

1 ENGROSSED SENATE
2 BILL NO. 143

By: Stanislawski of the Senate

3 and

4 Fincher of the House

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6
7 An Act relating to charter schools; amending 70 O.S.
8 2011, Section 3-136, as amended by Section 1, Chapter
9 277, O.S.L. 2014 (70 O.S. Supp. 2018, Section 3-136),
10 which relates to rules and standards with which
11 charter schools must comply; requiring a charter
12 school that contracts with a management organization
13 to report the total amount spent and itemized
14 expenditure data using certain system; requiring
15 expenditure data to include information about certain
16 compensation package; providing an effective date;
17 and declaring an emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-136, as
20 amended by Section 1, Chapter 277, O.S.L. 2014 (70 O.S. Supp. 2018,
21 Section 3-136), is amended to read as follows:

22 Section 3-136. A. A charter school shall adopt a charter which
23 will ensure compliance with the following:

24 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

1 statutes which a charter school must comply with as required by this
2 paragraph and shall annually provide an update to the list;

3 2. A charter school shall be nonsectarian in its programs,
4 admission policies, employment practices, and all other operations.

5 A sponsor may not authorize a charter school or program that is
6 affiliated with a nonpublic sectarian school or religious
7 institution;

8 3. The charter school may provide a comprehensive program of
9 instruction for a prekindergarten program, a kindergarten program or
10 any grade between grades one and twelve. Instruction may be
11 provided to all persons between the ages of four (4) and twenty-one
12 (21) years. A charter school may offer a curriculum which
13 emphasizes a specific learning philosophy or style or certain
14 subject areas such as mathematics, science, fine arts, performance
15 arts, or foreign language. The charter of a charter school which
16 offers grades nine through twelve shall specifically address whether
17 the charter school will comply with the graduation requirements
18 established in Section 11-103.6 of this title. No charter school
19 shall be chartered for the purpose of offering a curriculum for deaf
20 or blind students that is the same or similar to the curriculum
21 being provided by or for educating deaf or blind students that are
22 being served by the Oklahoma School for the Blind or the Oklahoma
23 School for the Deaf;

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1 4. A charter school shall participate in the testing as
2 required by the Oklahoma School Testing Program Act and the
3 reporting of test results as is required of a school district. A
4 charter school shall also provide any necessary data to the Office
5 of Accountability;

6 5. Except as provided for in the Oklahoma Charter Schools Act
7 and its charter, a charter school shall be exempt from all statutes
8 and rules relating to schools, boards of education, and school
9 districts;

10 6. a. A charter school, to the extent possible, shall be
11 subject to the same reporting requirements, financial
12 audits, audit procedures, and audit requirements as a
13 school district. The State Department of Education or
14 State Auditor and Inspector may conduct financial,
15 program, or compliance audits. A charter school shall
16 use the Oklahoma Cost Accounting System to report
17 financial transactions to the sponsoring school
18 district.

19 b. A charter school that contracts with a management
20 organization shall use the Oklahoma Cost Accounting
21 System to report the total amount paid to a management
22 organization as well as itemized expenditure
23 information for the goods or services provided by the
24 management organization, including but not limited to

1 the total compensation package of the superintendent
2 including the base salary, insurance, retirement and
3 other fringe benefits;

4 7. A charter school shall comply with all federal and state
5 laws relating to the education of children with disabilities in the
6 same manner as a school district;

7 8. A charter school shall provide for a governing body for the
8 school which shall be responsible for the policies and operational
9 decisions of the charter school;

10 9. A charter school shall not be used as a method of generating
11 revenue for students who are being home schooled and are not being
12 educated at an organized charter school site;

13 10. A charter school may not charge tuition or fees;

14 11. A charter school shall provide instruction each year for at
15 least the number of days required in Section 1-109 of this title;

16 12. A charter school shall comply with the student suspension
17 requirements provided for in Section 24-101.3 of this title;

18 13. A charter school shall be considered a school district for
19 purposes of tort liability under The Governmental Tort Claims Act;

20 14. Employees of a charter school may participate as members of
21 the Teachers' Retirement System of Oklahoma in accordance with
22 applicable statutes and rules if otherwise allowed pursuant to law;

1 15. A charter school may participate in all health and related
2 insurance programs available to the employees of the sponsor of the
3 charter school;

4 16. A charter school shall comply with the Oklahoma Open
5 Meeting Act and the Oklahoma Open Records Act;

6 17. The governing body of a charter school shall be subject to
7 the same conflict of interest requirements as a member of a local
8 school board; and

9 18. No later than September 1 each year, the governing board of
10 each charter school formed pursuant to the Oklahoma Charter Schools
11 Act shall prepare a statement of actual income and expenditures for
12 the charter school for the fiscal year that ended on the preceding
13 June 30, in a manner compliant with Section 5-135 of this title.
14 The statement of expenditures shall include functional categories as
15 defined in rules adopted by the State Board of Education to
16 implement the Oklahoma Cost Accounting System pursuant to Section 5-
17 145 of this title. Charter schools shall not be permitted to submit
18 estimates of expenditures or prorated amounts to fulfill the
19 requirements of this paragraph.

20 B. The charter of a charter school shall include a description
21 of the personnel policies, personnel qualifications, and method of
22 school governance, and the specific role and duties of the sponsor
23 of the charter school.

1 C. The charter of a charter school may be amended at the
2 request of the governing body of the charter school and upon the
3 approval of the sponsor.

4 D. A charter school may enter into contracts and sue and be
5 sued.

6 E. The governing body of a charter school may not levy taxes or
7 issue bonds.

8 F. The charter of a charter school shall include a provision
9 specifying the method or methods to be employed for disposing of
10 real and personal property acquired by the charter school upon
11 expiration or termination of the charter or failure of the charter
12 school to continue operations. Except as otherwise provided, any
13 real or personal property purchased with state or local funds shall
14 be retained by the sponsoring school district. If a charter school
15 that was previously sponsored by the board of education of a school
16 district continues operation within the school district under a new
17 charter sponsored by an entity authorized pursuant to Section 3-132
18 of this title, the charter school may retain any personal property
19 purchased with state or local funds for use in the operation of the
20 charter school until termination of the new charter or failure of
21 the charter school to continue operations.

22 SECTION 2. This act shall become effective July 1, 2019.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 5th day of March, 2019.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2019.

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Presiding Officer of the House
of Representatives

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