

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR ENGROSSED

5 SENATE BILL NO. 1816

By: Stanislawski of the Senate

and

6 Kern of the House

7  
8  
9 SUBCOMMITTEE RECOMMENDATION

10 An Act relating to schools; amending 70 O.S. 2011,  
11 Section 3-132, which relates to the Oklahoma Charter  
12 Schools Act; updating statutory language; authorizing  
13 the State Board of Education to be a sponsor of a  
14 virtual charter school; creating the Statewide  
15 Virtual Charter School Board; providing for  
16 appointment of members; providing duration of  
17 membership; providing for removal of members;  
18 prohibiting certain persons from being appointed to  
19 the Board; empowering the chair to call meetings;  
20 providing for a quorum; requiring the Board to comply  
21 with certain laws; providing reimbursement for  
22 travel; requiring the Board to authorize providers of  
23 full-time virtual education; directing the Board to  
24 provide oversight and submit certain report; allowing  
the State Board of Education to retain certain funds;  
directing the State Board of Education to promulgate  
rules; providing for staff; prohibiting certain  
students from participating in certain activities;  
allowing participation in certain intramural  
activities; amending 70 O.S. 2011, Section 8-103,  
which relates to student transfers; allowing students  
to transfer into and out of the statewide virtual  
charter school; providing for codification; providing  
an effective date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-132, is  
3 amended to read as follows:

4 Section 3-132. A. The Oklahoma Charter Schools Act shall apply  
5 only to charter schools formed and operated under the provisions of  
6 the act. Charter schools shall be sponsored only as follows:

7 1. By a school district with an average daily membership of  
8 five thousand (5,000) or more and which all or part of the school  
9 district is located in a county having more than five hundred  
10 thousand (500,000) population according to the latest Federal  
11 Decennial Census;

12 2. By a school district which has a school site listed on the  
13 school improvement list as determined by the State Board of  
14 Education pursuant to the Elementary and Secondary Education Act of  
15 1965, as amended or reauthorized;

16 3. By a technology center school district if the charter school  
17 is located in a school district served by the technology center  
18 school district and the school district has an average daily  
19 membership of five thousand (5,000) or more and which all or part of  
20 the school district is located in a county having more than five  
21 hundred thousand (500,000) population according to the latest  
22 Federal Decennial Census;

23 4. By a technology center school district if the charter school  
24 is located in a school district served by the technology center

1 school district and the school district has a school site listed on  
2 the school improvement list as determined by the State Board of  
3 Education pursuant to the Elementary and Secondary Education Act of  
4 1965, as amended or reauthorized;

5 5. By a comprehensive or regional institution that is a member  
6 of The Oklahoma State System of Higher Education if the charter  
7 school is located in a school district that has an average daily  
8 membership of five thousand (5,000) or more and which all or part of  
9 the school district is located in a county having more than five  
10 hundred thousand (500,000) population according to the latest  
11 Federal Decennial Census. In addition, the institution shall have a  
12 teacher education program accredited by the Oklahoma Commission for  
13 Teacher Preparation and have a branch campus or constituent agency  
14 physically located within the school district in which the charter  
15 school is located;

16 6. By a comprehensive or regional institution that is a member  
17 of the Oklahoma State System of Higher Education if the charter  
18 school is located in a school district that has a school site listed  
19 on the school improvement list as determined by the State Board of  
20 Education pursuant to the Elementary and Secondary Education Act of  
21 1965, as amended or reauthorized. In addition, the institution  
22 shall have a teacher education program accredited by the Oklahoma  
23 Commission for Teacher Preparation and have a branch campus or  
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1 constituent agency physically located within the school district in  
2 which the charter school is located;

3 7. By a federally recognized Indian tribe, operating a high  
4 school under the authority of the Bureau of Indian Affairs as of ~~the~~  
5 ~~effective date of this act~~ November 1, 2010, if the charter school  
6 is for the purpose of demonstrating native language immersion  
7 instruction, and is located within its former reservation or treaty  
8 area boundaries. For purposes of this paragraph, native language  
9 immersion instruction shall require that educational instruction and  
10 other activities conducted at the school site are primarily  
11 conducted in the native language; ~~or~~

12 8. By the State Board of Education ~~only~~ when the applicant of  
13 the charter school is the Office of Juvenile Affairs or the  
14 applicant has a contract with the Office of Juvenile Affairs to  
15 provide a fixed rate level E, D, or D+ group home service and the  
16 charter school is for the purpose of providing education services to  
17 youth in the custody or supervision of the state. Not more than two  
18 charter schools shall be sponsored by the Board as provided for in  
19 this paragraph during the period of time beginning July 1, 2010,  
20 through July 1, 2016; or

21 9. By the State Board of Education for the purpose of  
22 establishing a statewide virtual charter school.

23 B. Any charter or enterprise school operating in the state  
24 pursuant to an agreement with the board of education of a school

1 district on July 1, 1999, may continue to operate pursuant to that  
2 agreement or may contract with the board of education of the school  
3 district pursuant to the Oklahoma Charter Schools Act. Nothing in  
4 the Oklahoma Charter Schools Act shall prohibit a school district  
5 from applying for exemptions from certain education-related  
6 statutory requirements as provided for in the Educational  
7 Deregulation Act.

8 C. For purposes of the Oklahoma Charter Schools Act, "charter  
9 school" means a public school established by contract with a board  
10 of education of a school district, an area vocational-technical  
11 school district, a higher education institution, a federally  
12 recognized Indian tribe, or the State Board of Education pursuant to  
13 the Oklahoma Charter Schools Act to provide learning that will  
14 improve student achievement and as defined in the Elementary and  
15 Secondary Education Act of 1965, 20 U.S.C. 8065.

16 D. A charter school may consist of a new school site, new  
17 school sites or all or any portion of an existing school site. An  
18 entire school district may not become a charter school site.

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. There is hereby created the Statewide Virtual Charter School  
23 Board. The Board shall have the authority to be an applicant for a  
24 full-time statewide virtual charter school sponsored by the State

1 Board of Education. The Board shall be composed of seven (7)  
2 members as follows:

- 3 1. The Secretary of Education who shall serve as the chair;
- 4 2. Two members appointed by the Governor;
- 5 3. Two members appointed by the President Pro Tempore of the  
6 Senate; and
- 7 4. Two members appointed by the Speaker of the House of  
8 Representatives.

9 B. Appointments shall be made by August 1, 2012. The President  
10 Pro Tempore of the Senate and the Speaker of the House of  
11 Representatives shall each appoint one member for one (1) year and  
12 one member for three (3) years. The Governor shall appoint two  
13 members for two (2) years. Members shall serve until their  
14 successors are duly appointed for a term of three (3) years.  
15 Appointments shall be made by and take effect on November 1 of the  
16 year in which the appointment is made.

17 C. A member may be removed from the Board by the appointing  
18 authority for cause which shall include, but not be limited to:

- 19 1. Being found guilty by a court of competent jurisdiction of a  
20 felony or any offense involving moral turpitude;
- 21 2. Being found guilty of malfeasance, misfeasance or  
22 nonfeasance in relation to Board duties;
- 23 3. Being found mentally incompetent by a court of competent  
24 jurisdiction; or

1 4. Failing to attend three successive meetings of the Board  
2 without just cause, as determined by the Board.

3 D. Vacancies shall be filled by the appointing authority.

4 E. No member of the Senate or House of Representatives may be  
5 appointed to the Board while serving as a member of the Legislature.

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. The Statewide Virtual Charter School Board shall meet at the  
10 call of the chair. The Board shall meet no later than September 1,  
11 2012.

12 B. A quorum of the Board shall be required in order for any  
13 final action of the Board. For purposes of this section a quorum  
14 shall be four members of the Board.

15 C. The Board shall act in accordance with the provisions of the  
16 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the  
17 Administrative Procedures Act.

18 D. Members of the Board shall receive no compensation for their  
19 service, but shall receive travel reimbursement as follows:

20 1. State employees who are members of the Board shall be  
21 reimbursed for travel expenses incurred in the performance of their  
22 duties by their respective agencies in accordance with the State  
23 Travel Reimbursement Act; and  
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1           2. All other Board members shall be reimbursed by the  
2 appointing authority for travel expenses incurred in the performance  
3 of their duties in accordance with the State Travel Reimbursement  
4 Act.

5           SECTION 4.           NEW LAW           A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless  
7 there is created a duplication in numbering, reads as follows:

8           A. Subject to limitations provided by the State Board of  
9 Education, the Statewide Virtual Charter School Board shall:

- 10           1. Approve providers of full-time statewide virtual education;
- 11           2. Negotiate and enter contracts with providers to provide  
12 full-time statewide virtual education;
- 13           3. Provide oversight of approved provider operations; and
- 14           4. Submit annually, by November 1 of each year, to the  
15 Governor, President Pro Tempore of the Senate, and Speaker of the  
16 House of Representatives a report on each approved provider with  
17 detailed data on the performance of students enrolled with approved  
18 providers through the statewide virtual charter school. The report  
19 shall be posted on the State Department of Education website.

20           B. The Statewide Virtual Charter School Board shall be eligible  
21 to receive federal funds generated by students enrolled in the  
22 statewide virtual charter school for the applicable year.

23           C. The Statewide Virtual Charter School Board shall receive the  
24 state aid allocation and any other state-appropriated revenue

1 generated by students enrolled with the statewide virtual charter  
2 school for the applicable year, less up to five percent (5%) of the  
3 state aid allocation, which may be retained by the State Board of  
4 Education for administrative expenses.

5 SECTION 5. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3-132.4 of Title 70, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. Pursuant to and in compliance with Article I of the  
9 Administrative Procedures Act, the State Board of Education shall  
10 promulgate rules as may be necessary to implement the provisions of  
11 this act.

12 B. The State Department of Education shall provide staff to  
13 support the Statewide Virtual Charter School Board.

14 C. The support personnel appointed by the State Board of  
15 Education pursuant to Section 3-104 of Title 70 of the Oklahoma  
16 Statutes shall provide administrative support to the Statewide  
17 Virtual Charter School Board.

18 D. Students enrolled in a statewide virtual charter school  
19 formed by the Statewide Virtual Charter School Board or any  
20 statewide full-time virtual school offered by an approved provider  
21 pursuant to this act shall not be authorized to participate in any  
22 activities administered by the Oklahoma Secondary Schools Activities  
23 Association. However, the students may participate in intramural  
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1 activities sponsored by the online provider and any other outside  
2 organization.

3 SECTION 6. AMENDATORY 70 O.S. 2011, Section 8-103, is  
4 amended to read as follows:

5 Section 8-103. A. In order that any student may be  
6 transferred, an application form specified by the State Board of  
7 Education must be completed by the parents of the student. For  
8 purposes of the Education Open Transfer Act, the term "parent" means  
9 the parent of the student or person having custody of the student as  
10 provided for in paragraph 1 of subsection A of Section 1-113 of this  
11 title. The application shall be obtained from and filed with the  
12 superintendent of the receiving school district for transfers to  
13 school districts in the State of Oklahoma and with the State Board  
14 of Education for transfers to school districts in another state.  
15 Except as otherwise provided for in this section, applications shall  
16 be filed no later than April 1 of the school year preceding the  
17 school year for which the transfer is desired. By April 1 of the  
18 same school year, the receiving school district shall notify the  
19 resident school district that an application for transfer has been  
20 filed by a student enrolled in the resident school district. The  
21 board of education of the receiving school district shall approve or  
22 deny the application for transfer not later than June 1 of the same  
23 year and shall notify the parents of the student of the decision.  
24 By July 1 of the same year, the parents of the student shall notify

1 the receiving school district that the student will be enrolling in  
2 that school district. Failure of parents to notify the district as  
3 required may result in loss of the student's right to enroll in the  
4 district for that year.

5 B. On or before September 1, it shall be the duty of the  
6 superintendent of the receiving school district to file with the  
7 State Board of Education and each resident district a statement  
8 showing the names of the students granted transfers to the school  
9 district, the resident school district of the transferred students  
10 and their respective grade level.

11 C. The receiving school district of a student transferred  
12 pursuant to the provisions of this act shall notify the resident  
13 school district and parents of the student of a cancellation of the  
14 transfer. Such notice shall be made by June 1 prior to the school  
15 year for which the cancellation is applicable.

16 D. For students who are deaf or hearing impaired who wish to  
17 transfer to a school district with a specialized deaf education  
18 program, applications may be filed at any time during the school  
19 year. Upon approval of the receiving school district, the student  
20 may transfer to the receiving school district at any time during the  
21 school year.

22 E. Students seeking to transfer to the statewide virtual  
23 charter school approved pursuant to this act may file applications  
24 at any time during the school year with the Statewide Virtual

1 Charter School Board. Upon approval of the Statewide Virtual  
2 Charter School Board, the student may transfer to the statewide  
3 virtual charter school at any time during the school year. The  
4 student may also transfer from the statewide virtual charter school  
5 back to the resident school district at any time during the school  
6 year upon approval of the resident school district.

7 SECTION 7. This act shall become effective July 1, 2012.

8 SECTION 8. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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