

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 209

By: Silk

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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. 2016, Section 3-136),
10 which relates to charter school compliance with
11 certain regulations; prohibiting a charter school
12 from entering into a contract with a teacher who does
13 not hold a valid certificate; allowing a charter
14 school to enter into a contract with a teacher issued
15 an emergency or provisional certificate; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-136, as
19 amended by Section 1, Chapter 277, O.S.L. 2014 (70 O.S. Supp. 2016,
20 Section 3-136), is amended to read as follows:

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

23 1. A charter school shall comply with all federal regulations
24 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

1 statutes which a charter school must comply with as required by this
2 paragraph and shall annually provide an update to the list;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 18. No later than September 1 each year, the governing board of
23 each charter school formed pursuant to the Oklahoma Charter Schools
24 Act shall prepare a statement of actual income and expenditures for

1 the charter school for the fiscal year that ended on the preceding
2 June 30, in a manner compliant with Section 5-135 of this title.
3 The statement of expenditures shall include functional categories as
4 defined in rules adopted by the State Board of Education to
5 implement the Oklahoma Cost Accounting System pursuant to Section 5-
6 145 of this title. Charter schools shall not be permitted to submit
7 estimates of expenditures or prorated amounts to fulfill the
8 requirements of this paragraph; and

9 19. A charter school shall not enter into any written contract
10 with a teacher who does not hold a valid certificate issued or
11 recognized by the State Board of Education authorizing the teacher
12 to teach the grades or subject matter for which the teacher is
13 employed. A charter school may enter into a written contract with a
14 teacher who has been issued an emergency or provisional certificate,
15 as provided for in Section 6-187 of this title.

16 B. The charter of a charter school shall include a description
17 of the personnel policies, personnel qualifications, and method of
18 school governance, and the specific role and duties of the sponsor
19 of the charter school.

20 C. The charter of a charter school may be amended at the
21 request of the governing body of the charter school and upon the
22 approval of the sponsor.

23 D. A charter school may enter into contracts and sue and be
24 sued.

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

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

17 SECTION 2. This act shall become effective July 1, 2017.

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

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