

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1365

By: Stanislawski

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7 COMMITTEE SUBSTITUTE

8 An Act relating to school funding; amending 70 O.S.
9 2011, Section 3-142, as last amended by Section 6,
10 Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2019, Section
11 3-142), which relates to calculating State Aid for
12 charter schools; directing the State Board of
Education to deduct certain percentage from the
allocation to certain statewide virtual charter
schools for deposit into certain fund; providing an
effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-142, as
17 last amended by Section 6, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
18 2019, Section 3-142), is amended to read as follows:

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

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

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1 allocation amount and shall not be assessed on any other
2 appropriated amounts.

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

12 2. a. For the purpose of calculating weighted average daily
13 membership pursuant to Section 18-201.1 of this title
14 and State Aid pursuant to Section 18-200.1 of this
15 title, the weighted average daily membership for the
16 first year of operation and each year thereafter of a
17 full-time virtual charter school shall be determined
18 by multiplying the actual enrollment of students as of
19 August 1 by 1.333. The full-time virtual charter
20 school shall receive revenue equal to that which would
21 be generated by the estimated weighted average daily
22 membership calculated pursuant to this paragraph. At
23 midyear, the allocation for the full-time virtual
24 charter school shall be adjusted using the first

1 quarter weighted average daily membership for the
2 virtual charter school calculated pursuant to
3 subsection A of this section.

4 b. For statewide virtual charter schools sponsored by the
5 Statewide Virtual Charter School Board that have an
6 average daily membership (ADM) of more than five
7 thousand (5,000) students, the State Board of
8 Education shall deduct five percent (5%) from the
9 State Aid allocation the school would receive pursuant
10 to this section to be deposited into the State Public
11 Common School Building Equalization Fund established
12 by Section 32 of Article X of the Oklahoma
13 Constitution.

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

23 D. A charter school, in addition to the money received from the
24 state, may receive money from any other source. Any unexpended

1 funds may be reserved and used for future purposes. The governing
2 body of a charter school shall not levy taxes or issue bonds. If
3 otherwise allowed by law, the governing body of a charter school may
4 enter into private contracts for the purposes of borrowing money
5 from lenders. If the governing body of the charter school borrows
6 money, the charter school shall be solely responsible for repaying
7 the debt, and the state or the sponsor shall not in any way be
8 responsible or obligated to repay the debt.

9 E. Any charter school which chooses to lease property shall be
10 eligible to receive current government lease rates.

11 SECTION 2. This act shall become effective July 1, 2020.

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

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