

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**THE STATE SENATE**  
**Monday, February 25, 2008**

**Committee Substitute for**  
**Senate Bill No. 2100**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2100 - By: FORD and JOLLEY  
of the Senate and JONES of the House.

[ schools - Charter District Pilot Program - codification -  
effective date ]

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as  
amended by Section 1, Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2007,  
Section 3-132), is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply  
only to charter schools formed and operated under the provisions of  
the act. Charter schools shall be sponsored only as follows:

1. By a school district with an average daily membership of  
five thousand (5,000) or more and which all or part of the school  
district is located in a county having more than five hundred  
thousand (500,000) population according to the latest Federal  
Decennial Census;

2. By a technology center school district only when the charter  
school is located in a school district served by the technology  
center school district and only if the local school district has an  
average daily membership of five thousand (5,000) or more and which

1 all or part of the school district is located in a county having  
2 more than five hundred thousand (500,000) population according to  
3 the latest Federal Decennial Census; ~~or~~

4 3. By a comprehensive or regional institution that is a member  
5 of The Oklahoma State System of Higher Education only when the  
6 charter school is located in a school district that has an average  
7 daily membership of five thousand (5,000) or more and which all or  
8 part of the school district is located in a county having more than  
9 five hundred thousand (500,000) population according to the latest  
10 Federal Decennial Census. In addition, the institution shall have a  
11 teacher education program accredited by the Oklahoma Commission for  
12 Teacher Preparation and have a branch campus or constituent agency  
13 physically located within the school district in which the charter  
14 school is located; or

15 4. By the State Board of Education as provided for in Section 3  
16 of this act.

17 B. Charter schools formed pursuant to the act shall serve as a  
18 pilot program to demonstrate the potential of expanding charter  
19 schools to other parts of the state. Any charter or enterprise  
20 school operating in the state pursuant to an agreement with the  
21 board of education of a school district on July 1, 1999, may  
22 continue to operate pursuant to that agreement or may contract with  
23 the board of education of the school district pursuant to the

1 Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter  
2 Schools Act shall prohibit a school district from applying for  
3 exemptions from certain education-related statutory requirements as  
4 provided for in the Educational Deregulation Act.

5 C. Beginning January 1, 2008, not more than three new charter  
6 schools shall be established each fiscal year in each county in the  
7 state having more than five hundred thousand (500,000) population  
8 according to the latest Federal Decennial Census. For purposes of  
9 this subsection, a "new charter school" shall mean a charter school  
10 proposed by an applicant that has never had a contract with a  
11 sponsor.

12 D. For purposes of the Oklahoma Charter Schools Act, "charter  
13 school" means a public school established by contract with a board  
14 of education of a school district, an area vocational-technical  
15 school district, or a higher education institution, or a charter  
16 district established by contract with the State Board of Education  
17 pursuant to the Oklahoma Charter Schools Act to provide learning  
18 that will improve student achievement and as defined in the  
19 Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

20 E. A charter school may consist of a new school site, new  
21 school sites or all or any portion of an existing school site. An  
22 entire school district may not become a charter school site, except  
23 as provided for in Section 3 of this act.

1 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-142, as  
2 last amended by Section 4, Chapter 257, O.S.L. 2007 (70 O.S. Supp.  
3 2007, Section 3-142), is amended to read as follows:

4 Section 3-142. A. For purposes of funding, a charter school  
5 sponsored by a board of education of a school district shall be  
6 considered a site within the school district in which the charter  
7 school is located. The student membership of the charter school  
8 shall be considered separate from the student membership of the  
9 district in which the charter school is located for the purpose of  
10 calculating weighted average daily membership pursuant to Section  
11 18-201.1 of this title and state aid pursuant to Section 18-200.1 of  
12 this title. For charter schools sponsored by a board of education  
13 of a school district, the sum of the separate calculations for the  
14 charter school and the school district shall be used to determine  
15 the total State Aid allocation for the district in which the charter  
16 school is located. A charter school shall receive from the  
17 sponsoring school district, the State Aid revenue generated by its  
18 students for the applicable year, less up to five percent (5%) of  
19 the total, which may be retained by the school district as a fee for  
20 administrative services rendered. For charter schools sponsored by  
21 the board of education of a technology center school district or a  
22 higher education institution, the State Aid allocation for the  
23 charter school shall be distributed by the State Board of Education.

1 Not more than five percent (5%) of the total allocation may be  
2 charged by the sponsor as a fee for administrative services  
3 rendered. For charter districts sponsored by the State Board of  
4 Education as provided for in Section 3 of this act, the State Aid  
5 allocation shall be calculated pursuant to the provisions of Section  
6 18-200.1 of this title. The State Board of Education shall  
7 determine the policy and procedure for making payments to a charter  
8 school.

9 B. The weighted average daily membership for the first year of  
10 operation of a charter school shall be determined initially by  
11 multiplying the actual enrollment of students as of August 1 by  
12 1.333. The charter school shall receive revenue equal to that which  
13 would be generated by the estimated weighted average daily  
14 membership calculated pursuant to this subsection. At midyear, the  
15 allocation for the charter school shall be adjusted using the first  
16 quarter weighted average daily membership for the charter school  
17 calculated pursuant to subsection A of this section.

18 C. A charter school shall be eligible to receive any other aid,  
19 grants or revenues allowed to other schools. A charter school  
20 sponsored by the board of education of a technology center school  
21 district ~~or~~, a higher education institution, or the State Board of  
22 Education shall be considered a local education agency for purposes  
23 of funding.

1 D. A charter school, in addition to the money received from the  
2 state, may receive money from any other source. Any unexpended  
3 nonstate funds, excluding local revenue, may be reserved and used  
4 for future purposes.

5 SECTION 3. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. 1. The State Board of Education shall establish a Charter  
9 District Pilot Program. Notwithstanding the provisions of  
10 subsection C of Section 3-132 of Title 70 of the Oklahoma Statutes,  
11 the Board may approve a maximum of ten school districts for the  
12 pilot program. Two districts that apply for the program and meet  
13 the criteria established pursuant to subsection C of this section  
14 shall be selected from each of the following categories:

- 15 a. large school district located in a large city,
- 16 b. small school district located in a large city,
- 17 c. large school district located in a midsize city,
- 18 d. small school district located in a midsize city, and
- 19 e. a school district located in a small city.

20 2. A large school district shall be defined as having an  
21 average daily membership of more than five hundred twenty-nine (529)  
22 students. A small school district shall have an average daily  
23 membership of five hundred twenty-nine (529) or fewer students. The

1 designations for large, midsize and small cities shall be according  
2 to the United States Census Bureau's most recent population  
3 estimates designated as follows:

- 4 a. large city - population of fifty thousand (50,000) or  
5 greater,
- 6 b. midsize city - population greater than five thousand  
7 (5,000) but less than fifty thousand (50,000), and
- 8 c. small city - population of five thousand (5,000) or  
9 less.

10 B. A district board of education that desires to participate in  
11 the pilot program shall submit an application to become a charter  
12 district to the State Board of Education pursuant to the provisions  
13 of Section 3-134 of Title 70 of the Oklahoma Statutes.

14 C. 1. The Charter District Advisory Committee is hereby  
15 created for the purpose of establishing criteria for selection of  
16 applicants under the Charter District Pilot Program. The membership  
17 of the Committee shall be composed as follows:

- 18 a. the State Superintendent of Public Instruction, or  
19 designee,
- 20 b. the Chancellor of the Oklahoma State Regents for  
21 Higher Education, or designee,
- 22 c. the Director of the State Department of Career and  
23 Technology Education, or designee,

- 1           d.    a representative of a statewide organization  
2                    representing school boards, to be appointed by the  
3                    Governor,  
4           e.    a representative of a statewide organization  
5                    representing school administrators, to be appointed by  
6                    the President Pro Tempore of the State Senate,  
7           f.    a representative of a statewide organization  
8                    representing teachers, to be appointed by the Speaker  
9                    of the House of Representatives, and  
10          g.    the chair of the Education Oversight Board, or  
11                    designee, who shall serve as chair of the Charter  
12                    District Advisory Committee.

13           2.    Appointments to the Committee shall be made by September 1,  
14   2008.  Members shall serve at the pleasure of the appointing  
15   authority.  Vacancies shall be filled in the same manner as the  
16   original appointment.  The State Department of Education shall  
17   provide staff assistance to the Committee.  The chair shall convene  
18   the first meeting of the Committee no later than September 30, 2008.  
19   The Committee shall provide a report to the State Board of Education  
20   establishing the criteria for district applicants for the Charter  
21   District Pilot Program by December 31, 2008.

22           3.    Members of the Charter District Advisory Committee shall  
23   receive no compensation for serving on the Committee but may be

1 reimbursed for necessary travel expenses incurred in the performance  
2 of their duties in accordance with the State Travel Reimbursement  
3 Act.

4 D. The State Board of Education shall distribute the criteria  
5 established by the Charter District Advisory Committee to all school  
6 districts along with information regarding the availability of the  
7 Charter District Pilot Program within thirty (30) days of receipt of  
8 the criteria from the Committee.

9 E. The contract term for any charter district approved pursuant  
10 to this act shall be for no less than three (3) years and no more  
11 than five (5) years. Charter district contracts shall include  
12 performance and accountability agreements and provisions for  
13 termination of the contract for failure to meet the requirements  
14 contained in the contract. The Board shall not enter into any  
15 initial or renewal contracts under the Charter District Pilot  
16 Program after a period of five (5) years has elapsed after the first  
17 contract with a charter district is signed; however, any charter  
18 district contracts in place at that time shall continue to be in  
19 force until the expiration of the contract.

20 F. Except as otherwise provided in this act, the provisions in  
21 the Oklahoma Charter Schools Act that apply to charter schools shall  
22 be applicable to charter districts.

23 SECTION 4. This act shall become effective September 1, 2008.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO  
2 PASS, As Amended and Coauthored.