

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1461

By: Stanislawski of the Senate

and

6 Denney of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to virtual education; amending 70  
12 O.S. 2011, Section 3-136, which relates to charter  
13 schools; requiring charter schools to prepare  
14 statement of expenditures; amending Section 1,  
15 Chapter 108, O.S.L. 2013 (70 O.S. Supp. 2013, Section  
16 3-145.6), which relates to virtual education  
17 providers; directing virtual education provider and  
18 the district with which it contracts to submit  
19 certain information electronically to the State  
20 Department of Education; providing an effective date;  
21 and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-136, is  
24 amended to read as follows:

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

1           1. A charter school shall comply with all federal regulations  
2 and state and local rules and statutes relating to health, safety,  
3 civil rights and insurance. By January 1, 2000, the State  
4 Department of Education shall prepare a list of relevant rules and  
5 statutes which a charter school must comply with as required by this  
6 paragraph and shall annually provide an update to the list;

7           2. A charter school shall be nonsectarian in its programs,  
8 admission policies, employment practices, and all other operations.  
9 A sponsor may not authorize a charter school or program that is  
10 affiliated with a nonpublic sectarian school or religious  
11 institution;

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

1 being provided by or for educating deaf or blind students that are  
2 being served by the Oklahoma School for the Blind or the Oklahoma  
3 School for the Deaf;

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

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

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

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

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

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

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

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

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

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

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

17           15. A charter school may participate in all health and related  
18 insurance programs available to the employees of the sponsor of the  
19 charter school;

20           16. A charter school shall comply with the Oklahoma Open  
21 Meeting Act and the Oklahoma Open Records Act; ~~and~~

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

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

12       B. The charter of a charter school shall include a description  
13 of the personnel policies, personnel qualifications, and method of  
14 school governance, and the specific role and duties of the sponsor  
15 of the charter school.

16       C. The charter of a charter school may be amended at the  
17 request of the governing body of the charter school and upon the  
18 approval of the sponsor.

19       D. A charter school may enter into contracts and sue and be  
20 sued.

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

23       F. The charter of a charter school shall include a provision  
24 specifying the method or methods to be employed for disposing of

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

13 SECTION 2. AMENDATORY Section 1, Chapter 108, O.S.L.  
14 2013 (70 O.S. Supp. 2013, Section 3-145.6), is amended to read as  
15 follows:

16 Section 3-145.6 A. A virtual education provider that offers  
17 full-time virtual education to students who are not residents of the  
18 school district with which the provider is contracted shall be  
19 considered a site within each school district with which the  
20 provider contracts and subject to the accountability system  
21 established pursuant to Section 1210.545 of this title.

22 B. The virtual education provider and the school district with  
23 which it contracts are hereby directed to identify those students  
24 who are full-time virtual students and do not live in the physical

1 boundaries of the district. The district and provider shall submit  
2 in electronic format as necessary to the State Department of  
3 Education detailed data on the performance of ~~non-resident~~  
4 nonresident students who are receiving full-time instruction.

5 SECTION 3. This act shall become effective July 1, 2014.

6 SECTION 4. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

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