

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 2100

By: Ford and Jolley

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Sections 3-132, as amended by Section 1, Chapter 257,
9 O.S.L. 2007, and 3-142, as last amended by Section 4,
10 Chapter 257, O.S.L. 2007 (70 O.S. Supp. 2007,
11 Sections 3-132 and 3-142), which relate to the
12 Oklahoma Charter Schools Act; authorizing sponsorship
13 of charter districts by the State Board of Education;
14 modifying definition of charter school to include
15 charter district; providing exception to certain
16 prohibition; providing for allocation of State Aid
17 for charter districts; directing the State Board of
18 Education to establish a Charter District Pilot
19 Program; authorizing selection of districts from
20 certain categories; providing for application of
21 certain provisions to charter districts; providing
22 for codification; and providing an effective date.
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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 1. By a school district with an average daily membership of
2 five thousand (5,000) or more and which all or part of the school
3 district is located in a county having more than five hundred
4 thousand (500,000) population according to the latest Federal
5 Decennial Census;

6 2. By a technology center school district only when the charter
7 school is located in a school district served by the technology
8 center school district and only if the local school district has an
9 average daily membership of five thousand (5,000) or more and which
10 all or part of the school district is located in a county having
11 more than five hundred thousand (500,000) population according to
12 the latest Federal Decennial Census; ~~or~~

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

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

3 B. Charter schools formed pursuant to the act shall serve as a
4 pilot program to demonstrate the potential of expanding charter
5 schools to other parts of the state. Any charter or enterprise
6 school operating in the state pursuant to an agreement with the
7 board of education of a school district on July 1, 1999, may
8 continue to operate pursuant to that agreement or may contract with
9 the board of education of the school district pursuant to the
10 Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter
11 Schools Act shall prohibit a school district from applying for
12 exemptions from certain education-related statutory requirements as
13 provided for in the Educational Deregulation Act.

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

21 D. For purposes of the Oklahoma Charter Schools Act, "charter
22 school" means a public school established by contract with a board
23 of education of a school district, an area vocational-technical
24 school district, or a higher education institution, or a charter

1 district established by contract with the State Board of Education
2 pursuant to the Oklahoma Charter Schools Act to provide learning
3 that will improve student achievement and as defined in the
4 Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

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

9 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-142, as
10 last amended by Section 4, Chapter 257, O.S.L. 2007 (70 O.S. Supp.
11 2007, Section 3-142), is amended to read as follows:

12 Section 3-142. A. For purposes of funding, a charter school
13 sponsored by a board of education of a school district shall be
14 considered a site within the school district in which the charter
15 school is located. The student membership of the charter school
16 shall be considered separate from the student membership of the
17 district in which the charter school is located for the purpose of
18 calculating weighted average daily membership pursuant to Section
19 18-201.1 of this title and state aid pursuant to Section 18-200.1 of
20 this title. For charter schools sponsored by a board of education
21 of a school district, the sum of the separate calculations for the
22 charter school and the school district shall be used to determine
23 the total State Aid allocation for the district in which the charter
24 school is located. A charter school shall receive from the

1 sponsoring school district, the State Aid revenue generated by its
2 students for the applicable year, less up to five percent (5%) of
3 the total, which may be retained by the school district as a fee for
4 administrative services rendered. For charter schools sponsored by
5 the board of education of a technology center school district or a
6 higher education institution, the State Aid allocation for the
7 charter school shall be distributed by the State Board of Education.
8 Not more than five percent (5%) of the total allocation may be
9 charged by the sponsor as a fee for administrative services
10 rendered. For charter districts sponsored by the State Board of
11 Education as provided for in Section 3 of this act, the State Aid
12 allocation shall be calculated pursuant to the provisions of Section
13 18-200.1 of this title. The State Board of Education shall
14 determine the policy and procedure for making payments to a charter
15 school.

16 B. The weighted average daily membership for the first year of
17 operation of a charter school shall be determined initially by
18 multiplying the actual enrollment of students as of August 1 by
19 1.333. The charter school shall receive revenue equal to that which
20 would be generated by the estimated weighted average daily
21 membership calculated pursuant to this subsection. At midyear, the
22 allocation for the charter school shall be adjusted using the first
23 quarter weighted average daily membership for the charter school
24 calculated pursuant to subsection A of this section.

1 C. A charter school shall be eligible to receive any other aid,
2 grants or revenues allowed to other schools. A charter school
3 sponsored by the board of education of a technology center school
4 district ~~or~~, a higher education institution, or the State Board of
5 Education shall be considered a local education agency for purposes
6 of funding.

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

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

14 A. The State Board of Education shall establish a Charter
15 District Pilot Program. Notwithstanding the provisions of
16 subsection C of Section 3-132 of Title 70 of the Oklahoma Statutes,
17 the Board may approve a maximum of ten districts for the pilot
18 program. A maximum of two districts from each of the following
19 categories may be selected:

- 20 1. Large urban;
- 21 2. Small urban;
- 22 3. Suburban;
- 23 4. Large rural;
- 24 5. Small rural;

1 A large district shall have an average daily membership of more
2 than five hundred twenty-nine (529) students. A small district
3 shall have an average daily membership of five hundred twenty-nine
4 (529) or fewer students.

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

9 C. The provisions in the Oklahoma Charter Schools Act that
10 apply to charter schools shall be applicable to charter districts.

11 SECTION 4. This act shall become effective November 1, 2008.

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