

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE BILL 573

By: Jolley

AS INTRODUCED

An Act relating to charter schools; creating the Public Charter School Commission; providing for membership; providing for appointments by certain date; providing for election of chair and vice-chair; providing for members to serve at the pleasure of the Governor; providing for filling vacancies; directing the Commission to meet upon call of the chair; providing for timing of first meeting; providing for a quorum; directing members to receive travel reimbursement; stating the powers and duties of the Commission; directing the Commission to promulgate certain rules; directing the Commission to approve charter school applications after certain date; requiring certain report; providing for staff support; amending 70 O.S. 2011, Sections 3-132, as amended by Section 1, Chapter 367, O.S.L. 2012, 3-134, 3-136, 3-140, as amended by Section 2, Chapter 367, O.S.L. 2012 and 3-142 (70 O.S. Supp. 2012, Sections 3-132 and 3-140), which relate to the Oklahoma Charter School Act; directing certain provisions of the act to remain in effect until certain date; providing new application procedures; providing new financial reporting requirements; providing for funding of charter schools; repealing 70 O.S. 2011, Sections 3-132, as last amended by Section 4 of this act, 3-135, 3-137 and 3-139 (70 O.S. Supp. 2012, Section 3-132), which relate to the Oklahoma Charter School Act; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-132.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Public Charter School Commission. The Commission shall have the authority to sponsor a charter school in any school district in this state. The Commission shall be composed of nine (9) members appointed by the Governor with the advice and consent of the Senate. The membership shall consist of:

1. Two representatives of the business community;

2. One person who is a member of the administration of a charter school in the state;

3. One teacher who is employed by a charter school in the state; and

4. Five members from each of the five (5) congressional districts.

B. Appointments shall be made by August 1, 2013. Terms for initial appointments shall be three (3) years. Members shall serve until their successors are duly appointed for a term of three (3) years. The Commission shall elect from its membership a chair and vice-chair annually by December 30.

C. Members shall serve at the pleasure of the Governor.

D. Vacancies shall be filled by the Governor.

1       SECTION 2.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3-132.2 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4       A.   The Public Charter School Commission shall meet at the call  
5 of the chair. The first meeting of the Commission shall be held no  
6 later than sixty (60) days after the effective date of this act.

7       B.   Five (5) members of the Commission shall constitute a quorum  
8 and an affirmative vote of at least five (5) members shall be  
9 required for the Commission to take any final action.

10       C.   Members of the Commission shall receive necessary traveling  
11 expenses while in the performance of their duties in accordance with  
12 the State Travel Reimbursement Act. Members shall receive  
13 reimbursement from the State Department of Education.

14       SECTION 3.       NEW LAW       A new section of law to be codified  
15 in the Oklahoma Statutes as Section 3-132.3 of Title 70, unless  
16 there is created a duplication in numbering, reads as follows:

17       A.   The Public Charter School Commission shall have the  
18 following powers and duties:

19       1.   Formulate, adopt and promulgate rules as may be necessary to  
20 implement the provisions of this act, in compliance with the  
21 Administrative Procedures Act;

22       2.   Establish high standards of expectation and rigor for  
23 charter school applicants and charter school plans and ensure that  
24

1 the charter school plan(s) adopted meet at least the following  
2 standards:

- 3 a. require that public charter schools be as equally free  
4 and open to all students as traditional public  
5 schools,
- 6 b. require students be selected by lottery to ensure  
7 fairness if more students apply than a school can  
8 accommodate,
- 9 c. require public charter schools be subject to the same  
10 academic standards and expectations as existing public  
11 schools,
- 12 d. provide for public charter schools to receive funding  
13 based on student enrollment in accordance with  
14 statutory guidelines for funding existing public  
15 schools,
- 16 e. give priority to opening public charter schools that  
17 serve at-risk student populations or students from  
18 low-performing public schools; and
- 19 f. require public charter schools specify the freedom  
20 they seek from many regulations to demonstrate more  
21 flexibility with a correlated impact on student  
22 achievement to offer a more customized learning  
23 experience for students;

1        3. Accept, review and approve applications for establishment of  
2 public charter schools in the state based on the criteria listed  
3 herein; and

4        4. Provide oversight of the operations of public charter  
5 schools in the state through annual performance reviews of public  
6 charter schools and reauthorization of public charter schools.

7        B. The Commission shall promulgate rules establishing a  
8 procedure for accepting, approving and disapproving public charter  
9 school applications. The rules shall address a method by which an  
10 applicant for a public charter school may submit an application  
11 which shall either be accepted or rejected within ninety (90) days  
12 of receipt of the application. If the application is rejected, the  
13 Commission shall notify the applicant in writing of the reasons for  
14 the rejection. The applicant may submit a revised application for  
15 reconsideration to the Commission within thirty (30) days after  
16 receiving notification of the rejection. The Commission shall  
17 accept or reject the revised application within thirty (30) days of  
18 its receipt.

19        C. The Commission shall submit annually by November 1 of each  
20 year, a report on policies, procedures and innovative methods  
21 employed by public charter schools that show an improvement in  
22 student achievement. The report shall be submitted to the Governor,  
23 President Pro Tempore of the Senate and Speaker of the House of  
24 Representatives as well as the Chairs of the Senate and House

1 committees that govern policy on common education. The report shall  
2 include recommendations to the Legislature on how to improve  
3 education in this state based on best practices from public charter  
4 school innovations.

5 D. The State Department of Education shall provide staff  
6 support to the Commission.

7 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3-132, as  
8 amended by Section 1, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,  
9 Section 3-132), is amended to read as follows:

10 Section 3-132. A. The Oklahoma Charter Schools Act shall apply  
11 only to charter schools formed and operated under the provisions of  
12 the act prior to July 1, 2014. Charter schools shall be sponsored  
13 only as follows:

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

19 2. By a school district which has a school site listed on the  
20 school improvement list as determined by the State Board of  
21 Education pursuant to the Elementary and Secondary Education Act of  
22 1965, as amended or reauthorized;

23 3. By a technology center school district if the charter school  
24 is located in a school district served by the technology center

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

6 4. By a technology center school district if the charter school  
7 is located in a school district served by the technology center  
8 school district and the school district has a school site listed on  
9 the school improvement list as determined by the State Board of  
10 Education pursuant to the Elementary and Secondary Education Act of  
11 1965, as amended or reauthorized;

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

23 6. By a comprehensive or regional institution that is a member  
24 of the Oklahoma State System of Higher Education if the charter

1 school is located in a school district that has a school site listed  
2 on the school improvement list as determined by the State Board of  
3 Education pursuant to the Elementary and Secondary Education Act of  
4 1965, as amended or reauthorized. In addition, the institution  
5 shall have a teacher education program accredited by the Oklahoma  
6 Commission for Teacher Preparation and have a branch campus or  
7 constituent agency physically located within the school district in  
8 which the charter school is located;

9       7. By a federally recognized Indian tribe, operating a high  
10 school under the authority of the Bureau of Indian Affairs as of  
11 November 1, 2010, if the charter school is for the purpose of  
12 demonstrating native language immersion instruction, and is located  
13 within its former reservation or treaty area boundaries. For  
14 purposes of this paragraph, native language immersion instruction  
15 shall require that educational instruction and other activities  
16 conducted at the school site are primarily conducted in the native  
17 language;

18       8. By the State Board of Education when the applicant of the  
19 charter school is the Office of Juvenile Affairs or the applicant  
20 has a contract with the Office of Juvenile Affairs to provide a  
21 fixed rate level E, D, or D+ group home service and the charter  
22 school is for the purpose of providing education services to youth  
23 in the custody or supervision of the state. Not more than two  
24 charter schools shall be sponsored by the Board as provided for in



1 this paragraph during the period of time beginning July 1, 2010,  
2 through July 1, ~~2016~~ 2014; or

3 9. By the State Board of Education when the applicant of the  
4 charter school is the Statewide Virtual Charter School Board created  
5 ~~in Section 3 of this act~~ pursuant to Section 3-145.1 of this title  
6 and the charter school is for the purpose of establishing a full-  
7 time statewide virtual charter school.

8 B. Any charter or enterprise school operating in the state  
9 pursuant to an agreement with the board of education of a school  
10 district on July 1, 1999, or established prior to July 1, 2014,  
11 pursuant to subsection A of this section, may continue to operate  
12 pursuant to that agreement or may contract with the board of  
13 education of the school district pursuant to the Oklahoma Charter  
14 Schools Act. Nothing in the Oklahoma Charter Schools Act shall  
15 prohibit a school district from applying for exemptions from certain  
16 education-related statutory requirements as provided for in the  
17 Educational Deregulation Act.

18 C. For purposes of the Oklahoma Charter Schools Act, "charter  
19 school" means a public school established by contract with a board  
20 of education of a school district, an area vocational-technical  
21 school district, a higher education institution, a federally  
22 recognized Indian tribe, or the State Board of Education pursuant to  
23 the Oklahoma Charter Schools Act to provide learning that will  
24

1 improve student achievement and as defined in the Elementary and  
2 Secondary Education Act of 1965, 20 U.S.C. 8065.

3 D. A charter school may consist of a new school site, new  
4 school sites or all or any portion of an existing school site. An  
5 entire school district may not become a charter school site.

6 E. Beginning July 1, 2014, the Public Charter School Commission  
7 created in Section 2 of this act shall be authorized to approve  
8 applications for public charter schools, and the provisions of  
9 subsections A through D of this section shall cease to have effect.

10 SECTION 5. AMENDATORY 70 O.S. 2011, Section 3-134, is  
11 amended to read as follows:

12 Section 3-134. A. For written applications filed after January  
13 1, 2008, prior to submission of the application to a proposed  
14 sponsor seeking to establish a charter school, the applicant shall  
15 be required to complete training which shall not exceed ten (10)  
16 hours provided by the State Department of Education on the process  
17 and requirements for establishing a charter school. The Department  
18 shall develop and implement the training by January 1, 2008. The  
19 Department may provide the training in any format and manner that  
20 the Department determines to be efficient and effective including,  
21 but not limited to, web-based training.

22 B. Except as otherwise provided for in Section 3-137 of this  
23 title, an applicant seeking to establish a charter school prior to  
24 July 1, 2014, shall submit a written application to the proposed

1 sponsor as prescribed in subsection E of this section. Beginning  
2 July 1, 2014, an applicant seeking to establish a public charter  
3 school shall submit a written application to the Public Charter  
4 School Commission created in Section 1 of this act. The application  
5 shall include:

6 1. A mission statement for the charter school;

7 2. A description of the organizational structure and the  
8 governing body of the charter school;

9 3. A financial plan for the first three (3) years of operation  
10 of the charter school and a description of the treasurer or other  
11 officers or persons who shall have primary responsibility for the  
12 finances of the charter school. Such person shall have demonstrated  
13 experience in school finance or the equivalent thereof;

14 4. A description of the hiring policy of the charter school;

15 5. The name of the applicant or applicants and, prior to July  
16 1, 2014, the requested sponsor;

17 6. A description of the facility and location of the charter  
18 school;

19 7. A description of the grades being served;

20 8. An outline of criteria designed to measure the effectiveness  
21 of the charter school;

22 9. A demonstration of support for the charter school from  
23 residents of the school district which may include but is not  
24

1 limited to a survey of the school district residents or a petition  
2 signed by residents of the school district; and

3 10. Documentation that the applicants completed charter school  
4 training as set forth in subsection A of this section.

5 C. A board of education of a public school district, public  
6 body, public or private college or university, private person, or  
7 private organization may contract with a sponsor to establish a  
8 charter school prior to July 1, 2014. A private school shall not be  
9 eligible to contract for a charter school under the provisions of  
10 the Oklahoma Charter Schools Act.

11 D. ~~The~~ Prior to July 1, 2014, the sponsor of a charter school  
12 is the board of education of a school district, the board of  
13 education of a technology center school district, a higher education  
14 institution, the State Board of Education, or a federally recognized  
15 Indian tribe which meets the criteria established in Section 3-132  
16 of this title. Any board of education of a school district in the  
17 state may sponsor one or more charter schools. The physical  
18 location of a charter school sponsored by a board of education of a  
19 school district or a technology center school district shall be  
20 within the boundaries of the sponsoring school district. The  
21 physical location of a charter school sponsored by the State Board  
22 of Education when the applicant of the charter school is the Office  
23 of Juvenile Affairs shall be where an Office of Juvenile Affairs  
24 facility for youth is located.

1 E. ~~An~~ Prior to July 1, 2014, an applicant for a charter school  
2 may submit an application to a proposed sponsor which shall either  
3 accept or reject sponsorship of the charter school within ninety  
4 (90) days of receipt of the application. If the proposed sponsor  
5 rejects the application, it shall notify the applicant in writing of  
6 the reasons for the rejection. The applicant may submit a revised  
7 application for reconsideration to the proposed sponsor within  
8 thirty (30) days after receiving notification of the rejection. The  
9 proposed sponsor shall accept or reject the revised application  
10 within thirty (30) days of its receipt.

11 F. ~~A~~ Prior to July 1, 2014, the board of education of a school  
12 district, board of education of a technology center school district,  
13 higher education institution, or federally recognized Indian tribe  
14 sponsor of a charter school shall notify the State Board of  
15 Education when it accepts sponsorship of a charter school. The  
16 notification shall include a copy of the charter of the charter  
17 school.

18 G. If a proposed sponsor rejects the revised application for a  
19 charter school prior to July 1, 2014, the applicant may proceed to  
20 mediation or binding arbitration or both mediation and binding  
21 arbitration as provided in the Dispute Resolution Act and the rules  
22 promulgated pursuant thereto. The applicant shall contact the early  
23 settlement program for the county in which the charter school would  
24 be located. If the parties proceed to binding arbitration, a panel

1 of three arbitrators shall be appointed by the director of the early  
2 settlement program handling the dispute. The proposed sponsor shall  
3 pay the cost for any mediation or arbitration requested pursuant to  
4 this section.

5 H. If a board of education of a technology center school  
6 district, a higher education institution, the State Board of  
7 Education, or a federally recognized Indian tribe accepts  
8 sponsorship of a charter school prior to July 1, 2014, the  
9 administrative, fiscal and oversight responsibilities of the  
10 technology center school district, the higher education institution,  
11 or the federally recognized Indian tribe shall be listed in the  
12 contract. No responsibilities shall be delegated to a school  
13 district unless the local school district agrees to assume the  
14 responsibilities.

15 SECTION 6. AMENDATORY 70 O.S. 2011, Section 3-136, is  
16 amended to read as follows:

17 Section 3-136. A. A charter school shall adopt a charter which  
18 will ensure compliance with the following:

19 1. A charter school shall comply with all federal regulations  
20 and state and local rules and statutes relating to health, safety,  
21 civil rights and insurance. By January 1, 2000, the State  
22 Department of Education shall prepare a list of relevant rules and  
23 statutes which a charter school must comply with as required by this  
24 paragraph and shall annually provide an update to the list;

1        2. A charter school shall be nonsectarian in its programs,  
2 admission policies, employment practices, and all other operations.  
3 A Prior to July 1, 2014, a sponsor may not authorize a charter  
4 school or program that is affiliated with a nonpublic sectarian  
5 school or religious institution;

6        3. The charter school may provide a comprehensive program of  
7 instruction for a prekindergarten program, a kindergarten program or  
8 any grade between grades one and twelve. Instruction may be  
9 provided to all persons between the ages of four (4) and twenty-one  
10 (21) years. A charter school may offer a curriculum which  
11 emphasizes a specific learning philosophy or style or certain  
12 subject areas such as mathematics, science, fine arts, performance  
13 arts, or foreign language. The charter of a charter school which  
14 offers grades nine through twelve shall specifically address whether  
15 the charter school will comply with the graduation requirements  
16 established in Section 11-103.6 of this title. No charter school  
17 shall be chartered for the purpose of offering a curriculum for deaf  
18 or blind students that is the same or similar to the curriculum  
19 being provided by or for educating deaf or blind students that are  
20 being served by the Oklahoma School for the Blind or the Oklahoma  
21 School for the Deaf;

22        4. A charter school shall participate in the testing as  
23 required by the Oklahoma School Testing Program Act and the  
24 reporting of test results as is required of a school district. A

1 charter school shall also provide any necessary data to the Office  
2 of Accountability;

3 5. Except as provided for in the Oklahoma Charter Schools Act  
4 and its charter, a charter school shall be exempt from all statutes  
5 and rules relating to schools, boards of education, and school  
6 districts;

7 6. A charter school, to the extent possible, shall be subject  
8 to the same reporting requirements, financial audits, audit  
9 procedures, and audit requirements as a school district. The State  
10 Department of Education or State Auditor and Inspector may conduct  
11 financial, program, or compliance audits. A Prior to July 1, 2014,  
12 a charter school shall use the Oklahoma Cost Accounting System to  
13 report financial transactions to the sponsoring school district.  
14 After July 1, 2014, a charter school shall report financial  
15 transactions to the Public Charter School Commission;

16 7. A charter school shall comply with all federal and state  
17 laws relating to the education of children with disabilities in the  
18 same manner as a school district;

19 8. A charter school shall provide for a governing body for the  
20 school which shall be responsible for the policies and operational  
21 decisions of the charter school;

22 9. A charter school shall not be used as a method of generating  
23 revenue for students who are being home schooled and are not being  
24 educated at an organized charter school site;



1        10. A charter school may not charge tuition or fees;

2        11. A charter school shall provide instruction each year for at  
3 least the number of days required in Section 1-109 of this title;

4        12. A charter school shall comply with the student suspension  
5 requirements provided for in Section 24-101.3 of this title;

6        13. A charter school shall be considered a school district for  
7 purposes of tort liability under The Governmental Tort Claims Act;

8        14. Employees of a charter school may participate as members of  
9 the Teachers' Retirement System of Oklahoma in accordance with  
10 applicable statutes and rules if otherwise allowed pursuant to law;

11       15. A charter school may participate in all health and related  
12 insurance programs available to the employees of the sponsor of the  
13 charter school prior to July 1, 2014;

14       16. A charter school shall comply with the Oklahoma Open  
15 Meeting Act and the Oklahoma Open Records Act; and

16       17. The governing body of a charter school shall be subject to  
17 the same conflict of interest requirements as a member of a local  
18 school board.

19       B. ~~The~~ Prior to July 1, 2014, the charter of a charter school  
20 shall include a description of the personnel policies, personnel  
21 qualifications, and method of school governance, and the specific  
22 role and duties of the sponsor of the charter school.

1 C. ~~The~~ Prior to July 1, 2014, the charter of a charter school  
2 may be amended at the request of the governing body of the charter  
3 school and upon the approval of the sponsor.

4 D. A charter school may enter into contracts and sue and be  
5 sued.

6 E. The governing body of a charter school may not levy taxes or  
7 issue bonds.

8 F. The charter of a charter school shall include a provision  
9 specifying the method or methods to be employed for disposing of  
10 real and personal property acquired by the charter school upon  
11 expiration or termination of the charter or failure of the charter  
12 school to continue operations. Except as otherwise provided and  
13 prior to July 1, 2014, any real or personal property purchased with  
14 state or local funds shall be retained by the sponsoring school  
15 district. If a charter school that was previously sponsored by the  
16 board of education of a school district continues operation within  
17 the school district under a new charter sponsored by an entity  
18 authorized pursuant to Section 3-132 of this title, the charter  
19 school may retain any personal property purchased with state or  
20 local funds for use in the operation of the charter school until  
21 termination of the new charter or failure of the charter school to  
22 continue operations.

1       SECTION 7.       AMENDATORY       70 O.S. 2011, Section 3-140, as  
2 amended by Section 2, Chapter 367, O.S.L. 2012 (70 O.S. Supp. 2012,  
3 Section 3-140), is amended to read as follows:

4       Section 3-140. A. Except for a charter school sponsored by the  
5 State Board of Education prior to July 1, 2014, a charter school  
6 shall enroll those students whose legal residence is within the  
7 boundaries of the school district in which the charter school is  
8 located and who submit a timely application, or those students who  
9 transfer to the district in which the charter school is located in  
10 accordance with Section 8-103 or 8-104 of this title, unless the  
11 number of applications exceeds the capacity of a program, class,  
12 grade level, or building. Students who reside in a school district  
13 where a charter school is located shall not be required to obtain a  
14 transfer in order to attend a charter school in the school district  
15 of residence. If capacity is insufficient to enroll all eligible  
16 students, the charter school shall select students through a lottery  
17 selection process. Except for a charter school sponsored by the  
18 State Board of Education prior to July 1, 2014, a charter school  
19 shall give enrollment preference to eligible students who reside  
20 within the boundaries of the school district in which the charter  
21 school is located. Except for a charter school sponsored by the  
22 State Board of Education prior to July 1, 2014, a charter school  
23 created after ~~the effective date of this act~~ November 1, 2010, shall  
24 give enrollment preference to eligible students who reside within

1 the boundaries of the school district in which the charter school is  
2 located and who attend a school site listed on the school  
3 improvement list as determined by the State Board of Education  
4 pursuant to the Elementary and Secondary Education Act of 1965, as  
5 amended or reauthorized. A charter school may limit admission to  
6 students within a given age group or grade level. A Prior to July  
7 1, 2014, a charter school sponsored by the State Board of Education  
8 when the applicant of the charter school is the Office of Juvenile  
9 Affairs shall limit admission to youth that are in the custody or  
10 supervision of the Office of Juvenile Affairs. A Prior to July 1,  
11 2014, a charter school sponsored by the State Board of Education  
12 when the applicant of the charter school is the Statewide Virtual  
13 Charter School Board shall enroll those students who are legal  
14 residents of this state and who have been approved for a transfer  
15 pursuant to Section 8-103 or 8-104 of this title.

16 B. Except for a charter school sponsored by the State Board of  
17 Education prior to July 1, 2014, a charter school shall admit  
18 students who reside in the attendance area of a school or in a  
19 school district that is under a court order of desegregation or that  
20 is a party to an agreement with the United States Department of  
21 Education Office for Civil Rights directed towards mediating alleged  
22 or proven racial discrimination unless notice is received from the  
23 resident school district that admission of the student would violate  
24 the court order or agreement.

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

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

13 E. The Public Charter School Commission created in Section 1 of  
14 this act shall promulgate rules to implement the provisions of this  
15 section after July 1, 2014.

16 SECTION 8. AMENDATORY 70 O.S. 2011, Section 3-142, is  
17 amended to read as follows:

18 Section 3-142. A. For purposes of funding, a charter school  
19 sponsored by a board of education of a school district shall be  
20 considered a site within the school district in which the charter  
21 school is located. The student membership of the charter school  
22 shall be considered separate from the student membership of the  
23 district in which the charter school is located for the purpose of  
24 calculating weighted average daily membership pursuant to Section

1 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of  
2 this title. For charter schools sponsored by a board of education  
3 of a school district, the sum of the separate calculations for the  
4 charter school and the school district shall be used to determine  
5 the total State Aid allocation for the district in which the charter  
6 school is located. A charter school shall receive from the  
7 sponsoring school district, the State Aid allocation and any other  
8 state-appropriated revenue generated by its students for the  
9 applicable year, less up to five percent (5%) of the State Aid  
10 allocation, which may be retained by the school district as a fee  
11 for administrative services rendered. For charter schools sponsored  
12 by the board of education of a technology center school district, a  
13 higher education institution, the State Board of Education, or a  
14 federally recognized Indian tribe, the State Aid allocation for the  
15 charter school shall be distributed by the State Board of Education  
16 and not more than five percent (5%) of the State Aid allocation may  
17 be charged by the sponsor as a fee for administrative services  
18 rendered. The State Board of Education shall determine the policy  
19 and procedure for making payments to a charter school. The fee for  
20 administrative services as authorized in this subsection shall only  
21 be assessed on the State Aid allocation amount and shall not be  
22 assessed on any other appropriated amounts.

23 B. The weighted average daily membership for the first year of  
24 operation of a charter school shall be determined initially by

1 multiplying the actual enrollment of students as of August 1 by  
2 1.333. The charter school shall receive revenue equal to that which  
3 would be generated by the estimated weighted average daily  
4 membership calculated pursuant to this subsection. At midyear, the  
5 allocation for the charter school shall be adjusted using the first  
6 quarter weighted average daily membership for the charter school  
7 calculated pursuant to subsection A of this section.

8 C. A charter school shall be eligible to receive any other aid,  
9 grants or revenues allowed to other schools. A charter school  
10 sponsored by the board of education of a technology center school  
11 district, a higher education institution, the State Board of  
12 Education, or a federally recognized Indian tribe shall be  
13 considered a local education agency for purposes of funding. A  
14 charter school sponsored by a board of education of a school  
15 district shall be considered a local education agency for purposes  
16 of federal funding.

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

21 E. Any charter school which chooses to lease property shall be  
22 eligible to receive current government lease rates.  
23  
24

1        F. For the purposes of funding beginning July 1, 2014, public  
2 charter schools shall be subject to the provisions of Sections 18-  
3 201.1 and 18-200.1 of this title.

4        SECTION 9.        REPEALER        70 O.S. 2011, Sections 3-132, as  
5 last amended by Section 4 of this act, 3-135, 3-137 and 3-139, are  
6 hereby repealed.

7        SECTION 10. Sections 1 through 8 of this act shall become  
8 effective July 1, 2013.

9        SECTION 11. Section 9 of this act shall become effective July  
10 1, 2014.

11        SECTION 12. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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