

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1816

By: Stanislawski of the Senate

and

Quinn and Kern of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2011,
13 Sections 3-132 and 3-140, which relates to the
14 Oklahoma Charter Schools Act; updating statutory
15 language; authorizing the State Board of Education to
16 be a sponsor of a virtual charter school; providing
17 for enrollment of students in the virtual charter
18 school; creating the Statewide Virtual Charter School
19 Board; providing for appointment of members;
20 providing duration of membership; providing for
21 removal of members; prohibiting certain persons from
22 being appointed to the Board; empowering the chair to
23 call meetings; providing for a quorum; requiring the
24 Board to comply with certain laws; providing
 reimbursement for travel; establishing powers and
 duties of the Board; directing the Board to submit
 certain report; granting the Board authority to issue
 diplomas; designating the statewide virtual charter
 school a local education agency for certain purposes;
 authorizing the Board to retain federal funds;
 providing for allocation of state funding; allowing
 the State Board of Education to retain certain funds;
 making the statewide virtual charter school a local
 education agency and eligible for certain funds;
 prohibiting certain students from participating in

1 certain activities; allowing participation in certain
2 intramural activities; directing the State Board of
3 Education to promulgate rules; providing for staff
4 and administrative support; prohibiting school
5 districts from offering full-time virtual education
6 to certain students after a certain date; allowing
7 school districts to petition for approval for full-
8 time virtual education; amending 70 O.S. 2011,
9 Section 8-103, which relates to student transfers;
10 allowing students to transfer into and out of the
11 statewide virtual charter school; providing for
12 codification; providing an effective date; and
13 declaring an emergency.

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

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

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

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

2. By a school district which has a school site listed on the
school improvement list as determined by the State Board of

1 Education pursuant to the Elementary and Secondary Education Act of
2 1965, as amended or reauthorized;

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

10 4. By a technology center school district if the charter school
11 is located in a school district served by the technology center
12 school district and the school district has a school site listed on
13 the 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 5. 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 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. In addition, the institution shall have a
23 teacher education program accredited by the Oklahoma Commission for
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1 Teacher Preparation and have a branch campus or constituent agency
2 physically located within the school district in which the charter
3 school is located;

4 6. By a comprehensive or regional institution that is a member
5 of the Oklahoma State System of Higher Education if the charter
6 school is located in a school district that has a school site listed
7 on the school improvement list as determined by the State Board of
8 Education pursuant to the Elementary and Secondary Education Act of
9 1965, as amended or reauthorized. In addition, the institution
10 shall have a teacher education program accredited by the Oklahoma
11 Commission for Teacher Preparation and have a branch campus or
12 constituent agency physically located within the school district in
13 which the charter school is located;

14 7. By a federally recognized Indian tribe, operating a high
15 school under the authority of the Bureau of Indian Affairs as of ~~the~~
16 ~~effective date of this act~~ November 1, 2010, if the charter school
17 is for the purpose of demonstrating native language immersion
18 instruction, and is located within its former reservation or treaty
19 area boundaries. For purposes of this paragraph, native language
20 immersion instruction shall require that educational instruction and
21 other activities conducted at the school site are primarily
22 conducted in the native language; ~~or~~

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

10 9. By the State Board of Education when the applicant of the
11 charter school is the Statewide Virtual Charter School Board created
12 in Section 3 of this act and the charter school is for the purpose
13 of establishing a full-time statewide virtual charter school.

14 B. Any charter or enterprise school operating in the state
15 pursuant to an agreement with the board of education of a school
16 district on July 1, 1999, may continue to operate pursuant to that
17 agreement or may contract with the board of education of the school
18 district pursuant to the Oklahoma Charter Schools Act. Nothing in
19 the Oklahoma Charter Schools Act shall prohibit a school district
20 from applying for exemptions from certain education-related
21 statutory requirements as provided for in the Educational
22 Deregulation Act.

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

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

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-140, is
13 amended to read as follows:

14 Section 3-140. A. Except for a charter school sponsored by the
15 State Board of Education, a charter school shall enroll those
16 students whose legal residence is within the boundaries of the
17 school district in which the charter school is located and who
18 submit a timely application, or those students who transfer to the
19 district in which the charter school is located in accordance with
20 Section 8-103 or 8-104 of this title, unless the number of
21 applications exceeds the capacity of a program, class, grade level,
22 or building. Students who reside in a school district where a
23 charter school is located shall not be required to obtain a transfer
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1 in order to attend a charter school in the school district of
2 residence. If capacity is insufficient to enroll all eligible
3 students, the charter school shall select students through a lottery
4 selection process. Except for a charter school sponsored by the
5 State Board of Education, a charter school shall give enrollment
6 preference to eligible students who reside within the boundaries of
7 the school district in which the charter school is located. Except
8 for a charter school sponsored by the State Board of Education, a
9 charter school created after the effective date of this act shall
10 give enrollment preference to eligible students who reside within
11 the boundaries of the school district in which the charter school is
12 located and who attend a school site listed on the school
13 improvement list as determined by the State Board of Education
14 pursuant to the Elementary and Secondary Education Act of 1965, as
15 amended or reauthorized. A charter school may limit admission to
16 students within a given age group or grade level. A charter school
17 sponsored by the State Board of Education when the applicant of the
18 charter school is the Office of Juvenile Affairs shall limit
19 admission to youth that are in the custody or supervision of the
20 Office of Juvenile Affairs. A charter school sponsored by the State
21 Board of Education when the applicant of the charter school is the
22 Statewide Virtual Charter School Board shall enroll those students

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1 who are legal residents of this state and who have been approved for
2 a transfer pursuant to subsection E of Section 8-103 of this title.

3 B. Except for a charter school sponsored by the State Board of
4 Education, a charter school shall admit students who reside in the
5 attendance area of a school or in a school district that is under a
6 court order of desegregation or that is a party to an agreement with
7 the United States Department of Education Office for Civil Rights
8 directed towards mediating alleged or proven racial discrimination
9 unless notice is received from the resident school district that
10 admission of the student would violate the court order or agreement.

11 C. A charter school may designate a specific geographic area
12 within the school district in which the charter school is located as
13 an academic enterprise zone and may limit admissions to students who
14 reside within that area. An academic enterprise zone shall be a
15 geographic area in which sixty percent (60%) or more of the children
16 who reside in the area qualify for the free or reduced school lunch
17 program.

18 D. Except as provided in subsections B and C of this section, a
19 charter school shall not limit admission based on ethnicity,
20 national origin, gender, income level, disabling condition,
21 proficiency in the English language, measures of achievement,
22 aptitude, or athletic ability.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-145.1 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Statewide Virtual Charter School
5 Board. The Board shall have the authority to be an applicant for a
6 full-time statewide virtual charter school sponsored by the State
7 Board of Education pursuant to the Oklahoma Charter Schools Act.
8 The Board shall be composed of seven (7) members as follows:

9 1. The Secretary of Education who shall serve as the chair;

10 2. Two members appointed by the Governor, one of whom shall be
11 a resident and elector of the First Congressional District and one
12 of whom shall be a resident and elector of this state;

13 3. Two members appointed by the President Pro Tempore of the
14 Senate, one of whom shall be a resident and elector of the Second
15 Congressional District and one of whom shall be a resident and
16 elector of the Third Congressional District; and

17 4. Two members appointed by the Speaker of the House of
18 Representatives, one of whom shall be a resident and elector of the
19 Fourth Congressional District and one of whom shall be a resident
20 and elector of the Fifth Congressional District.

21 B. Initial appointments shall be made by August 1, 2012. The
22 President Pro Tempore of the Senate and the Speaker of the House of
23 Representatives shall each appoint one member for one (1) year and

1 one member for three (3) years. The Governor shall appoint two
2 members for two (2) years. Members shall serve until their
3 successors are duly appointed for a term of three (3) years.
4 Appointments shall be made by and take effect on November 1 of the
5 year in which the appointment is made.

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

8 1. Being found guilty by a court of competent jurisdiction of a
9 felony or any offense involving moral turpitude;

10 2. Being found guilty of malfeasance, misfeasance or
11 nonfeasance in relation to Board duties;

12 3. Being found mentally incompetent by a court of competent
13 jurisdiction; or

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

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

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

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-145.2 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:
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1 A. The Statewide Virtual Charter School Board shall meet at the
2 call of the chair. The first meeting of the Board shall be held no
3 later than September 1, 2012.

4 B. A quorum of the Board shall be required in order for any
5 final action of the Board. For purposes of this section a quorum
6 shall be four members of the Board.

7 C. The Board shall act in accordance with the provisions of the
8 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
9 Administrative Procedures Act.

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

12 1. State employees who are members of the Board shall be
13 reimbursed for travel expenses incurred in the performance of their
14 duties by their respective agencies in accordance with the State
15 Travel Reimbursement Act; and

16 2. All other Board members shall be reimbursed by the
17 appointing authority for travel expenses incurred in the performance
18 of their duties in accordance with the State Travel Reimbursement
19 Act.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-145.3 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:
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1 A. Subject to limitations provided by the State Board of
2 Education and subject to the requirements of the Oklahoma Charter
3 Schools Act, the Statewide Virtual Charter School Board shall:

4 1. Be the governing body of the statewide virtual charter
5 school;

6 2. Provide oversight of the operations of the statewide virtual
7 charter school;

8 3. Negotiate and enter into contracts with providers of virtual
9 education to provide academic content and with providers for the
10 management and administration of the statewide virtual charter
11 school;

12 4. Establish policies and procedures for student admissions
13 eligibility, student transfers, approval of online courses, student
14 enrollment, course completion and fees or charges for courses;

15 5. Submit annually, by November 1 of each year, to the
16 Governor, President Pro Tempore of the Senate, and Speaker of the
17 House of Representatives a report on each provider which has entered
18 into a contract with the Board that has detailed data on the
19 performance of students enrolled with the provider through the
20 statewide virtual charter school. The report shall be posted on the
21 State Department of Education website.

22 B. The Statewide Virtual Charter School Board shall have
23 authority to issue a diploma to students enrolled in the statewide
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1 virtual charter school full-time who have completed the curriculum
2 requirements for graduation as determined by the Board.

3 C. The statewide virtual charter school governed by the
4 Statewide Virtual Charter School Board shall be considered a local
5 education agency for purposes of federal funding and shall be
6 eligible to receive federal funds generated by students enrolled in
7 the charter school for the applicable year.

8 D. As calculated as provided for in Section 3-142 of Title 70
9 of the Oklahoma Statutes, the Statewide Virtual Charter School Board
10 shall receive the state aid allocation and any other state-
11 appropriated revenue generated by students enrolled in the full-time
12 statewide virtual charter school for the applicable year, less up to
13 five percent (5%) of the state aid allocation, which may be retained
14 by the State Board of Education for administrative expenses. The
15 statewide virtual charter school shall be considered a local
16 education agency for purposes of state funding. The statewide
17 virtual charter school shall be eligible for any other funding any
18 other charter school is eligible for as provided for in Section 3-
19 142 of Title 70 of the Oklahoma Statutes.

20 E. Students enrolled full-time in the statewide virtual charter
21 school governed by the Statewide Virtual Charter School Board shall
22 not be authorized to participate in any activities administered by
23 the Oklahoma Secondary Schools Activities Association. However, the
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1 students may participate in intramural activities sponsored by an
2 online provider for the charter school and any other outside
3 organization.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-145.4 of Title 70, unless
6 there is created a duplication in numbering, reads as follows:

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

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

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-145.5 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 After July 1, 2014, no school district shall offer full-time
18 virtual education to students who are not residents of the school
19 district unless the school district submits a petition to and
20 receives approval from the Statewide Virtual Charter School Board to
21 provide full-time virtual education to students who are not
22 residents of the school district.

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1 SECTION 8. AMENDATORY 70 O.S. 2011, Section 8-103, is
2 amended to read as follows:

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

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

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

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

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

21 E. Students seeking to transfer to the statewide virtual
22 charter school governed by the Statewide Virtual Charter School
23 Board pursuant to Sections 3 through 5 of this act may file

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

8 SECTION 9. This act shall become effective July 1, 2012.

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

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14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
15 04/12/2012 - DO PASS, As Amended and Coauthored.

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