

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1325

By: Treat

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5  
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. 2015, Section 3-136),  
10 which relates to charter school compliance; removing  
11 language prohibiting charter schools from offering  
12 curriculum for deaf or blind students; providing an  
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-136, as  
16 amended by Section 1, Chapter 277, O.S.L. 2014 (70 O.S. Supp. 2015,  
17 Section 3-136), is amended to read as follows:

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

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

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

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

22           4. A charter school shall participate in the testing as  
23 required by the Oklahoma School Testing Program Act and the  
24 reporting of test results as is required of a school district. A

1 charter school shall also provide any necessary data to the Office  
2 of Accountability;

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

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

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

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

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

23 10. A charter school may not charge tuition or fees;  
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1 11. A charter school shall provide instruction each year for at  
2 least the number of days required in Section 1-109 of this title;

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

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

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

10 15. A charter school may participate in all health and related  
11 insurance programs available to the employees of the sponsor of the  
12 charter school;

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

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

18 18. No later than September 1 each year, the governing board of  
19 each charter school formed pursuant to the Oklahoma Charter Schools  
20 Act shall prepare a statement of actual income and expenditures for  
21 the charter school for the fiscal year that ended on the preceding  
22 June 30, in a manner compliant with Section 5-135 of this title.  
23 The statement of expenditures shall include functional categories as  
24 defined in rules adopted by the State Board of Education to

1 implement the Oklahoma Cost Accounting System pursuant to Section 5-  
2 145 of this title. Charter schools shall not be permitted to submit  
3 estimates of expenditures or prorated amounts to fulfill the  
4 requirements of this paragraph.

5 B. The charter of a charter school shall include a description  
6 of the personnel policies, personnel qualifications, and method of  
7 school governance, and the specific role and duties of the sponsor  
8 of the charter school.

9 C. The charter of a charter school may be amended at the  
10 request of the governing body of the charter school and upon the  
11 approval of the sponsor.

12 D. A charter school may enter into contracts and sue and be  
13 sued.

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

16 F. The charter of a charter school shall include a provision  
17 specifying the method or methods to be employed for disposing of  
18 real and personal property acquired by the charter school upon  
19 expiration or termination of the charter or failure of the charter  
20 school to continue operations. Except as otherwise provided, any  
21 real or personal property purchased with state or local funds shall  
22 be retained by the sponsoring school district. If a charter school  
23 that was previously sponsored by the board of education of a school  
24 district continues operation within the school district under a new

1 charter sponsored by an entity authorized pursuant to Section 3-132  
2 of this title, the charter school may retain any personal property  
3 purchased with state or local funds for use in the operation of the  
4 charter school until termination of the new charter or failure of  
5 the charter school to continue operations.

6 SECTION 2. This act shall become effective July 1, 2016.

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

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