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February 26, 2019

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 143

By: Stanislawski

An Act relating to charter schools; amending 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), which relates to rules and standards with which charter schools must comply; requiring a charter school that contracts with a management organization to report the total amount spent and itemized expenditure data using certain system; requiring expenditure data to include information about certain compensation package; providing an effective date; and declaring an 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



1 Department of Education shall prepare a list of relevant rules and  
2 statutes which a charter school must comply with as required by this  
3 paragraph and shall annually provide an update to the list;

4 2. A charter school shall be nonsectarian in its programs,  
5 admission policies, employment practices, and all other operations.

6 A sponsor may not authorize a charter school or program that is  
7 affiliated with a nonpublic sectarian school or religious  
8 institution;

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



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

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

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

19       b. A charter school that contracts with a management  
20 organization shall use the Oklahoma Cost Accounting  
21 System to report the total amount paid to a management  
22 organization as well as itemized expenditure  
23 information for the goods or services provided by the  
24 management organization, including but not limited to



1                   the total compensation package of the superintendent  
2                   including the base salary, insurance, retirement and  
3                   other fringe benefits;

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

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

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

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

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

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

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

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



1        15. A charter school may participate in all health and related  
2 insurance programs available to the employees of the sponsor of the  
3 charter school;

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

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

9        18. No later than September 1 each year, the governing board of  
10 each charter school formed pursuant to the Oklahoma Charter Schools  
11 Act shall prepare a statement of actual income and expenditures for  
12 the charter school for the fiscal year that ended on the preceding  
13 June 30, in a manner compliant with Section 5-135 of this title.  
14 The statement of expenditures shall include functional categories as  
15 defined in rules adopted by the State Board of Education to  
16 implement the Oklahoma Cost Accounting System pursuant to Section 5-  
17 145 of this title. Charter schools shall not be permitted to submit  
18 estimates of expenditures or prorated amounts to fulfill the  
19 requirements of this paragraph.

20        B. The charter of a charter school shall include a description  
21 of the personnel policies, personnel qualifications, and method of  
22 school governance, and the specific role and duties of the sponsor  
23 of the charter school.  
24



1 C. The charter of a charter school may be amended at the  
2 request of the governing body of the charter school and upon the  
3 approval of the sponsor.

4 D. A charter school may enter into contracts and sue and be  
5 sued.

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

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

22 SECTION 2. This act shall become effective July 1, 2019.

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby



1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
4 February 26, 2019 - DO PASS AS AMENDED  
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