

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 388

By: Seifried

6 AS INTRODUCED

7 An Act relating to students; authorizing students
8 enrolled in a charter school or virtual charter
9 school to participate in certain extracurricular
activities; providing for determination of
10 eligibility; defining term; amending 70 O.S. 2021,
11 Section 3-140, as amended by Section 10, Chapter 323,
12 O.S.L. 2023 (70 O.S. Supp. 2024, Section 3-140),
which relates to student eligibility to enroll in
13 charter schools; updating statutory references;
authorizing certain students to participate in
14 certain activities beginning on certain date;
updating statutory language; amending 70 O.S. 2021,
15 Section 27-103, which relates to the Oklahoma
Extracurricular Activities Accountability Act;
requiring certain association's written policy to
16 include certain provision regarding participation of
certain students; providing for codification;
providing an effective date; and declaring an
emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified

20 in the Oklahoma Statutes as Section 3-140.1 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Students enrolled in a charter school or virtual charter
23 school authorized pursuant to the Oklahoma Charter Schools Act shall

1 be eligible to participate in extracurricular activities offered by
2 the resident school district of the student.

3 B. Eligibility for charter school and virtual charter school
4 students shall be determined in accordance with the resident school
5 district's eligibility rules and policies and any rules and policies
6 of a school athletic association, as defined in Section 27-102 of
7 Title 70 of the Oklahoma Statutes.

8 C. For the purposes of this section, "resident school district"
9 shall mean the public school district in which the student resides
10 as defined in Section 1-113 of Title 70 of the Oklahoma Statutes.

11 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-140, as
12 amended by Section 10, Chapter 323, O.S.L. 2023 (70 O.S. Supp. 2024,
13 Section 3-140), is amended to read as follows:

14 Section 3-140. A. A charter school with a brick-and-mortar
15 school site or sites shall enroll those students whose legal
16 residence is within the boundaries of the school district in which
17 the charter school is located and who submit a timely application,
18 or those students who transfer to the charter school in accordance
19 with the Education Open Transfer Act, unless the number of
20 applications exceeds the capacity of a program, class, grade level,
21 or building. Students who reside in a school district where a
22 charter school is located shall not be required to obtain a transfer
23 in order to attend a charter school in the school district of
24 residence. If capacity is insufficient to enroll all eligible

1 students, the charter school shall select students through a lottery
2 selection process. A charter school shall give enrollment
3 preference to eligible students who reside within the boundaries of
4 the school district in which the charter school is located and who
5 attend a school site that has been identified as in need of
6 improvement by the State Board of Education pursuant to the
7 Elementary and Secondary Education Act of 1965, as ~~amended or~~
8 reauthorized by P.L. No. 114-95, also known as the Every Student
9 Succeeds Act (ESSA). A charter school may limit admission to
10 students within a given age group or grade level. A charter school
11 sponsored by the Statewide Charter School Board when the applicant
12 of the charter school is the Office of Juvenile Affairs shall limit
13 admission to youth that are in the custody or supervision of the
14 Office of Juvenile Affairs.

15 B. A brick-and-mortar charter school shall admit students who
16 reside in the attendance area of a school or in a school district
17 that is under a court order of desegregation or that is a party to
18 an agreement with the United States Department of Education Office
19 for Civil Rights directed towards mediating alleged or proven racial
20 discrimination unless notice is received from the resident school
21 district that admission of the student would violate the court order
22 or agreement.

23 C. A brick-and-mortar charter school may designate a specific
24 geographic area within the school district in which the charter

1 school is located as an academic enterprise zone and may limit
2 admissions to students who reside within that area. An academic
3 enterprise zone shall be a geographic area in which sixty percent
4 (60%) or more of the children who reside in the area qualify for the
5 free or reduced school lunch program.

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

11 E. A sponsor of a charter school shall not restrict the number
12 of students a charter school may enroll, and the Statewide Charter
13 School Board shall not restrict the number of students a virtual
14 charter school or charter school may enroll. The capacity of a
15 charter school or virtual charter school shall be determined
16 quarterly by the governing board of the charter school or virtual
17 charter school pursuant to the provisions of the Education Open
18 Transfer Act.

19 F. Beginning July 1, 2024, each statewide virtual charter
20 school which has been approved and sponsored by the Statewide
21 Charter School Board or any virtual charter school for which the
22 Board has assumed sponsorship as provided for in ~~Section 1~~ Section
23 3-132.1 of this ~~act~~ title shall be considered a statewide virtual
24

1 charter school and the geographic boundaries of each statewide
2 virtual charter school shall be the borders of the state.

3 ~~H. G.~~ Beginning July 1, ~~2024~~ 2025, students enrolled full-time
4 in a statewide virtual charter school sponsored by the Statewide
5 Charter School Board shall ~~not~~ be authorized to participate in any
6 activities administered by the Oklahoma Secondary School Activities
7 Association pursuant to Section 1 of this act. ~~However, the~~
8 ~~students~~ Virtual charter school students may participate in
9 intramural activities sponsored by a statewide virtual charter
10 school, an online provider for the charter school, or any other
11 outside organization.

12 ~~I. H.~~ 1. Beginning July 1, 2024, a public school student who
13 wishes to enroll in a virtual charter school shall be considered a
14 transfer student from his or her resident school district. A
15 virtual charter school shall pre-enroll any public school student
16 whose parent or legal guardian expresses intent to enroll in the
17 virtual charter school. Upon pre-enrollment, the State Department
18 of Education shall initiate a transfer on a form to be completed by
19 the receiving virtual charter school. Upon approval of the
20 receiving virtual charter school, the student may begin
21 instructional activities. Upon notice that a public school student
22 has transferred to a virtual charter school, the resident school
23 district shall transmit the student's records within three (3)
24 school days.

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

6 3. A public school student may transfer to one statewide
7 virtual charter school at any time during a school year. For
8 purposes of this subsection, "school year" shall mean July 1 through
9 the following June 30. After one statewide virtual charter school
10 transfer during a school year, no public school student shall be
11 permitted to transfer to any other statewide virtual charter school
12 without the concurrence of both the resident school district and the
13 receiving virtual charter school. A student shall have a grace
14 period of fifteen (15) school days from the first day of enrollment
15 in a statewide virtual charter school to withdraw without academic
16 penalty and shall continue to have the option of one virtual charter
17 school transfer without the concurrence of both the resident school
18 district and the receiving virtual charter school during that same
19 school year. A statewide virtual charter school student that has
20 utilized the allowable one transfer pursuant to this subsection
21 shall not be permitted to transfer to another school district or
22 another statewide virtual charter school without first notifying his
23 or her resident district and initiating a new transfer. Upon
24 cancellation of a transfer, the virtual charter school shall

1 transmit the student's records to the student's new school district
2 within three (3) school days. Students enrolled in a statewide
3 virtual charter school shall not be required to submit a virtual
4 charter transfer for consecutive years of enrollment. Any student
5 enrolled in a statewide virtual charter school the year prior to the
6 implementation of this section shall not be required to submit a
7 transfer in order to remain enrolled.

8 J. I. 1. Beginning July 1, 2024, a student shall be eligible
9 to enroll in a statewide virtual charter school sponsored by the
10 Statewide Charter School Board pursuant to ~~Section 1~~ Section 3-132.1
11 of this ~~act~~ title if he or she is a student whose parent or legal
12 guardian is transferred or is pending transfer to a military
13 installation within this state while on active military duty
14 pursuant to an official military order.

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

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

- 23 a. a temporary on-base billeting facility,
- 24 b. a purchased or leased home or apartment, or

1 c. federal government or public-private venture off-base
2 military housing.

3 4. The provisions of paragraph 3 of subsection ~~H~~ shall apply
4 to students described in paragraph 1 of this subsection.

5 5. For purposes of this subsection:

6 a. "active military duty" means full-time military duty
7 status in the active uniformed service of the United
8 States including members of the National Guard and
9 ~~Military Reserve~~ military reserves on active duty
10 orders, and

11 b. "military installation" means a base, camp, post,
12 station, yard, center, homeport facility for any ship,
13 or other installation under the jurisdiction of the
14 United States Department of Defense or the United
15 States Coast Guard.

16 SECTION 3. AMENDATORY 70 O.S. 2021, Section 27-103, is
17 amended to read as follows:

18 Section 27-103. A public school or school district shall not be
19 a member of any school athletic association unless that association
20 has adopted a written policy that requires the following:

- 21 1. All records of the association to be made accessible
22 consistent with the provisions of the Oklahoma Open Records Act;
- 23 2. All meetings of the association to be open and conducted in
24 a manner consistent with the provisions of the Oklahoma Open Meeting

1 Act, including specifically the notice and agenda, voting and
2 executive session requirements; and

3 3. That a student enrolled in a charter school or virtual
4 charter school is allowed to participate in interscholastic
5 activities or contests offered by the student's resident district as
6 defined in Section 1-113 of this title. Student participation shall
7 be subject to the provisions of Section 1 of this act; and

8 4. An annual financial audit and a compliance audit of all
9 funds of the association in accordance with the auditing standards
10 set forth in the Oklahoma Public School Audit Law. In addition, the
11 association shall have performance audits conducted of the
12 operations of the association. A performance audit shall be
13 conducted no later than December 31, 2014, and by December 31 every
14 five (5) years thereafter.

15 SECTION 4. This act shall become effective July 1, 2025.

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

20 60-1-1034

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