

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 143

By: Stanislawski

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6 AS INTRODUCED

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; providing an  
15 effective date; and declaring an emergency.

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

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

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

22 1. A charter school shall comply with all federal regulations  
23 and state and local rules and statutes relating to health, safety,  
24 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;

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;

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

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

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

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

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

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

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

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

20          15. A charter school may participate in all health and related  
21 insurance programs available to the employees of the sponsor of the  
22 charter school;

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

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

4 18. No later than September 1 each year, the governing board of  
5 each charter school formed pursuant to the Oklahoma Charter Schools  
6 Act shall prepare a statement of actual income and expenditures for  
7 the charter school for the fiscal year that ended on the preceding  
8 June 30, in a manner compliant with Section 5-135 of this title.

9 The statement of expenditures shall include functional categories as  
10 defined in rules adopted by the State Board of Education to  
11 implement the Oklahoma Cost Accounting System pursuant to Section 5-  
12 145 of this title. Charter schools shall not be permitted to submit  
13 estimates of expenditures or prorated amounts to fulfill the  
14 requirements of this paragraph.

15 B. The charter of a charter school shall include a description  
16 of the personnel policies, personnel qualifications, and method of  
17 school governance, and the specific role and duties of the sponsor  
18 of the charter school.

19 C. The charter of a charter school may be amended at the  
20 request of the governing body of the charter school and upon the  
21 approval of the sponsor.

22 D. A charter school may enter into contracts and sue and be  
23 sued.

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

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

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

18 SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

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