

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 388

By: Seifried of the Senate

and

Kane of the House

5  
6  
7  
8 **[ students - extracurricular activities - eligibility**  
9 **- charter schools - written policy - codification -**  
10 **effective date -**  
11 **emergency ]**

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

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3-140.1 of Title 70, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. Students enrolled in a charter school or virtual charter  
17 school authorized pursuant to the Oklahoma Charter Schools Act shall  
18 be eligible to participate in extracurricular activities offered by  
19 the resident school district of the student **only if:**

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

23 **2. The extracurricular activity does not have an associated**  
24 **course requirement.**

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

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

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

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

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

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

21 C. A brick-and-mortar charter school may designate a specific  
22 geographic area within the school district in which the charter  
23 school is located as an academic enterprise zone and may limit  
24 admissions to students who reside within that area. An academic

1 enterprise zone shall be a geographic area in which sixty percent  
2 (60%) or more of the children who reside in the area qualify for the  
3 free or reduced school lunch program.

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

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

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

24

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

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

23       2. The State Department of Education shall notify the  
24 Legislature and Governor if it determines that the information

1 technology infrastructure necessary to process the transfer of  
2 students to a virtual charter school is inadequate and additional  
3 time is needed for implementation.

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

1 virtual charter school shall not be required to submit a virtual  
2 charter transfer for consecutive years of enrollment. Any student  
3 enrolled in a statewide virtual charter school the year prior to the  
4 implementation of this section shall not be required to submit a  
5 transfer in order to remain enrolled.

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

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

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

- 21 a. a temporary on-base billeting facility,
- 22 b. a purchased or leased home or apartment, or
- 23 c. federal government or public-private venture off-base  
24 military housing.

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

3 5. For purposes of this subsection:

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

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

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

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

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

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



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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
19 March 4, 2025 - DO PASS AS AMENDED  
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