board of Education may, by majority vote, uphold or overturn the decision of the sponsor. If the decision of the sponsor is overturned by the State Board of Education, the Board may implement one of the following actions:

   a. transfer the sponsorship of the charter school identified in this paragraph to another sponsor,
   b. order the closure of the charter school identified in this paragraph at the end of the current school year, or
   c. order the reduction of any administrative fee collected by the sponsor that is applicable to the charter school identified in this paragraph. The reduction shall become effective at the beginning of the month following the month the hearing of the sponsor is held by the State Board of Education.

5. A charter school that is closed by the State Board of Education pursuant to paragraph 4 of this subsection shall not be granted a charter by any other sponsor.

6. The requirements of this subsection shall not apply to a charter school that has been designed by the State Department of Education as implementing an alternative education program throughout the charter school.

7. In making a school site closure decision, the State Board of Education shall consider the following:

   a. enrollment of students with special challenges such as drug or alcohol addiction, prior withdrawal from school, prior incarceration or other special circumstances,
   b. high mobility of the student population resulting from the specific purpose of the charter
school,
c. annual improvement in the performance of students enrolled in the charter school compared with the performance of students enrolled in the charter school in the immediately preceding school year, and
d. whether a majority of students attending the charter school under consideration for closure would likely revert to attending public schools with lower academic achievement, as demonstrated pursuant to Section 1210.545 of this title.

8. If the State Board of Education has closed or transferred authorization of at least twenty-five percent (25%) of the charter schools chartered by one sponsor pursuant to paragraph 4 of this subsection, the authority of the sponsor to authorize new charter schools may be suspended by the Board until the Board approves the sponsor to authorize new charter schools. A determination under this paragraph to suspend the authority of a sponsor to authorize new charter schools shall identify the deficiencies that, if corrected, will result in the approval of the sponsor to authorize new charter schools.

H. If a sponsor terminates a contract or the charter school is closed, the closure shall be conducted in accordance with the following protocol:

1. Within two (2) calendar weeks of a final closure determination, the sponsor shall meet with the governing board and leadership of the charter school to establish a transition team composed of school staff, applicant staff and others designated by the applicant that will attend to the closure, including the transfer of students, student records and school funds;
2. The sponsor and transition team shall communicate regularly and effectively with families of students enrolled in the charter school, as well as with school staff and other stakeholders, to keep them apprised of key information regarding the closure of the school and their options and risks;
3. The sponsor and transition team shall ensure that current instruction of students enrolled in the charter school continues per the charter agreement for the remainder of the school year;
4. The sponsor and transition team shall ensure that all necessary and prudent notifications are issued to agencies, employees, insurers, contractors, creditors, debtors and management organizations; and
5. The governing board of the charter school shall continue to meet as necessary to take actions needed to wind down school operations, manage school finances, allocate resources and facilitate all aspects of closure.

I. A sponsor shall develop revocation and nonrenewal processes that are consistent with the Oklahoma Charter Schools Act and that:

1. Provide the charter school with a timely notification of the prospect of revocation or nonrenewal and of the reasons for possible closure;
2. Allow the charter school a reasonable amount of time in which to prepare a response;
3. Provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose and prior to taking any final nonrenewal or revocation decision related to the school;
4. Allow the charter school access to representation by counsel to call witnesses on its behalf;
5. Permit the recording of the proceedings; and
6. After a reasonable period for deliberation, require a final determination be made and
conveyed in writing to the charter school.
J. If a sponsor revokes or does not renew a charter, the sponsor shall clearly state in a resolution the reasons for the revocation or nonrenewal.
K. 1. Before a sponsor may issue a charter to a charter school governing body that has had its charter terminated or has been informed that its charter will not be renewed by the current sponsor, the sponsor shall request to have the proposal reviewed by the State Board of Education at a hearing. The State Board of Education shall conduct a hearing in which the sponsor shall present information indicating that the proposal of the organizer is substantively different in the areas of deficiency identified by the current sponsor from the current proposal as set forth within the charter with its current sponsor.
2. After the State Board of Education conducts a hearing pursuant to this subsection, the Board shall either approve or deny the proposal.
3. If the proposal is denied, no sponsor may issue a charter to the charter school governing body.
L. If a contract is not renewed, the governing board of the charter school may submit an application to a proposed new sponsor as provided for in Section 3-134 of this title.
M. If a contract is not renewed or is terminated according to this section, a student who attended the charter school may enroll in the resident school district of the student or may apply for a transfer in accordance with Section 8-103 of this title

**Okla. Stat. Ann. tit. 70 § 3-140. Student eligibility--Districts--Preferences—Discrimination**

A. Except for a charter school sponsored by the State Board of Education, a charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, or those students who transfer to the district in which the charter school is located in accordance with Section 8-103 or 8-104 of this title, unless the number of applications exceeds the capacity of a program, class, grade level, or building. Students who reside in a school district where a charter school is located shall not be required to obtain a transfer in order to attend a charter school in the school district of residence. If capacity is insufficient to enroll all eligible students, the charter school shall select students through a lottery selection process. Except for a charter school sponsored by the State Board of Education, a charter school shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located. Except for a charter school sponsored by the State Board of Education, a charter school created after November 1, 2010, shall give enrollment preference to eligible students who reside within the boundaries of the school district in which the charter school is located and who attend a school site that has been identified as in need of improvement by the State Board of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended or reauthorized. A charter school may limit admission to students within a given age group or grade level. A charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall limit admission to youth that are in the custody or supervision of the Office of Juvenile Affairs.
C. A charter school may designate a specific geographic area within the school district in which the charter school is located as an academic enterprise zone and may limit admissions to
students who reside within that area. An academic enterprise zone shall be a geographic area in which sixty percent (60%) or more of the children who reside in the area qualify for the free or reduced school lunch program.  

E. A sponsor of a charter school shall not restrict the number of students a charter school may enroll. The capacity of the charter school shall be determined annually by the governing board of the charter school based on the ability of the charter school to facilitate the academic success of the students, to achieve the other objectives specified in the charter contract and to ensure that the student enrollment does not exceed the capacity of its facility or site.  


A. Transportation shall be provided by the charter school in accordance with Sections 9-101 through 9-118 of Title 70 of the Oklahoma Statutes and only within the transportation boundaries of the school district in which the charter school is located.  

B. A charter school shall provide the parent or guardian information regarding transportation at the time the student enrolls in the charter school.  

**Okla. Stat. Ann. tit. 70 § 3-142. Funding**  

A. For purposes of funding, a charter school sponsored by a board of education of a school district shall be considered a site within the school district in which the charter school is located. The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the charter school and the school district shall be used to determine the total State Aid allocation for the district in which the charter school is located. 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 (5%) of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered. For charter schools sponsored by 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 and for statewide virtual charter schools sponsored by the Statewide Virtual Charter School Board, the State Aid allocation for the charter school shall be distributed by the State Board of Education and not more than five percent (5%) of the State Aid allocation may be charged by the sponsor as a fee for administrative services rendered. The State Board of Education shall determine the policy and procedure for making payments to a charter school. The fee for administrative services as authorized in this subsection shall only be assessed on the State Aid allocation amount and shall not be assessed on any other appropriated amounts.  

B. 1. The weighted average daily membership for the first year of operation of a charter school shall be determined initially by multiplying the actual enrollment of students as of August 1 by 1.333. The charter school shall receive revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this paragraph. At
midyear, the allocation for the charter school shall be adjusted using the first quarter weighted average daily membership for the charter school calculated pursuant to subsection A of this section.

2. For the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of this title, the weighted average daily membership for the first year of operation and each year thereafter of a full-time virtual charter school shall be determined by multiplying the actual enrollment of students as of August 1 by 1.333. The full-time virtual charter school shall receive revenue equal to that which would be generated by the estimated weighted average daily membership calculated pursuant to this paragraph. At midyear, the allocation for the full-time virtual charter school shall be adjusted using the first quarter weighted average daily membership for the virtual charter school calculated pursuant to subsection A of this section.

C. A charter school shall be eligible to receive any other aid, grants or revenues allowed to other schools. A charter school sponsored by 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 shall be considered a local education agency for purposes of funding. A charter school sponsored by a board of education of a school district shall be considered a local education agency for purposes of federal funding.

D. A charter school, in addition to the money received from the state, may receive money from any other source. Any unexpended funds may be reserved and used for future purposes. The governing body of a charter school shall not levy taxes or issue bonds. If otherwise allowed by law, the governing body of a charter school may enter into private contracts for the purposes of borrowing money from lenders. If the governing body of the charter school borrows money, the charter school shall be solely responsible for repaying the debt, and the state or the sponsor shall not in any way be responsible or obligated to repay the debt.

E. Any charter school which chooses to lease property shall be eligible to receive current government lease rates.

**Okla. Stat. Ann. tit. 70 § 3-143. Reports**

The State Board of Education shall issue an annual report to the Legislature and the Governor outlining the status of charter schools in the state. Each charter school shall annually file a report with the Office of Accountability. The report shall include such information as requested by the Office of Accountability, including but not limited to information on enrollment, testing, curriculum, finances and employees.


A. There is hereby created in the State Treasury a fund to be designated the “Charter Schools Incentive Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated by the Legislature, gifts, grants, devises and donations from any public or private source. The State Department of Education shall administer the fund for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and
structures for use by a charter school. The State Department of Education is authorized to allocate funds on a per-pupil basis for purposes of providing matching funds for the federal State Charter School Facilities Incentive Grants Program created pursuant to the No Child Left Behind Act, 20 USCA, Section 7221d.

B. The State Board of Education shall adopt rules to implement the provisions of this section, including application and notification requirements.
DEREGULATED SCHOOLS

Empowered Schools and School Districts Act

Okla. Stat. Ann. tit. 70 § 3-129.3. Public school, zone, or district empowerment plan

A. 1. A public school, zone, or district may submit to its school district board of education an empowerment plan as described in subsection C of this section.
2. A school district board of education shall receive and review each empowerment plan submitted pursuant to paragraph 1 of this subsection. The school district board of education shall either approve or disapprove the empowerment plan within sixty (60) days after receiving the plan.
3. If the school district board of education rejects the plan, it shall provide to the public school, zone, or district that submitted the plan a written explanation of the basis for its decision. A public school, zone, or district may resubmit an amended empowerment plan at any time after denial.
4. If the school district board of education approves the plan, it shall proceed to seek approval of the school, zone, or district as an empowered school, zone, or district pursuant to Section 6 of this act.
B. A school district board of education may initiate and collaborate with one or more public schools of the school district to create one or more empowerment plans, as described in subsection C of this section. In creating an empowerment plan the school district board of education shall ensure that each public school that would be affected by the plan has the opportunity to participate in the creation of the plan.
C. Each empowerment plan shall include the following information:
1. A statement of the mission of the school, zone, or district and why designation as an empowered school, zone, or district would enhance the ability of the school, zone, or district to achieve its mission;
2. A description of the innovations the school, zone, or district would implement, which may include, but not be limited to, innovations in school staffing, curriculum and assessment, class scheduling, use of financial and other resources, and faculty recruitment, employment, evaluation, and compensation;
3. A listing of the programs, policies, or operational documents within the school, zone, or district that would be affected by the innovations identified by the school, zone, or district and the manner in which they would be affected. The programs, policies, or operational documents may include, but not be limited to:
   a. the research-based educational program to be implemented,
   b. the length of school day and school year,
   c. the student promotion and graduation policies to be implemented,
   d. the assessment plan,
   e. the proposed budget, and

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f. the proposed staffing plan;
4. A description of any statutory, regulatory, or district policy requirements that would need to be waived for the school, zone, or district to implement the identified innovations;
5. A description of any provision of the collective bargaining agreement in effect for the personnel at the school, zone, or district that would need to be waived for the school, zone, or district to implement its identified innovation;
6. An identification of the improvements in academic performance that the school, zone, or district expects to achieve in implementing the innovations;
7. An estimate of the cost savings and increased efficiencies, if any, the school, zone, or district expects to achieve in implementing the identified innovations;
8. Evidence that both a majority of the administrators and a majority of the teachers employed at the school, zone, or district approve the empowerment plan and consent to the designation as an empowered school, zone, or district. The determination of approval and consent of the plan shall be obtained by means of a secret ballot vote;
9. A statement of the level of support for designation as an empowered school, zone, or district demonstrated by the other persons employed at the school, zone, or district, the students and parents of students enrolled in the school, zone, or district, and the community surrounding the school, zone, or district; and
10. Any additional information required by the school district board of education of the school district in which the empowerment plan would be implemented.

D. Each plan for creating an empowered school zone or district whether submitted by a group of public schools or created by a school district board of education through collaboration with a group of public schools, shall also include the following additional information:
1. A description of how innovations in the schools in the empowered school zone or district would be integrated to achieve results that would be less likely to be accomplished by each school working alone; and
2. An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the empowered school zone or district.

E. No employee of a school, zone, or district shall be discriminated against by the school district board of education, the superintendent of the school district, or any other administrative officer of the school district or by any employee organization, an officer of the organization, or a member of the organization for exercising or not exercising the rights provided for under the Empowered Schools and School Districts Act. An employee of a school district or an officer or member of an employee organization shall be prohibited from impeding, restraining or coercing an employee of a school, zone or district from exercising the rights provided for under the act or causing an employer to impede, restrain or coerce an employee from exercising the rights provided for under the act.

Okla. Stat. Ann. tit. 70 § 3-129.4. Empowerment plan considerations

In considering or creating an empowerment plan each school district board of education is encouraged to consider innovations in the following areas:
1. Curriculum and academic standards and assessments;
2. Accountability measures, including, but not limited to, expanding the use of a variety of
accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted may include, but not be limited to:

a. use of graduation or exit examinations,
b. use of end-of-course examinations,
c. use of formative assessments which measure student growth over time,
d. use of the Explore and Plan assessments,
e. measuring the percentage of students continuing into higher education, and
f. measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate;

3. Provision of services, including, but not limited to, special education services, services for gifted and talented students, services for limited English proficient students, educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the Department of Human Services or county social services agencies;

4. Teacher recruitment, training, preparation, and professional development;

5. Teacher employment;

6. Performance expectations and evaluation procedures for teachers and principals;

7. Compensation for teachers, principals, and other school building personnel, including, but not limited to, performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits;

8. School governance and the roles, responsibilities, and expectations of principals in empowered schools or schools within an empowered school zone; and

9. Preparation and counseling of students for transition to postsecondary education or the workforce.

**Okla. Stat. Ann. tit. 70 § 3-129.6. Submitting approved empowerment plan to the State Board of Education**

A. Each school district board of education shall submit approved school, zone, or district empowerment plans to the State Board of Education.

B. 1. Within sixty (60) days after receiving an empowerment plan for a school, zone, or district, the State Board shall approve the empowerment plan unless the State Board concludes that the submitted plan:

   a. is likely to result in a decrease in academic achievement in the empowered school, zone, or district, or
   b. is not fiscally feasible.

2. If the State Board does not approve the empowerment plan, it shall provide to the school district board of education a written explanation of the basis for its decision. The school district board of education may resubmit an amended empowerment plan and seek approval of the empowerment plan at any time after denial.

**Okla. Stat. Ann. tit. 70 § 3-129.7. Waiving statutes or rules**

A. Upon approval of an empowerment plan for a school, zone, or district, the State Board of Education shall waive any statutes or rules specified in the approved empowerment plan as
they pertain to the empowered school, zone, or district; except that the State Board shall not waive requirements for the following:
1. School district employee participation in the Teachers' Retirement System of Oklahoma;
2. The Oklahoma School Testing Program Act;
3. The requirement for students enrolled in the school district to demonstrate mastery of the state academic content standards as set forth in Section 1210.523 of Title 70 of the Oklahoma Statutes;
4. The accountability system as set forth in Section 1210.541 of Title 70 of the Oklahoma Statutes; and
B. Except as otherwise provided in this subsection, the State Board of Education shall not waive any statute or rules specified in the approved empowerment plan for an empowered school, zone or district if the statute or rule relates to the implementation of or requirements for any program or grant for which the school district is receiving funds appropriated for the support of public school activities. The State Board of Education may waive any statute or rule that relates to the implementation of or requirements for any program or grant only if the funding for the program or grant is no longer allocated to the school district.
C. Designation as an empowered school, zone, or district shall not affect the allocation of State Aid funding for the school district as calculated pursuant to Section 18-200.1 of Title 70 of the Oklahoma Statutes.
D. 1. If the school district board of education for an empowered school, zone, or district revises an empowerment plan as provided in Section 9 of this act, the school district board of education may request, and the State Board shall grant, additional waivers or changes to existing waivers as necessary to accommodate the revisions to the empowerment plan unless the State Board concludes that the waivers or changes to existing waivers would:
   a. be likely to result in a decrease in academic achievement in the empowered school, zone, or district, or
   b. not be fiscally feasible.
   In requesting a new waiver or a change to an existing waiver, the school district board of education shall demonstrate the consent of a majority of the teachers and a majority of the administrators employed at each school that is affected by the new or changed waiver.
   2. Except as otherwise provided in paragraph 1 of this subsection, a waiver that is granted pursuant to this section shall continue to apply to a school, zone, or district as long as the school, zone, or district continues to be designated as an empowered school, zone, or district.


A. Three (3) years after the State Board of Education approves an empowerment plan for a school, zone, or district, and every three (3) years thereafter, the school district board of education shall review the level of performance of the empowered school, zone, or district and determine whether the empowered school, zone, or district is achieving or making adequate progress toward achieving the academic performance results identified in the empowerment plan of the school, zone, or district. The school district board of education, in collaboration with the empowered school, zone, or district, may revise the empowerment plan as necessary to
improve or continue to improve academic performance at the empowered school, zone, or district. Any revisions to the empowerment plan shall require the consent of a majority of the teachers and a majority of the administrators employed at each affected public school.

B. 1. Following review of an empowered school's performance, if a school district board of education finds that the academic performance of students enrolled in the empowered school is not improving at a sufficient rate, the district school board may revoke the empowered status of the school.

2. Following review of the performance of an empowered school zone or district, if a school district board of education finds that the academic performance of students enrolled in one or more of the public schools included in the empowered school zone or district is not improving at a sufficient rate, the school district board of education may remove the underperforming public school or schools from the empowered school zone or district or may revoke the designation of the empowered school zone or district.
APPENDIX B: Oklahoma Alternative Education Evaluation Rubric
<table>
<thead>
<tr>
<th>Oklahoma Alternative Education Evaluation Rubric</th>
<th>Date: Click here to enter a date.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Noncompliant</strong></td>
<td><strong>Minimally Compliant</strong></td>
</tr>
<tr>
<td><strong>1 - Appropriately designed to serve those most at risk</strong></td>
<td><strong>Rating:</strong> Choose an item.</td>
</tr>
<tr>
<td>□ The program failed to meet the required minimum daily instructional time of four hours and twelve minutes.</td>
<td>□ The program served relatively low-risk students even though the district dropout rate continued to be high.</td>
</tr>
<tr>
<td>□ Alternative education students were not provided with standard services (e.g., library access, school nutrition, transportation).</td>
<td>□ Too many or too few students were served.</td>
</tr>
<tr>
<td>□ The program was used in place of special education.</td>
<td>□ Special education students were over-represented or special education students were excluded.</td>
</tr>
<tr>
<td>□ The program design did not meet the needs of those most highly at risk, as evidenced by excessively high dropout rates.</td>
<td>□ The program design did not meet the needs of those most highly at risk, as evidenced by a high program dropout rate or a high district dropout rate.</td>
</tr>
<tr>
<td>□ Fits the description of a virtual education program rather than an alternative education program.</td>
<td>□ Program resources were inadequate to implement the program as designed.</td>
</tr>
</tbody>
</table>
funds beyond the statewide allocation.

<table>
<thead>
<tr>
<th>Faculty Selection</th>
<th>Rating: Choose an item.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty were assigned to the program because of availability or administrative convenience.</td>
<td>Teachers were selected based on curriculum certifications rather than on proven success with students at risk of school failure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intake and Screening</th>
<th>Rating: Choose an item.</th>
</tr>
</thead>
<tbody>
<tr>
<td>There was no clearly targeted population identified for services.</td>
<td>The targeted population is at little risk of dropping out or school failure.</td>
</tr>
<tr>
<td>No formal intake and screening process is in place.</td>
<td>An appropriate intake/screening process is written, but it is often circumvented.</td>
</tr>
<tr>
<td>Students were placed on short term basis for disciplinary reasons.</td>
<td>Students may be asked to demonstrate responsibility as a part of the intake process (responsibility steps, contracting, etc.).</td>
</tr>
<tr>
<td>Most students have no real choice about attending the program.</td>
<td>Student intake permitted only at the beginning of grading periods.</td>
</tr>
<tr>
<td>Students screened out because they are not likely to be a</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
"good risk."

A change of placement meeting was not conducted for those special education students referred to the program.

All referrals automatically accepted.

The high proportion of special education students placed in the program requires review.

Students are screened out only when the program is not the best fit for the student.

### 4 - State and Local Collaboration

**Rating:** Choose an item.

- No collaboration with community agencies.
- Due to the location and/or time of the program, limited collaborative partnerships were formed.
- Coordinates services across multiple organizations to meet student needs.
- Community services were considered integral to the success of the alternative program.

- No outreach to local or regional organizations.
- Limited effort to actively engage the students with community agencies, organizations, or individuals.
- Students engage in activities that provide benefit to the community.
- An active, community-based advisory group participates in the development and refinement of the program.

### 5 - Graduation Plan

**Rating:** Choose an item.

- There was no evidence that individual graduation plans were written.
- Graduation plans were limited to ACE Checklists.
- Upon admission to the program, a graduation plan was designed with each student.
- Options for career tech, jobs, and/or concurrent enrollment were included in students' graduation plans.

- Graduation plans were not regularly updated.
- The graduation rate of seniors was low, indicating that plan implementation was ineffective.
- Plan was updated throughout the year and reviewed with the student when each course was completed.
- Goals for behavior factors that impeded students' success (e.g., absences, drug issues, suspensions) were included in the plans or separate documents.

- A graduation plan was completed, then reviewed every nine weeks; however, it
- Students and teachers were engaged in the development, review,
- Graduation plans extended beyond high school graduation and
was limited to little more than a required class check list. and revision of graduation plans and were cognizant of student status and progress toward graduation. assisted students with successful transitions.

| ☐ | Too few students make adequate progress (credit, ACE requirements) toward graduation. | ☐ | The program did not afford students the opportunity to earn credits at an appropriate rate. | ☐ | Students made adequate progress (credit, ACE requirements) toward graduation. | ☐ | Students made exceptional progress (credit, ACE requirements) toward graduation. |

### 6- Individualized Instruction

| ☐ | There was no differentiation in the instructional approaches of the alternative program and those used in the traditional school or computerized learning programs. | ☐ | There was little differentiation in the instructional approaches of the alternative program and those used in the traditional school or computerized learning programs. | ☐ | Instruction is differentiated utilizing a variety of methods. | ☐ | Individualized instruction includes learning activities and techniques that actively engage students. Approaches may include textbooks, packaged courses, computer-assisted instruction, teacher-designed curriculum, hands-on activities, and project-based learning. |

| ☐ | No provisions were made for students who were able to earn credits at an accelerated rate. | ☐ | Progress inadequately monitored and/or teacher rarely intervenes to increase productivity. | ☐ | Students actively engaged in learning and making adequate progress toward graduation. | ☐ | Extends approaches to encompass a broad range of instructional options (experiential learning, extended technology, fine arts). |

| ☐ | Opportunities for interactive (cooperative) learning among the students were limited. | ☐ | Interactive (cooperative) learning opportunities incorporated in the program. | ☐ | The curriculum has the appropriate rigor and is matched to the needs of the learners. |

### 7 - Effective Instruction

| ☐ | The pace of credit acquisition at such a level as to bring the | ☐ | The program lacks adequate rigor; this may be indicated by student scores on | ☐ | The curriculum has the appropriate rigor and is matched to the needs of the learners. |
### Curricular Rigor

- Students demonstrated inadequate academic progress and/or improvement on key variables.
- Students demonstrated marginal academic progress and/or improvement on key variables.
- Students demonstrated satisfactory academic progress and/or exceptional improvement on key variables.
- Students demonstrated exceptional academic progress and/or exceptional improvement on key variables (GPA, attendance, suspensions, test scores, courses completed).

### State Assessments

- No teacher available during a significant portion of instructional time.
- Although teacher(s) were available to answer questions, students were expected to learn on their own.
- Teacher(s) lack the content knowledge to provide effective instruction in one or more areas.
- There is little difference in the instructional approaches used in the alternative and traditional programs.
- The instructional approach is different than that used in the traditional school, but students do not respond to it positively.

### Counseling and Social Services

**Rating: Choose an item.**

- No counseling services provided.
- Counseling services provided on an “as needed” basis.
- Counseling services not available to all students equally.
- Counseling services too infrequent to be effective.
- The program lacked resources to provide counseling services, but regular guidance
- Group and/or individual sessions were readily available to all students every two weeks.
- Certified/licensed counselors routinely scheduled sessions.
- Social services were arranged to meet students’ academic, mental health, and/or social needs.
- A broad range of weekly group and individual counseling services were provided.
- Additional counseling and social services features were evident (e.g., home visits, school visits).
sessions were provided to students. | family needs. | parental trainings, wide range of topics addressed.

☐ The program had contracted for counseling services but contract was not fulfilled. | ☐ Referral to other service agencies was made when deemed appropriate.

### 9 - Life Skills Instruction

| ☐ No life skills instruction was provided. | ☐ Life skills instruction was limited in time allotted for instruction and/or scope. | ☐ A comprehensive life skills curriculum was implemented. | ☐ Opportunities outside the classroom which put relevant life skills into practice were evident.

☐ A life skills curriculum was implemented but it was not appropriate for the ages or interests of the students in the program. | ☐ Life skills instruction was used to make the learning of core content more relevant for at-risk youth. | ☐ The instructor incorporated life skills instruction and activities into regular course content.

### 10 - Arts Education

| ☐ No art or music instruction was offered as a part of the alternative education curriculum. | ☐ The program staff ensured that students met the ACE arts requirements. | ☐ Fine arts education was infused into the curriculum. | ☐ Arts education incorporated artists or musicians (e.g., artists-in-residence, local artisans or crafters).

☐ Arts education included activity-based approaches through a broad spectrum of offerings (fine, performing, and literary arts). | ☐ Arts-related instructional strategies were used throughout the year to expand and to enrich the curriculum.

☐ Students were provided with opportunities to publish or perform (e.g., displays, art shows, performances, or publications on the internet).

### 11 - Self Evaluation

| ☐ | ☐ | ☐ | ☐ |

<p>| Rating: Choose an item. | Rating: Choose an item. | Rating: Choose an item. | Rating: Choose an item. |</p>
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequate student records are maintained.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>Adequate student records are maintained but are not used to inform instruction.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>The program keeps up-to-date records indicating whether each student is making sufficient progress.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>The program prepares its own annual self-evaluation report.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>The program has a high dropout rate.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>The program rarely makes changes in response to feedback, especially feedback related to student outcomes.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>Student progress is monitored weekly (or more often).</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>The program routinely reports its progress to stakeholders (advisory board, local board of education, parents, students).</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>The program lost a high number of students shortly after enrollment (within 1st three weeks).</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>Student data summaries are provided as requested by SDE or OTAC.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>Program staff use evaluative feedback, including student outcome data, for program improvement.</td>
<td>Yes □ No □</td>
</tr>
</tbody>
</table>

### Criteria Rated as Met or Not Met

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 - All classes are conducted by certified teachers.</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>13 - Courses Meet Curricular Standards</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>14 - Clear and Measurable Goals &amp; Objectives</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>15 - Effective Student/Teacher Ratio</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>16 - Budget</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>17 - Student Participation</td>
<td>Yes □ No □</td>
</tr>
</tbody>
</table>
APPENDIX C: OTAC End-of-Year Report
Alternative Education End-of-Year Program Report 2014-15

* Required

1. District Name *

2. Program Name *

3. How many TOTAL STUDENTS did you serve this year? *

4. How many of these students were CREDIT RECOVERY only? *
   (Students enrolled in the traditional school and who are/were only in your program to pick up 1 or 2 credits.)

5. This year, how many of your students were absent 10 OR MORE DAYS in the MOST RECENT FULL SEMESTER they were in your program? *
   Absent = any day that the student is not present at school, unless s/he is in a school-sponsored activity. If a student is suspended, those days do not count as absences (they count as suspension). If you permit students to make up absences, count only the days they did not make up.

6. How many of your students did you suspend out of school this year? *
   Count students if they were suspended from school for at least one day. (Do not include ISS.)
7. How many of your students were classified as Seniors [on the basis of credits] at the beginning of the school year? *
   (This is everyone who was in your program -- no matter when they joined you -- who, in August, had enough credits to be a Senior.)

8. How many of those seniors graduated? *
   Include those who earned a GED.

9. How many other students graduated? *
   (This includes students who were NOT seniors at the beginning of the school year.) Again, include those who passed the GED.

10. How many seniors had enough credits to graduate, but did not graduate because they had not passed the ACE requirements? *
    This is referring to the EOI tests, alternate tests, or alternate measures.

11. How many students left your program to enroll in a GED program but have not yet passed the GED or graduated? *
    If a student left your program and you know (for sure) that they enrolled in a GED program, and have not yet earned a GED, count them here.

12. How many students left your program because they left your school district? *
    This includes students who moved or died. Students who left because they were incarcerated count as having moved.

13. How many students left your program to be HOMESCHOoled? *

14. How many students left your program because they DROPPED OUT or left for an unknown reason? *
15. How many of those students (the ones who dropped out) left before completing 3 weeks in your program? *
This is calendar weeks.

16. How many students LEFT your program because they were SUSPENDED? *
If they were suspended on the last day you saw them, count them here.

17. How many of your students were in grades 9-12? *

18. At the end of the year, how many of your students were on track to earn enough credits to graduate in 4 years of high school? (Include 4-year seniors, or juniors, who graduated this year.) *
This means that they are on track to graduate with their class -- if they will be sophomores, they will have enough credits to be sophomores, etc. (As of the last day you saw them this year.)

19. At the end of the year, how many of your students were on track to earn enough credits to graduate by the time they are 21 years old? *
This includes the students from the previous question.

20. Of those student in grades 9-12, how many were on track to meet the ACE testing requirements? *
Include all of these groups: (1) those who have met the ACE (EOI) requirements for 4 of the 7 courses, (2) freshmen -- unless they have failed an EOI and do not have a qualifying score on an alternate assessment or project, (3) sophomores who have completed at least 2 EOI requirements, and (4) juniors who have completed at least 3.
21. **Tell us anything you think it's important for us to know about your student outcome information.**
If you don't have enough space here, send an email to your field coordinator.
APPENDIX D: Contacts
David Domenici
Executive Director
Center for Educational Excellence in Alternative Settings
ddomenici@ceeas.org

George Kaiser Family Foundation
Program Officers
Amy Santee
amy@gfkk.org
Ben Stewart
ben@gkff.org
Annie VanHanken
annie@gkff.org

Dr. Kathy McKean
Director of Oklahoma Technical Assistance Center
kmckean@otac.info
(918) 225-1882
www.otac.info

April Merrell
Legal Aid of Oklahoma
april.merrill@laok.org
(918) 619-4389

Gary Percefull
Tulsa Public Schools Board of Education
gpercefull@scissortail.com
(918) 378-0913

Sam Roe
Former special advisor and fellow at U.S. Department of Education
samuel.roe@gmail.com

Jennifer Wilkinson
Director of Alternative Education at the State Department of Education
Jennifer.Wilkinson@sde.ok.gov
(405) 522-0276
http://ok.gov/sde/alternative-education-programs
APPENDIX E: S.M.A.R.T. Goals
## Writing SMART Goals

<table>
<thead>
<tr>
<th>Goal:</th>
<th>Specific</th>
<th>Measurable</th>
<th>Attainable</th>
<th>Relevant/Results-Oriented</th>
<th>Time-bound</th>
</tr>
</thead>
</table>
|       | • Well-defined, the outcome is clear  
• Clear to anyone who has a basic knowledge of the project  
• Provides enough detail so there is no indecision as to what is to be done | • Know if the goal is obtainable and how far away the completion is  
• Know when it has been achieved  
• Identify the measurement instrument to be used  
• Able to determine if it has been achieved because you can count it or see it | • Agreement with all the stakeholders what the goals should be  
• Achievable; a goal may be a stretch, but is possible with the current team and resources  
• Clearly defined steps | • Who is the main person responsible?  
• Who are the support people?  
• What are the urgent needs?  
• The goal is aligned with the results expected and the direction provided by the district CSIP and building goals | • A specific date has been set for achieving the goal  
• Time is appropriate for keeping goal performance focused and on target |

APPENDIX F: Charter School Start-up Checklist
CHARTER SCHOOL START-UP CHECKLIST
Excerpted from James Rapp, Education Law, Ch. 3, § 3.11 (Matthew Bender & Co. 2015.

- Is the charter school developer, sponsor, or authorizer appropriate and eligible?
- What is the charter school’s mission statement?
- What will be the age or grade range and student enrollment levels for the charter school?
- What will be the admissions policy for the charter school, including what will occur where the number of applicants exceed available places?
- What approach will be taken to achieve an appropriate diversity of students, including recruitment?
- What would be the racial impact that the charter school on the district and any existing desegregation orders?
- Does the admissions policy improperly screen out students who would otherwise seek admission?
- What will be the areas of focus for the charter school?
- Will there be an enrollment cap at the charter school?
- What goals, objectives and student performance standards are to be achieved in the charter school?
- What timeline will apply for achieving goals, objective and student performance standards?
- What means will be used to evaluate student performance and assess student progress toward the charter school’s performance standards?
- How does the charter school student proficiency on tests compare with other schools and is improvement shown?
- What procedures will apply for improving achievement should student performance fall below the charter school’s standards?
- What will be the charter school’s discipline policy, including what will happen to an expelled student, and what training will be provided staff with respect to student discipline problems?
- What provisions will be made for the transportation of students?
- What facilities will be used by the charter school?
- Is the charter school entitled to use facilities provided by the school district and, if so, under what terms and conditions?
- What will be the budget of the charter school?
- What will be the governance and operation of the charter school?
- Is the governing board subject to state restrictions on membership, nepotism, or others?
- Will the charter school serve a regional area and, thereby, be subject to additional application requirements?
- Where the charter school will be operated under a management or partnership agreement, has the agreement been finalized for submission as part of the charter application and collateral issues addressed?
- What will be the relationship between the charter school and its staff?
- What role may or will collective bargaining play or potentially play?
• Are charter school teachers subject to the same teacher evaluation procedures and
guidelines as other teachers?
• What provisions will be made regarding liability, facilities and other appropriate insurance
coverage of the charter school, governing board and staff?
• What support from parents, teachers and others exists for the organization of the charter
school?
• Will the charter school be creditworthy, that is, will it have sufficient financial means to
operate?
• What impact will the charter school have on the finances of approving school district?
• Will the school district funding comply with state law (e.g., per pupil amount)?
• How are school district restricted funds considered for funding purposes?
• Will the charter school be assessed for or funding reduced for the school district’s
unfunded pension liability?
• What remedies are available if funding is not paid to or for the charter school as required?
• Who bears the burden of proof in any funding dispute?
• What assurances exist that the charter school will be nonsectarian in its programs,
admission policies, employment practices, and all other operations?
• What is the effective date and term of the charter?
APPENDIX G: Statutory Waiver/Deregulation Application Instructions
Preparation the Statutory Waiver/Deregulation

1. Submit a cover letter on school letterhead, with the superintendent’s signature, with a brief explanation of the request for a statutory waiver/deregulation.

2. Complete entire cover page.
   - Original signatures of the Superintendent, Principals, Board President and notary with a stamp/seal are required.
   - Cite the statute/OAC number in Title 70 or the Oklahoma Administrative Code to be waived (See below).
   - The questionnaire following the cover sheet must be answered in order to process the application.
   - For planning period deregulations, the application packet must also include letters from the teachers affected stating that they are doing this of their own free will.
   - For Library Media Specialist (teacher obtaining their LMS degree & certification), the teacher affected must include a letter of their intent to obtain the degree/certificate and proof of their enrollment in classes at a qualified university/college for the area of study.
   - For adjunct teacher waivers: Application must include a letter from the teacher stating willingness to work more hours, and board minutes approving the teacher as an adjunct.

3. A Statutory Waiver/Deregulation can be requested for the following statutes and Oklahoma Administrative Codes:
STATUTORY WAIVERS

- **70 O.S. § 1-109 - Extended/Flexible Day** - waive school day requirement of six hours for schools doing professional development and releasing students before the end of a six hour day.

- **70 O.S. § 1-111 - Parent-Teacher Conference** - Count a full day of school and a six hour parent-teacher conference as two days instruction in a 24 hour period.

- **70 O.S. § 1-112 - Saturday School**

- **70 O.S. § 1-122.3 - Adjunct Teachers** - teaching for more than one day or 80 clock hours per semester.

- **70 O.S. § 3-126 - Library Media Specialist/waive certification only** - teacher attending college/university to obtain Library Media Specialist certification.

- **70 O.S. § 1210.568 - COOP Agreement** - When a public school wants to serve fewer than 10 students in the alt ed program instead of COOPing with other districts.

DEREGULATIONS

- **OAC 210:35-5-42 - Planning Period Elementary, Middle and Junior High School** - Teacher gives up planning period to teach a class.

- **OAC 210:35-9-43 - Planning Period High School** - Teacher gives up planning period to teach a class.

- **OAC 210:35-5-71 - Library Media Services Elementary School** - School is changing the standard of library services for their size school.

- **OAC 210:35-7-61 - Library Media Services Middle School** - School is changing the standard of library services for their size school.

- **OAC 210:35-9-71 - Library Media Services Secondary School** - School is changing the standard of library services for their size school.

- **OAC 210:35-29-2**
  
  **OAC 210:35-3-46 - Abbreviated Day Alternative Education** - Use both citations for an alternative school to operate with abbreviated hours, less than four hours and 12 minutes of instruction per day, five days a week.

- **OAC 210:35-3-46 - Superintendent, Elementary & Secondary Principal certificate** - serve as High School and Elementary School Principal.

(A certified principal is needed to serve as High School principal or vice versa, or if no certificate, allow one semester to pass the test. If test not passed, must go to State Board of Education)

In addition, the **School District Empowerment Program**, 70 O.S. § 3-129.11, allows a local school district to request to the State Board of Education an exemption from all statutory requirements and State Board of Education rules from which charter schools are currently exempt.
SCHOOL SITE STATUTORY WAIVER/DEREGULATION APPLICATION
for 20____–20____ school year

----------------------------------------
COUNTY  SCHOOL DISTRICT

----------------------------------------
SCHOOL DISTRICT MAILING ADDRESS

----------------------------------------
NAME OF SITE

----------------------------------------
PRINCIPAL SIGNATURE*  DATE

----------------------------------------
PRINCIPAL SIGNATURE*  DATE

----------------------------------------
PRINCIPAL SIGNATURE*  DATE

----------------------------------------
SUPERINTENDENT NAME (PLEASE PRINT)

----------------------------------------
SUPERINTENDENT E-MAIL ADDRESS

----------------------------------------
SUPERINTENDENT SIGNATURE*  DATE

I hereby certify that this waiver/deregulation application was approved by our
local board of education at the meeting on __________________, 20____

----------------------------------------
BOARD PRESIDENT SIGNATURE*

----------------------------------------
NOTARY SEAL ➔

----------------------------------------
NOTARY  DATE

----------------------------------------
COMMISSION EXPIRATION DATE

Statute/Oklahoma Administrative Code to be Waived:
(specify statute or OAC (deregulation) number; (see instructions)

*Original signatures are required. The attached questionnaire must be answered to process.**

----------------------------------------
SDE USE ONLY

----------------------------------------
PROJECT YEARS

----------------------------------------
ENROLLMENT

----------------------------------------
70 O.S. __________________

----------------------------------------
OAC ______________________
A. Reason for the waiver/deregulation request (be specific).

B. List alternate strategies/plans which the district/site proposes, and how this plan will best serve the students of your district, i.e., a description of the educational benefits to the students and learning achievement.

C. Educational impact to the district: Results of the Statutory Waiver/Deregulation, i.e., effect on student performance levels, impact of plan on other sites in the district.
D. Timeline: (Please submit class schedule, calendars, assessment forms and other attachments as necessary. A waiver/deregulation can only be granted for a one school year period)

NOTE: A School District Empowerment Waiver can be for up to 3 years.

E. Any financial impact to the District (positive or negative) for the proposed waiver/deregulation.

F. Describe method of assessment or evaluation of effectiveness of the plan.

** You will be contacted if more information is needed to process this request.