

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 582, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Silk

Silk-EB-FS-Req#1968
3/4/2020 11:33 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 582

By: Silk

FLOOR SUBSTITUTE

[schools - expenditures - financial report -
~~effective date -~~ emergency]

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

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

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

1. A charter school shall comply with all federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance. By January 1, 2000, the State Department of Education shall prepare a list of relevant rules and 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 19. a. At each regular meeting of the governing board of a
6 charter school formed pursuant to the Oklahoma Charter
7 Schools Act, a monthly financial report shall be
8 submitted to the board. The financial report shall
9 include, but not be limited to, the following:

10 (1) a report prepared and submitted in writing which
11 details the conditions of the finances of the
12 charter school including investments made
13 pursuant to Section 5-115 of this title,

14 (2) a report of revenues and expenditures by fund for
15 the most recent completed month for which
16 financial records are available, and

17 (3) encumbrances and related change orders as
18 required pursuant to Section 5-135 of this title,

19 b. If a charter school has a website, the report required
20 by this paragraph shall be posted on the website
21 within thirty (30) days after being submitted to the
22 board. If a charter school does not have a website,
23 the report shall be made available upon request to
24 members of the public.

1 B. The charter of a charter school shall include a description
2 of the personnel policies, personnel qualifications, and method of
3 school governance, and the specific role and duties of the sponsor
4 of the charter school.

5 C. The charter of a charter school may be amended at the
6 request of the governing body of the charter school and upon the
7 approval of the sponsor.

8 D. A charter school may enter into contracts and sue and be
9 sued.

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

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

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-123, is
4 amended to read as follows:

5 Section 5-123. A. No expenditure involving an amount greater
6 than Five Hundred Dollars (\$500.00) shall be made by a board of
7 education except in accordance with the provisions of a written
8 contract or purchase order.

9 B. 1. At each regular meeting of a school district board of
10 education, a monthly financial report shall be submitted to the
11 board. The financial report shall include, but not be limited to,
12 the following:

- 13 a. a report prepared and submitted by the local treasurer
14 in writing which details the conditions of the
15 finances of the school district including investments
16 made pursuant to Section 5-115 of this title,
17 b. a report of revenues and expenditures by fund for the
18 most recent completed month for which financial
19 records are available, and
20 c. encumbrances and related change orders as required
21 pursuant to Section 5-135 of this title.

22 2. If a school district has a website, the report required by
23 this subsection shall be posted on the website within thirty (30)
24 days after being submitted to the board. If a school district does

1 not have a website, the report shall be made available upon request
2 to members of the public.

3 ~~SECTION 3. This act shall become effective July 1, 2019.~~

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

8
9 57-1-1968

EB

3/4/2020 11:33:19 AM