

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;

(ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;

(iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;

(iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and

(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- *A description of the State's applicable laws, statutes, regulations, or other relevant legal documents.*
- *The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.*
- *The number and types of charter schools currently operating in the State.*

Evidence for (F)(2)(ii):

- *A description of the State's approach to charter school accountability and authorization,*

and a description of the State's applicable laws, statutes, regulations, or other relevant legal documents.

- *For each of the last five years:*
 - *The number of charter school applications made in the State.*
 - *The number of charter school applications approved.*
 - *The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).*
 - *The number of charter schools closed (including charter schools that were not reauthorized to operate).*

Evidence for (F)(2)(iii):

- *A description of the State's applicable statutes, regulations, or other relevant legal documents.*
- *A description of the State's approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.*

Evidence for (F)(2)(iv):

- *A description of the State's applicable statutes, regulations, or other relevant legal documents.*
- *A description of the statewide facilities supports provided to charter schools, if any.*

Evidence for (F)(2)(v):

- *A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.*

Recommended maximum response length: Six pages

(F)(2)

**Ensuring Successful Conditions for High Performing
Charter Schools and Other Innovative Schools**

In 2000, an elementary school in Oklahoma City Public Schools named Western Village—long noted for low-performance and high poverty—became the state’s first public charter school. The school’s Academic Performance Index (API) was 596 out of a possible 1500—just over half the state’s average API of 1000. When giving INTEGRIS Health Services operational control of the school, the State Board of Education hoped that business principles, greater regulatory flexibility and a focus on high standards might turn the school around and provide an innovation model for the state.

The school could have been reopened as a charter open only to select students on an application-only basis. However, INTEGRIS CEO Stanley Hupfeld chose to keep the school a community school and left enrollment open to all students in its attendance area. As a consequence, the school had (and continues to have) a predominantly poor and black student population (now at 88 percent), with over 88 percent of the students qualifying for free and reduced lunch. With its history of low performance and the challenges of poverty, the charter school faced enormous barriers. Today, however, Western Village is a model of educational excellence and innovation. The students’ API scores have **jumped a staggering 80 percent** since 2002 (nearly tripling the state’s average gain during the same period), and is now just 17 percent below the state’s average API score. The school has been completely remodeled with a state-of-the-art educational facility and features a full-time physician’s assistant and counselor on staff to care for families. It exemplifies how innovation, determination and fresh ideas can transform a community and a school of children’s lives.

(F)(2)(i) **Oklahoma’s Charter School Law supports, and does not prohibit or inhibit the number of high-performing charter schools.**

Because of the education reforms passed in the state’s remarkable 2010 legislative session, Oklahoma has the conditions and supports that high-quality charters need to positively impact student learning. Both Senate Bill 1862 and House Bill 2753, passed by a Republican legislature and signed by the state’s Democratic Governor, promote the expansion of high-quality charter schools in Oklahoma by significantly revising Oklahoma’s Charter Schools Act. OKLA. STAT. tit. 70, § 3-130 et seq. (**See** Appendix A1-G and A1-H, Senate Bill 1862 and House Bill 2753; and Appendix F2-C, OKLA. STAT. tit. 70 § 3-130-144 Charter Schools Act).

Under Senate Bill 1862, charter schools may now be authorized in **any** district that has a

school on the state's School Improvement list as identified by the State Board of Education under the No Child Left Behind Act of 2001 **or** in any LEA with 5,000 or more students and in a county with at least 500,000 residents. Plus, the state no longer has an annual cap on the number of new charter schools that may be authorized. *Id.*

As part of transforming education in Oklahoma, the State Board of Education has a deliberate strategy to grow the number of high-performing charters and other innovative schools. Charters and other innovative schools provide an important role in Oklahoma's strategic plan by:

- Modeling and incubating innovative practices that can be adopted by schools and districts across the state (especially with regard to teacher and leader recruitment, selection, compensation, and evaluation that could inform the Teacher and Leader Effectiveness Evaluation System being implemented in all traditional public schools).
- Attracting and developing highly-effective teachers and leaders to serve charters and traditional schools
- Providing options for students—particularly low-income students—currently enrolled in failing schools,
- Playing an important role in the state's strategy to turnaround persistently-low achieving schools (See Section (E)(2)).

Oklahoma's two Knowledge is Power Program (KIPP) schools (one in Oklahoma City operating as a public charter school and one in Tulsa, as a contract school) are an exemplary model for traditional public schools because they require significantly more instructional time on task than other schools in the state and nation. For example, KIPP students attend class from 7:25 a.m. to 5:30 p.m., some Saturdays and several weeks during the summer. State Superintendent Sandy Garrett called the KIPP model "worth replicating," in her 2010 State of Education Address to public, private and charter school leaders.

Notably, plans to expand KIPP's charter schools are already underway. KIPP's governing board in Tulsa has hired a national consultant to expand the number of KIPP charter schools to approximately 12 new sites in the Tulsa Public Schools attendance zone.

(F)(2)(ii) **Oklahoma's Charter Schools Laws regulate how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; and require that student achievement be one significant factor in authorization renewal; encourages charter schools that serve populations similar to local district student populations, especially relative to high-needs schools.**

The Oklahoma Charter Schools Act encourages charter schools to serve students who are currently enrolled in high-need and low-performing schools. Namely, Senate Bill 1862 requires that new charter schools give enrollment **preference to eligible students residing in the school district in which the charter is located and who attend a school site listed on the school improvement list** as determined by the State Board of Education. In addition, pursuant to OKLA. STAT. tit. 70, § 1210.544, the charter school governance arrangement is one of the five turnaround options available to the governing LEA for a school which has been identified for school improvement by the Oklahoma State Board of Education for four consecutive years. (See Appendix E1-A, OKLA. STAT. tit. 70, § 1210.544.)

A board of education of a public school district, a public body, a public or private college or university, a private person, or a private organization may establish a charter school. Until this legislative session, the sponsors of a charter school were limited to school districts, technology centers, and institutions of the Oklahoma State System of Higher Education. Because of Senate Bill 1862, however, **Oklahoma's federally recognized American Indian** tribes may now also sponsor charter schools throughout the state 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. Moreover, the State Board of Education may sponsor a charter school operated by Oklahoma's Office of Juvenile Affairs when the purpose of the school is to provide education services to the high-needs **youth in the custody or supervision of the Office of Juvenile Affairs.**

If an authorized sponsor rejects an application, the charter applicant may submit a revised application within 30 days, which must be answered within 30 days. If it is rejected a second time, applicants may seek mediation or binding arbitration.

Currently, two LEAs—Oklahoma City Public Schools and Tulsa Public Schools—and two institutions of higher education—the University of Oklahoma and Langston University—sponsor a total of 18 charter schools serving nearly 6,000 students. As such, all of the state's charter schools currently operate in urban, high-need communities of Tulsa and Oklahoma City, the two largest cities (and home of the two largest school districts in the state with over half of the state's persistently lowest-achieving schools).

Oklahoma's laws, regulations and guidance support the creation and long-term success of quality charter schools, especially in high need areas. To receive approval of their application to

charter a school, prospective charter schools **must** detail:

- Their mission, organizational structure and governance so that the authorizer may determine whether the charter will meet the needs of the population it will serve.
- Their hiring policy and plan to measure **instructional effectiveness** so that the authorizer can be assured of the charter school's commitment to effective teachers and leaders.
- A three-year financial management plan, to enable the authorizer to review the financial stability and long-term capacity of the provider.
- Their facilities and location, so that students will have access to facilities that meet or exceed those available in their current schools.
- Their support from area residents, to ensure that there is adequate interest and confidence in the charter school by the students and families living in the enrollment zone of the prospective charter school.
- Documentation that they have successfully completed their charter school start-up training, in order to prove that the charter school is sufficiently informed about the challenges of operating a charter school and the authorizer's high expectations for instructional quality

(See Oklahoma Charter Schools Act).

The state grants charter schools increased autonomy in return for direct accountability. As such, charter schools' contracts **must** include criteria by which **effectiveness of the school will be measured, including explicit and rigorous student performance standards**. As an accountability measure, state law also requires that charter schools report drop-out, graduation rate and other accountability data that is comparable to other public school sites.

A charter school contract is effective for up to five years at a time, and Sponsors must give written notice and an explanation of their intent to deny requests for renewal at least 8 months prior to expiration of contracts. However, **if a charter school fails to meet the student performance standards outlined in its contract**, its sponsor may give only 90 days written notice of intent to terminate its contract (subject to due process).

Applications Filed in last 5 years	Presented 14 applications to 10 sponsors
Applications Approved in last 5 years	2005: 2 schools; 2006: 1 school; 2007: 0 schools; 2008: 1 school; 2009: 2 schools

Applications Denied in last five years	9
Charters Closed in last 5 years	0 (One charter voluntarily terminated its sponsorship with Tulsa Public Schools and is now sponsored by Langston University.)

(F)(2)(iii) **Oklahoma’s charter schools receive equitable funding compared to traditional public schools.**

Charter schools are accountable for both academic results and fiscal practices to several groups—their sponsor, the parents who choose them and the public that funds them. The governance of a charter school is with its specific Board of Directors and not with the sponsoring organization; as such, management is “site-based” and the responsibility of the Chief Executive Officer. According to the National Alliance for Public Charter Schools’ January 2010 report, “The primary strength of Oklahoma's law is the operational autonomy that it provides to its charter schools.” The report states that Oklahoma is one of only 16 states considered to have “Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards,” and Western Village is an excellent example of how autonomy and innovation directly impact students’ lives.

Charter schools must be adequately funded to prepare students for college and career and to serve their purpose of providing innovative strategies to rapidly and significantly improve student achievement. To support these interests, the Charter Schools Incentive Fund provides charter schools up to \$50,000 in start-up costs and training. (See Appendix F2-C, Charter School Incentive Fund, OKLA. STAT. tit. 70, § 3-144.)

Like any public school, charter schools receive state funding through the State Aid funding formula set by law. Notably, the **per student is the same amount** as in the state funding formula for the district in which they are cited, less up to five percent of the state-aid formula which may be retained by the sponsoring district as a fee for administrative services rendered. Because of funding formula rules, charter schools’ per-pupil funding can **exceed** the per-pupil funding of non-charter schools since charter schools’ state aid formula is *not* subject to the “chargeables” (the deductions) described in Section (F)(1) based upon local, county and state dedicated revenue. Further, charter schools are specifically allowed to receive money from any other source, including grants and donations, which they may reserve for future use.

Oklahoma’s expanded support of quality charter schools is clearly shown in Senate

Bill 1862 (passed this session), which entitles charter schools to receive “other state-appropriated” revenue in addition to the State Aid allocation specified in existing statute, meaning “line item” appropriations for schools that are allocated on a per-student basis (e.g., textbook allocation, professional development allocation, etc.). Charter schools’ receipt of “other-state appropriated” revenues is not subject to the 5 percent administrative serve fee reserved by the sponsor with regard to formula funding. (See Senate Bill 1862.)

(F)(2)(iv) Funding for charter school’s facilities and inequitable facility restrictions:

State law does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools. Further, school-based decision making and regulatory flexibility give charter schools the opportunity to work outside of traditional facility and operational policies that restrict traditional public schools. The State, as part of its Race to the Top plan, is also staffing the Oklahoma State Department of Education with a charter school officer – a full FTE acting as a liaison and support staff dedicated to charter schools.

(F)(2)(v) Innovative Schools other than charter schools.

Oklahoma has many innovative public schools including enterprise schools, magnet and other specialty schools allowed under the state’s deregulation and statutory waiver procedures, which were established in 1992.

Elementary language immersion programs in Spanish and French have a long tradition in Tulsa, based on the success of Tulsa Public Schools’ Eisenhower International Elementary, a 30-year-old Spanish and French language immersion program annually approved for innovative certification exceptions by the State Board of Education. Jenks Public Schools (a suburb of Tulsa) is opening the only Chinese language immersion school and PK-16 Chinese language pipeline program in the entire state/region, in conjunction with the University of Oklahoma, as part of the nation’s effort to develop a pipeline of students with superior levels of proficiency in languages critical to the country’s national security.

Also thriving in Oklahoma is the award-winning model alternative education program “Street School,” now in its 30th year of operation in Tulsa. Other examples include the all-digital high school in rural Crescent, Oklahoma. Crescent school leaders were allowed by the State Board of Education to use their entire textbook allocation for professional development and support for teachers developing online content in support of their PASS-aligned lesson plans.

Crescent art and mathematics teachers featured in the Oklahoma State Department of Education's teacher newsletter earlier this year described how students are formatively assessed daily and plans individually revised for each student, providing a type of "playlist" for the next day's instruction. Each high school student has his or her own laptop.

The State also has the ability to help LEAs create deregulation and empowerment zones through the granting of regulatory waivers for individual schools or groups of schools. The waivers allow schools to modify the length of the school day and year, student promotion and graduation policies, as well as a budget and staffing plan. They also allow schools to modify programming so that it meets the students' needs and school turnaround priorities.

For additional evidence regarding (F)(2)(ii), see F2-A, Charter School Demographics; (F)(2)(iii)-F2-B, Charter and Traditional School Funding Comparison.)