

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 4491

By: Townley

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 3-140, as amended by Section 10, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2025, Section 3-140), which relates to student eligibility; authorizing certain virtual charter school students to participate in Oklahoma Secondary School Activities Association (OSSAA) activities; allowing school districts to adopt a policy for charter school students, virtual charters school students, and students educated by other means to participate in extracurricular activities the district offers; establishing eligibility requirements; providing options for students to participate in other districts under certain circumstances; prescribing participation requirements for students that align with public school district requirements; defining terms; requiring student participants who are educated by other means to adhere to certain academic standards; providing methods of evaluation of academic standards; amending 70 O.S. 2021, Section 27-103, which relates to school athletic association written policy; prohibiting public schools from joining a school athletic association that does not allow certain students to participate in activities offered by public school districts; providing for codification; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-140, as
2 amended by Section 10, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2025,
3 Section 3-140), is amended to read as follows:

4 Section 3-140. A. A charter school with a brick-and-mortar
5 school site or sites shall enroll those students whose legal
6 residence is within the boundaries of the school district in which
7 the charter school is located and who submit a timely application,
8 or those students who transfer to the charter school in accordance
9 with the Education Open Transfer Act, unless the number of
10 applications exceeds the capacity of a program, class, grade level,
11 or building. Students who reside in a school district where a
12 charter school is located shall not be required to obtain a transfer
13 in order to attend a charter school in the school district of
14 residence. If capacity is insufficient to enroll all eligible
15 students, the charter school shall select students through a lottery
16 selection process. A charter school shall give enrollment
17 preference to eligible students who reside within the boundaries of
18 the school district in which the charter school is located and who
19 attend a school site that has been identified as in need of
20 improvement by the State Board of Education pursuant to the
21 Elementary and Secondary Education Act of 1965, as amended or
22 reauthorized. A charter school may limit admission to students
23 within a given age group or grade level. A charter school sponsored
24 by the Statewide Charter School Board when the applicant of the

1 charter school is the Office of Juvenile Affairs shall limit
2 admission to youth that are in the custody or supervision of the
3 Office of Juvenile Affairs.

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

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

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

1 E. A sponsor of a charter school shall not restrict the number
2 of students a charter school may enroll, and the Statewide Charter
3 School Board shall not restrict the number of students a virtual
4 charter school or charter school may enroll. The capacity of a
5 charter school or virtual charter school shall be determined
6 quarterly by the governing board of the charter school or virtual
7 charter school pursuant to the provisions of the Education Open
8 Transfer Act.

9 F. Beginning July 1, 2024, each statewide virtual charter
10 school which has been approved and sponsored by the Statewide
11 Charter School Board or any virtual charter school for which the
12 Board has assumed sponsorship as provided for in Section ~~4~~ 3-132.1
13 of this ~~act~~ title shall be considered a statewide virtual charter
14 school and the geographic boundaries of each statewide virtual
15 charter school shall be the borders of the state.

16 ~~H.~~ G. Beginning July 1, ~~2024~~ 2026, students enrolled full-time
17 in a statewide virtual charter school sponsored by the Statewide
18 Charter School Board shall ~~not~~ be authorized to participate in any
19 activities administered by the Oklahoma Secondary School Activities
20 Association pursuant to Section 2 of this act. ~~However, the~~ The
21 students may also participate in intramural activities sponsored by
22 a statewide virtual charter school, an online provider for the
23 charter school, or any other outside organization.

1 ~~F.~~ H. 1. Beginning July 1, 2024, a public school student who
2 wishes to enroll in a virtual charter school shall be considered a
3 transfer student from his or her resident school district. A
4 virtual charter school shall pre-enroll any public school student
5 whose parent or legal guardian expresses intent to enroll in the
6 virtual charter school. Upon pre-enrollment, the State Department
7 of Education shall initiate a transfer on a form to be completed by
8 the receiving virtual charter school. Upon approval of the
9 receiving virtual charter school, the student may begin
10 instructional activities. Upon notice that a public school student
11 has transferred to a virtual charter school, the resident school
12 district shall transmit the student's records within three (3)
13 school days.

14 2. The State Department of Education shall notify the
15 Legislature and Governor if it determines that the information
16 technology infrastructure necessary to process the transfer of
17 students to a virtual charter school is inadequate and additional
18 time is needed for implementation.

19 3. A public school student may transfer to one statewide
20 virtual charter school at any time during a school year. For
21 purposes of this subsection, "school year" shall mean July 1 through
22 the following June 30. After one statewide virtual charter school
23 transfer during a school year, no public school student shall be
24 permitted to transfer to any other statewide virtual charter school

1 without the concurrence of both the resident school district and the
2 receiving virtual charter school. A student shall have a grace
3 period of fifteen (15) school days from the first day of enrollment
4 in a statewide virtual charter school to withdraw without academic
5 penalty and shall continue to have the option of one virtual charter
6 school transfer without the concurrence of both the resident school
7 district and the receiving virtual charter school during that same
8 school year. A statewide virtual charter school student that has
9 utilized the allowable one transfer pursuant to this subsection
10 shall not be permitted to transfer to another school district or
11 another statewide virtual charter school without first notifying his
12 or her resident district and initiating a new transfer. Upon
13 cancellation of a transfer, the virtual charter school shall
14 transmit the student's records to the student's new school district
15 within three (3) school days. Students enrolled in a statewide
16 virtual charter school shall not be required to submit a virtual
17 charter transfer for consecutive years of enrollment. Any student
18 enrolled in a statewide virtual charter school the year prior to the
19 implementation of this section shall not be required to submit a
20 transfer in order to remain enrolled.

21 ~~§~~ I. 1. Beginning July 1, 2024, a student shall be eligible
22 to enroll in a statewide virtual charter school sponsored by the
23 Statewide Charter School Board pursuant to Section ~~4~~ 3-132.1 of this
24 ~~act~~ title if he or she is a student whose parent or legal guardian

1 is transferred or is pending transfer to a military installation
2 within this state while on active military duty pursuant to an
3 official military order.

4 2. A statewide virtual charter school shall accept applications
5 by electronic means for enrollment and course registration for
6 students described in paragraph 1 of this subsection.

7 3. The parent or legal guardian of a student described in
8 paragraph 1 of this subsection shall provide proof of residence in
9 this state within ten (10) days after the published arrival date
10 provided on official documentation. A parent or legal guardian may
11 use the following addresses as proof of residence:

- 12 a. a temporary on-base billeting facility,
- 13 b. a purchased or leased home or apartment, or
- 14 c. federal government or public-private venture off-base
15 military housing.

16 4. The provisions of paragraph 3 of subsection ± H of this
17 section shall apply to students described in paragraph 1 of this
18 subsection.

19 5. For purposes of this subsection:

- 20 a. "active military duty" means full-time military duty
21 status in the active uniformed service of the United
22 States including members of the National Guard and
23 Military Reserve on active duty orders, and
24

1 b. "military installation" means a base, camp, post,
2 station, yard, center, homeport facility for any ship,
3 or other installation under the jurisdiction of the
4 Department of Defense or the United States Coast
5 Guard.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-140.1 of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Beginning with the 2026-2027 school year, each school
10 district board of education may adopt a policy allowing students who
11 are enrolled in a charter school or virtual charter school
12 authorized pursuant to the Oklahoma Charter Schools Act to
13 participate in extracurricular activities that the school district
14 offers.

15 B. Students enrolled in a charter school or virtual charter
16 school authorized pursuant to the Oklahoma Charter Schools Act shall
17 be eligible to participate in extracurricular activities offered by
18 the student's resident school district if:

19 1. The extracurricular activity is not offered by the charter
20 school or virtual charter school in which the student is enrolled;

21 2. The extracurricular activity does not have an associated
22 course requirement; and

23 3. The resident school district has adopted a policy pursuant
24 to subsection A of this section.

1 C. A charter school student or virtual charter school student
2 may apply to another public school district within the state if the
3 conditions of paragraphs 1 and 2 of subsection B of this section are
4 met and:

5 1. A resident school district has not adopted a policy pursuant
6 to subsection A of this section; or

7 2. The extracurricular activity that the student seeks to
8 participate in is not offered by the resident school district.

9 D. Eligibility for charter school and virtual charter school
10 students shall be determined in accordance with the applicable
11 public school district's eligibility rules and policies and any
12 rules and policies of a school athletic association, as defined in
13 Section 27-102 of Title 70 of the Oklahoma Statutes.

14 E. In order to participate in extracurricular activities
15 pursuant to this section, charter school students and virtual
16 charter school students shall:

17 1. Register an intention to participate with the board of
18 education of the resident district, or other applicable school
19 district in accordance with subsection C of this section, no later
20 than the July 1 immediately preceding the school year in which
21 participation is intended or within thirty (30) days of enrolling in
22 a charter school or virtual charter school within the state if
23 relocating from out of state;

1 2. Pay any participation or activity fee in an amount equal to
2 any fee charged to other student participants of the school district
3 offering the activity;

4 3. Adhere to the same standards of behavior, responsibility,
5 performance, and code of conduct as other student participants of
6 the school district offering the activity;

7 4. Adhere to any rules and policies of a school athletic
8 association which provides the coordination, supervision, and
9 regulation of the extracurricular activities and contests of
10 schools; and

11 5. Adhere to any physical exams or drug testing provisions
12 required by the board of education of the resident district, or
13 other applicable school district, or the school athletic association
14 which provides the coordination, supervision, and regulation of the
15 extracurricular activities and contests of schools;

16 F. For the purposes of this section, "resident school district"
17 shall mean the public school district in which the student resides
18 as defined in Section 1-113 of Title 70 of the Oklahoma Statutes.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 8-201 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in this section:
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1 1. "Resident district" means the public school district in
2 which a student resides as defined in Section 1-113 of Title 70 of
3 the Oklahoma Statutes;

4 2. "School athletic association" shall have the same meaning as
5 defined in Section 27-102 of Title 70 of the Oklahoma Statutes; and

6 3. "Educated by other means" means students who are educated
7 pursuant to the other means of education exception provided for in
8 subsection A of Section 10-105 of Title 70 of the Oklahoma Statutes.

9 B. Beginning with the 2026-2027 school year, each school
10 district board of education may adopt a policy allowing students who
11 are educated by other means to participate in extracurricular
12 activities that the school district offers.

13 C. Students who are educated by other means shall be eligible
14 to participate in extracurricular activities offered by the
15 student's resident school district if:

16 1. The extracurricular activity does not have an associated
17 course requirement; and

18 2. The resident school district has adopted a policy pursuant
19 to subsection B of this section.

20 D. A student who is educated by other means may apply to
21 another public school district within the state if the conditions of
22 paragraph 1 of subsection C of this section are met and:

23 1. A resident school district has not adopted a policy pursuant
24 to subsection B of this section; or

1 2. The extracurricular activity that the student seeks to
2 participate in is not offered by the resident school district.

3 E. Eligibility for students who are educated by other means
4 shall be determined in accordance with the applicable public school
5 district's eligibility rules and policies and any rules and policies
6 of a school athletic association.

7 F. In order to participate in extracurricular activities
8 pursuant to this section, students who are educated by other means
9 shall:

10 1. Register an intention to participate with the board of
11 education of the resident district, or other applicable school
12 district in accordance with subsection D of this section, no later
13 than the July 1 immediately preceding the school year in which
14 participation is intended or within 30 days from establishing
15 residency within the state if relocating from out of state;

16 2. Pay any participation or activity fee in an amount equal to
17 any fee charged to other student participants of the school district
18 offering the activity;

19 3. Adhere to the same standards of behavior, responsibility,
20 performance, and code of conduct as other student participants of
21 the school district offering the activity;

22 4. Adhere to any rules and policies of a school athletic
23 association which provides the coordination, supervision, and
24

1 regulation of the extracurricular activities and contests of
2 schools;

3 5. Adhere to any physical exams or drug testing provisions
4 required by the board of education of the resident district, or
5 other applicable school district, or the school athletic association
6 which provides the coordination, supervision, and regulation of the
7 extracurricular activities and contests of schools; and

8 6. Adhere to the same academic standards as other participants
9 of the resident district, or other applicable school district,
10 pursuant to the provisions of subsection G of this section.

11 G. During the time period a student who is educated by other
12 means participates in extracurricular activities pursuant to the
13 provisions of this section, the student shall meet academic
14 standards by a method of evaluation agreed upon by the parent or
15 legal guardian of the student and the superintendent of the resident
16 district, or other applicable school district in accordance with
17 subsection D of this section. The method of evaluation may include
18 a review of the student's work by a certified teacher employed by
19 the resident district, the student's performance on a nationally
20 recognized standardized test, or evaluation of grades earned through
21 correspondence courses.

22 SECTION 4. AMENDATORY 70 O.S. 2021, Section 27-103, is
23 amended to read as follows:
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1 Section 27-103. A public school or school district shall not be
2 a member of any school athletic association unless that association
3 has adopted a written policy that requires the following:

4 1. All records of the association to be made accessible
5 consistent with the provisions of the Oklahoma Open Records Act;

6 2. All meetings of the association to be open and conducted in
7 a manner consistent with the provisions of the Oklahoma Open Meeting
8 Act, including specifically the notice and agenda, voting and
9 executive session requirements; ~~and~~

10 3. A student who is educated pursuant to the other means
11 exception provided for in subsection A of Section 10-105 of this
12 title or enrolled in a charter school or virtual charter school
13 authorized by the Oklahoma Charter Schools Act, shall be allowed to
14 participate in interscholastic activities or contests offered by the
15 student's resident district as defined in Section 1-113 of this
16 title, or offered by another public school district in accordance
17 with subsection C of Section 2 or subsection D of Section 3 of this
18 act; and

19 4. An annual financial audit and a compliance audit of all
20 funds of the association in accordance with the auditing standards
21 set forth in the Oklahoma Public School Audit Law. In addition, the
22 association shall have performance audits conducted of the
23 operations of the association. A performance audit shall be
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1 conducted no later than December 31, 2014, and by December 31 every
2 five (5) years thereafter.

3 SECTION 5. This act shall become effective July 1, 2026.

4 SECTION 6. 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.

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