

1 ENGROSSED SENATE
2 BILL NO. 1203

By: Stanislawski of the Senate

3 and

4 Caldwell (Chad) of the
5 House

6
7 An Act relating to school funding; amending 70 O.S.
8 2011, Section 3-142, as last amended by Section 6,
9 Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2019, Section
10 3-142), which relates to charter school funding;
11 removing language providing for calculation of State
12 Aid for a charter school sponsored by a school
13 district board of education; directing the student
14 membership and attendance of a charter school be
15 considered separate from that of its sponsor;
16 removing language providing for a charter school to
17 receive its State Aid from its sponsoring school
18 district; removing references to different types of
19 charter school sponsors authorized to retain certain
20 fee; amending 70 O.S. 2011, Section 10-103.1, which
21 relates to calculation of the legal average daily
22 attendance; directing the legal average daily
23 attendance for the purpose of certain distributions
24 to not include the average daily attendance of
charter school students; providing an effective date;
and declaring an emergency.

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

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

Section 3-142. A. ~~For purposes of funding, a charter school
sponsored by a board of education of a school district shall be~~

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

1 (5%) of the State Aid allocation may be charged by the sponsor as a
2 fee for administrative services rendered. The State Board of
3 Education shall determine the policy and procedure for making
4 payments to a charter school. The fee for administrative services
5 as authorized in this subsection shall only be assessed on the State
6 Aid allocation amount and shall not be assessed on any other
7 appropriated amounts.

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

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

1 average daily membership calculated pursuant to this paragraph. At
2 midyear, the allocation for the full-time virtual charter school
3 shall be adjusted using the first quarter weighted average daily
4 membership for the virtual charter school calculated pursuant to
5 subsection A of this section.

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

15 D. ~~A charter school, in addition to the money received from the~~
16 ~~state, may receive money from any other source.~~ Any unexpended
17 funds may be reserved and used for future purposes. The governing
18 body of a charter school shall not levy taxes or issue bonds. If
19 otherwise allowed by law, the governing body of a charter school may
20 enter into private contracts for the purposes of borrowing money
21 from lenders. If the governing body of the charter school borrows
22 money, the charter school shall be solely responsible for repaying
23 the debt, and the state or the sponsor shall not in any way be
24 responsible or obligated to repay the debt.

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

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 10-103.1, is
4 amended to read as follows:

5 Section 10-103.1. A. The school population, scholastic
6 population, scholastic enumeration, and enumeration of a district
7 shall be the legal average daily attendance. The legal average
8 daily attendance shall be the average number of pupils present in a
9 school district during a year or other specified period of time.
10 The State Board of Education shall determine the legal average daily
11 attendance for each school district by dividing the aggregate days
12 of pupils present in each school district by the number of days
13 taught in each school district.

14 B. The legal average daily attendance for purposes of the
15 distributions contained in subsection (b) of Section 9 of Article X
16 of the Oklahoma Constitution, Section 1004 of Title 68 of the
17 Oklahoma Statutes, Section 1104 of Title 47 of the Oklahoma Statutes
18 and Sections 615 and 10-104 of this title shall not include the
19 average daily attendance for students enrolled in a charter school.

20 SECTION 3. This act shall become effective July 1, 2020.

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

