

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 445

By: Ford of the Senate

and

Denney of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to charter schools; amending 70 O.S.
12 2001, Section 3-140, as amended by Section 3, Chapter
13 288, O.S.L. 2010 (70 O.S. Supp. 2010, Section 3-140),
14 which relates to student eligibility to enroll in a
15 charter school; allowing charter schools to enroll
16 emergency transfer students; clarifying transfer
17 requirement for certain students; providing an
18 effective date; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-140, as
21 amended by Section 3, Chapter 288, O.S.L. 2010 (70 O.S. Supp. 2010,
22 Section 3-140), is amended to read as follows:

23 Section 3-140. A. Except for a charter school sponsored by the
24 State Board of Education, a charter school shall enroll those

1 students whose legal residence is within the boundaries of the
2 school district in which the charter school is located and who
3 submit a timely application, or those students who transfer to the
4 district in which the charter school is located in accordance with
5 Section 8-103 or 8-104 of this title, unless the number of
6 applications exceeds the capacity of a program, class, grade level,
7 or building. Students who reside in a school district where a
8 charter school is located shall not be required to obtain a transfer
9 in order to attend a charter school in the school district of
10 residence. If capacity is insufficient to enroll all eligible
11 students, the charter school shall select students through a lottery
12 selection process. Except for a charter school sponsored by the
13 State Board of Education, a charter school shall give enrollment
14 preference to eligible students who reside within the boundaries of
15 the school district in which the charter school is located. Except
16 for a charter school sponsored by the State Board of Education, a
17 charter school created after the effective date of this act shall
18 give enrollment preference to eligible students who reside within
19 the boundaries of the school district in which the charter school is
20 located and who attend a school site listed on the school
21 improvement list as determined by the State Board of Education
22 pursuant to the Elementary and Secondary Education Act of 1965, as
23 amended or reauthorized. A charter school may limit admission to

1 students within a given age group or grade level. A charter school
2 sponsored by the State Board of Education shall limit admission to
3 youth that are in the custody or supervision of the Office of
4 Juvenile Affairs.

5 B. Except for a charter school sponsored by the State Board of
6 Education, a charter school shall admit students who reside in the
7 attendance area of a school or in a school district that is under a
8 court order of desegregation or that is a party to an agreement with
9 the United States Department of Education Office for Civil Rights
10 directed towards mediating alleged or proven racial discrimination
11 unless notice is received from the resident school district that
12 admission of the student would violate the court order or agreement.

13 C. A charter school may designate a specific geographic area
14 within the school district in which the charter school is located as
15 an academic enterprise zone and may limit admissions to students who
16 reside within that area. An academic enterprise zone shall be a
17 geographic area in which sixty percent (60%) or more of the children
18 who reside in the area qualify for the free or reduced school lunch
19 program.

20 D. Except as provided in subsections B and C of this section, a
21 charter school shall not limit admission based on ethnicity,
22 national origin, gender, income level, disabling condition,
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1 proficiency in the English language, measures of achievement,
2 aptitude, or athletic ability.

3 SECTION 2. This act shall become effective July 1, 2011.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03-23-2011
10 - DO PASS, As Amended.

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